

## **New Subclass 491 Skilled Work Regional visa**

Even though it will not come into effect **until 16 November 2019**, the legislation for the new visa is now available. This is great news as it will allow people to really plan for the end of the year. There are still some gaps in the information (such as what the occupation list will look like) but here are the highlights.

There will be a new definition for what is a regional area in Australia and this will apply to all references to a regional area, including the points allocated for regional study in Australia. The area appears to be defined as all of Australia outside the metropolitan areas of Brisbane, Gold Coast, Sydney, Melbourne and Perth; though no postcodes are available as yet so we are not sure what a metropolitan area will mean.

Most of the requirements for the visa will be similar to the current subclass 489 visa (which will cease when this visa comes in). The applicant will still need to be nominated by a state or territory or sponsored by a family member living in a designated area as defined above. There will be an invitation to apply for the visa, the applicant has to be under 45 years old, have competent English, and meet the points test.

The visa will be valid for 5 years but have strict reporting and compliance conditions to ensure that the main applicant and all family members only live, work and study in a designated regional area.

After three years of holding the subclass 491 visa, you can apply for a Subclass 191 Permanent Resident (Skilled Regional) visa. You must have complied with all the conditions of your visa, and provide three years of tax assessment notices showing a taxable income above a certain level (the amount has not yet been announced).

### **Changes to the points test**

There are some interesting changes for **all points-tested Skilled visa applications from 16 November 2019**. New points will be available as follows:

- If you have a partner who is skilled with competent English (current requirement) there will be 10 points rather than 5
- If you do not have a partner or your partner is an Australian citizen or permanent resident, you will also get 10 points
- If you have a partner who has competent English only, there will be 5 points to be gained
- Specialist education points (where you study in Australia in a Master or PhD course with certain broad and narrow fields as defined in CRICOS) will increase from 5 to 10 points
- Designated regional nomination or sponsorship points will also increase from 10 to 15 points

So there are exciting times ahead and it will be important that you assess your options carefully to see if you will be better or worse off after the change. To discuss your options with the CDC team, kindly book an appointment.