

# Global Immigration alert

December 2024



## Australia

### The details on the Skills in Demand visa and Employer Nomination Scheme

#### Executive summary

The Subclass 482 (Skills in Demand) visa (SID) replaced the Subclass 482 (Temporary Skill Shortage visa (TSS) on 7 December 2024. The SID visa legislation that was released on Friday 6 December 2024 aligns with expectations that had been set during *Migration Strategy* consultations over the past 12 months. The following summary is provided on the basis of the information available at this time.

#### Key points include:

- ▶ Core Skills Occupation List (CSOL) replaces multiple TSS visa occupation lists
- ▶ reduced employment experience requirement for SID visa
- ▶ up to 4-year SID visa with removal of the Short-term TSS visa stream
- ▶ expanded pathways for permanent residence provide greater flexibility, including for changes of position and promotion, which EY has long recommended to government
- ▶ some amendment to sponsorship obligations to better align with recent change to visa conditions
- ▶ TSS visa holders with an occupation that is not on the CSOL may have limited options to apply for another visa or change employer.

#### Sponsorship and obligations

There are no changes to the criteria for approval as a sponsor. The public register of sponsors has not yet been implemented.

The sponsorship obligation to ensure the primary sponsored person works in the nominated occupation will end when the sponsored person ceases employment with the sponsor, rather than when they obtain a new sponsor.

No amendments have been made to any other sponsor obligations.

#### TSS visa holders

TSS visa holders with a CSOL occupation may change employer and will likely have a pathway to employer sponsored permanent residence.

TSS visa holders with an occupation that is not on the CSOL and who will not be paid the Specialist Skills Income Threshold (SSIT) may not be eligible for a SID visa or to transfer to a new employer. They may be eligible for employer nominated permanent residence, see below.

An assessment will need to be made on a case-by-case basis.

#### Employer nominated permanent residence

The SID visa provides a clear pathway to permanent residence through both streams of the subclass 186 visa Employer Nomination Scheme (ENS), a key aim of the *Migration Strategy*. Other changes expand options for many holders of legacy sponsored temporary visas.

SID and ENS summary tables

Subclass 482 (Skills in Demand) - Summary		
Stream <sup>#</sup>	Core Skills	Specialist Skills
Salary threshold*	AUD73,150 Core Skills Income Threshold (CSIT)	AUD135,000 Specialist Skills Income Threshold (SSIT)
Market salary rate	Pay at least annual market salary rate which must be at least CSIT	Pay at least annual market salary rate which must be at least SSIT
Financial Capacity	Business must have the capacity to employ the nominee for at least the period of the nomination and to pay the person at least the market salary rate for the occupation each year	
Labour Market Testing	No change to date	
Occupation	CSOL	Does not need to be on CSOL but must be an ANZSCO occupation in Major Group 1, 2, 4, 5 or 6. Trades, machinery operators, drivers, and labourers excluded
Caveats	Applicable	Applicable if nominated occupation is listed on CSOL
Work experience	At time of application, 12 months equivalent full-time work experience in the last 5 years, casual, part-time, and full-time work included	
English	Equivalent to at least IELTS 5 in each test component (same as previous TSS Medium-term stream)	
Visa period	Up to 4 years	
Visa conditions	No change	No change
Processing priority	To be advised	To be advised
SAF Levy	No change	
Nomination application charge	No change	
Visa application charges	(i) AUD3115 Primary and secondary applicant 18 and over (ii) AUD780 Secondary applicant under 18	
<i>#Labour Agreement stream carries over existing settings while further development of the Essential Skills stream takes place</i>		
<i>*Annual earnings excluding non-monetary benefits. Salary thresholds to be indexed annually</i>		

Subclass 186 visa Employer Nomination Scheme - Summary		
Stream <sup>#</sup>	Temporary Residence Transition	Direct Entry
Occupation	Any occupation in which applicant has held 457/TSS/SID visa	Any CSOL occupation
Work experience threshold	Two years full-time work in the nominated occupation in Australia in the last three years while on a 457/TSS/SID visa  Not required to have only worked for nominating employer for that period and greater flexibility to cater for change of position such as promotion	Favourable skills assessment and three years' experience in the nominated occupation - no change
Salary threshold*	AUD73,150 - CSIT	
Market salary rate	Pay at least annual market salary rate - no change	
Age	Under 45 unless exempt - no change	
SAF levy	AUD5000 - no change	
Nomination and visa application charges	No change	
<i>#Labour Agreement stream carries over existing settings while further development takes place</i>		
<i>*Annual earnings excluding non-monetary benefits. Salary thresholds to be indexed annually</i>		

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ED None

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### Transitional arrangements - TSS to SID

Applications for TSS nominations and visas will continue to be assessed under the TSS legislation in place when the applications were lodged.

Approved TSS nominations may be linked to SID visa applications until the nomination approval ceases, 12 months from date of approval:

- ▶ where the SSIT is met and the occupation is in Major Group 1, 2, 4, 5 or 6 in ANZSCO (excluding trades, machinery operators, drivers, and labourers), a Specialist Skills stream SID visa may be granted
- ▶ in other cases, a Core Skills stream SID visa may be granted. It appears that this will include cases where the TSS nominated occupation is not on the CSOL. If this is not the case, we will update you.

### Transitional arrangements - ENS

ENS nomination and visa applications lodged before 7 December 2024 will continue to be assessed under the legislation in place when the applications were lodged.

Approved employer nominations may be linked to visa applications lodged on or after 7 December 2024 until the nomination approval ceases, 6 months from date of approval.

TSS visa holders with an occupation that is not on the CSOL may have a pathway to employer sponsored permanent residence under the Temporary Residence Transition stream. TSS visa holders with an occupation that is not on the CSOL and who do not meet the two-year work experience threshold may not be eligible. An assessment will need to be made on a case-by-case basis.

### Next steps

EY will continue to monitor the release of immigration legislation and policy closely and keep you informed. If you wish to discuss the impact of these changes on your business, please reach out to your EY immigration advisor.

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