

LESS The path TRAVELLED

A provisional visa is not temporary or permanent but it can offer a pathway to permanent residency, writes *Katherine Van Greuning*

For some skilled visa applicants with a point score of 50, the subclass 489 Regional Provisional Visa gives them the opportunity to boost their point score to 60, in order to become eligible to be considered to apply for a skilled visa.

This visa is not temporary and not permanent but it could offer a pathway to permanent residency, subject to meeting certain criteria. Many of these applicants would not otherwise have a chance of even considering emigrating or reuniting with family and going on to become permanent residents and citizens. In these circumstances, the subclass 489 visa is a good choice for them. However it does have some conditions you need to be aware of from the outset.

To be eligible to apply, you need to apply via the Department of Immigration and Border Protection's (DIBP) SkillSelect system by completing an Expression of Interest (EOI) and be sponsored by an eligible relative living in a designated area or be nominated by a State or Territory Government to live and work in a Regional or Low Population Growth area.

You then have 60 days in which to apply, so you will need to make sure you have all your supporting documents ready to complete the process.

APPROVED REGIONAL AREAS

Designated areas are wider than Regional or Low Population Growth areas – in particular the major cities of Melbourne, Canberra, and the Gold Coast are considered Designated Areas.

In the current SkillSelect invitations round this programme year 100 invitations

were issued for family sponsored 489 visas in both July and August 2016. However the published SkillSelect invitations rounds do not include those invitations issued by State or Territory Government nomination applicants for the subclass 489 visas.

The subclass 489 visa is a four-year provisional visa. Whilst in Australia you and your included family members can only live, work and study in an approved regional area. The approved regional areas vary depending on whether you are sponsored by a relative or by a State or Territory Government:

- State or Territory Government: you can only live in a Regional or Low Population Growth areas
- Relative: you can live in a designated area.

Designated areas are wider than Regional or Low Population Growth areas – for instance, the major cities of Melbourne, Canberra, and the Gold Coast are considered 'Designated Areas'. Check the DIBP website (www.border.gov.au) to confirm if your relative qualifies to sponsor you.

ELIGIBLE RELATIVES

Parents, brothers and sisters, uncles and aunts, nephews and nieces, first cousins and grandparents are all eligible to sponsor you for the subclass 489 visa. The relative must be an Australian citizen, permanent resident or eligible New Zealand Citizen.

To be sponsored by a relative your occupation needs to be on the Skilled Occupations List (SOL) – the same list as for the Skilled Independent visa, not the Consolidated Skills Occupations List >>

STATES ACCEPTING SUBCLASS 489 VISA

WHILE THE SUBCLASS 489 VISA MAY INITIALLY APPEAR RESTRICTIVE FOR SOME STATES, IN OTHERS IT INCLUDES THE WHOLE STATE

Regional Australia/low population growth metropolitan areas	Postcodes inclusive
New South Wales except Sydney, Newcastle, the Central Coast and Wollongong	2311 to 2312 2328 to 2411 2420 to 2490 2536 to 2551 2575 to 2594 2618 to 2739 2787 to 2899
Queensland except the greater Brisbane area and the Gold Coast	4124 to 4125 4133 4211 4270 to 4272 4275 4280 4285 4287 4307 to 4499 4515 4517 to 4519 4522 to 4899
Victoria except the Melbourne metropolitan area	3211 to 3334 3340 to 3424 3430 to 3649 3658 to 3749 3753, 3756 3758 3762 3764 3778 to 3781 3783 3797 3799 3810 to 3909 3921 to 3925 3945 to 3974 3979 3981 to 3996
Western Australia except Perth and surrounding areas	6041 to 6044 6083 to 6084 6121 to 6126 6200 to 6799
South Australia	Entire State
Tasmania	Entire State
Northern Territory	Entire State

Note: none of the Australian Capital Territory is included.

(CSOL) relevant for nomination for the subclass 489 visa by a State or Territory Government. If you are sponsored by a relative, you will need to live for two years and work full time for 12 months in any occupation (includes self-employment) in the designated area to qualify for permanent residence through the Skilled Regional subclass 887 visa.

If you are outside Australia when the visa is granted, you and your family will need to enter Australia for the first time prior to expiry of your health and police clearances. This is known as your 'Initial Entry Date' and is noted on your visa grant notice with your visa conditions.

OCCUPATIONS IN DEMAND

Due to high levels of demand, as in previous years, certain occupation groups will be subject to pro rata arrangements to ensure availability of invitations across the programme year which runs from 1 July to 30 June each year.

If you chose the (subclass 489) family sponsored visa, SkillSelect first allocates available places to Skilled – Independent visas (subclass 189) and then remaining to Skilled – Regional (Provisional) visas (subclass 489) – see table left.

If all places are taken up by subclass 189 visas then there will be no invitations issued for subclass 489 visas in these

occupations. Occupations include accountants, auditors, company secretaries and corporate treasurers, ICT business and system analysts, software and applications programmers, certain other engineering professionals and computer network professionals.

If yours is one of the above occupations, when you are ready to submit your Expression of Interest (EOI) you need to check if the number of allocated places have been reached in your occupation, and

of the DIBP and request you relocate to their region within three months of the visa being granted.

Some states require evidence of you having sufficient funds to support yourself for three to six months by way of a financial statement, bank or building society letter, while others will require you sign a financial declaration and offer guidance as to what they consider sufficient depending on the number of applicants.

‘Be aware that State and Territory Governments’ skills needs vary and can change with little notice...’

if so, consider applying direct to a State or Territory Government who are nominating your occupation on their state skills list.

Be aware that State and Territory Governments’ skills needs vary and can change with little notice. Some States have one department managing all regional applications, others, New South Wales for example, have seven different regional areas, all with their own skills in demand list and all areas have differing requirements and may be different to that

PATHWAY TO RESIDENCY

The subclass 489 visa is also a pathway to permanent residency, provided the applicant at the time of application for the relevant permanent visa (subclass 887) has met the criteria of having lived for at least two years and worked for at least one year full time in any occupation (which can include self-employment) in the specified regional area, whilst being the holder of the subclass 489 visa.

Lots of research, networking and planning is the key to a successful move. It's easy to get caught up in the excitement of the visa being approved and maybe you have undergone a lengthy time to get to this point, but the danger is to up sticks and leave as soon as possible.

Always think twice and plan your move, don't make rush decisions you may later regret. You may want to use your first visit to validate your visa and make connections with prospective employers, research places to live, schools etc then come home and pack up for the final move.

Though the State and Territory Governments have websites that are very helpful with links to job information and so on, they are not responsible for finding

APPLYING FOR A 489 VISA

Here is a summary of the steps you need to take:

- Submit an Expression of Interest (EOI) and be invited to apply by the DIBP.
- Be sponsored by an eligible relative who lives in designated area or be nominated by a State or Territory Government.
- Meet the pass mark of 60 points on the General Skilled Migration points test, or higher if required by certain states. For example, South Australia (SA) currently requires a score of 70 for accountants.
- Be aged between 18-49 years.
- Have gained a positive skills assessment result in your nominated occupation, which is on the relevant SOL/CSOL list and is still valid.
- Have the required English competence level or higher.
- Meet health and character requirements.

you a job. Registered migration agents have an obligation under the MARA code of conduct to advise all clients honestly from the outset.

A good agent will make their client aware of the conditions at the outset and during the process, as does the DIBP and State and Territory Governments.

This is the reason State Governments require signed declarations from you to ensure that you fully understand the conditions.

Some states ask the applicant to write a commitment statement when applying for state nomination, to confirm and demonstrate that they have researched the area they are considering moving to, particularly in the initial stages of their move. Copied and pasted chunks of internet research is not acceptable.

If you are well prepared you have every chance of being successful and enjoying Australia's enviable lifestyle. 🇺🇸



Right: Accountants can be eligible for State or Territory nomination for this visa

■ Katherine Van Greuning is an Australian registered migration agent and the director of getme2oz.com. Katherine has previous successful clients living and working in Australia as holders of subclass 489 visas. For more information call 01227 732434; e-mail katherine@getme2oz.com or visit www.getme2oz.com.

