

General Skilled Migration (“GSM”) is a migration program that allows skilled applicants to obtain a visa and work in particular occupations that are required in Australia. This article explains the process and requirements for obtaining a points-tested skilled migration visa under the GSM program.



## **A. VISA STRUCTURE AND STREAMS UNDER THE GSM PROGRAM**

The GSM program is structured to reduce complexities in applications and allow applicants to easily identify the appropriate visa subclass relevant to their circumstances. The structure of the GSM program has two separate streams (or categories) of visas – the employer sponsored stream and the points tested stream.

### **A.1. EMPLOYER SPONSORED STREAM**

Applicants wishing to apply for a visa under the employer sponsored category need to be sponsored by their employer. Employer sponsored visas include the following visas:

- Temporary Skill Shortage visa (subclass 482) – replacing the Temporary Work (Skilled) visa (subclass 457)
- Employer Nomination Scheme visa (subclass 186) – permanent visa
- Regional Sponsor Migration Scheme visa (subclass 187) – permanent visa

### **A.2. POINTS TESTED STREAM**

Applicants wishing to apply for a visa under the points tested stream need to achieve a specified number of points to be eligible for the visa. The visas under the points tested stream include:

- Skilled Independent visa (subclass 189) – permanent visa (no sponsorship required)
- Skilled Nominated visa (subclass 190) – permanent visa (sponsorship is also required by an Australian government agency)
- Skilled Work Regional (Provisional) visa (subclass 491) – (sponsorship is also required by either an Australian government agency or eligible relative)

As mentioned above, this article will focus on applying for a visa under the points tested stream.

## **B. EXPRESSION OF INTEREST (EOI)**

To be able to apply for a visa under the points tested stream, intending migrants need to first submit an expression of interest (EOI). The EOI needs to be completed and submitted on the online platform SkillSelect. As completed and uncompleted EOIs are stored on SkillSelect for two years, individuals can make changes to their EOI to reflect updated circumstances. More information about using SkillSelect can be found on the Department of Home Affairs website.<sup>1</sup>

It is important to note that an EOI is not an application for a visa. Individuals can only begin their visa application after they receive an invitation to apply. The application must be submitted within 60 days of receiving invitation or else it will be invalid. If invited to apply, the applicant will have to demonstrate that the claims in their EOI are correct.

<sup>1</sup><https://immi.homeaffairs.gov.au/visas/working-in-australia/skillselect>.

### **C. GENERAL ELIGIBILITY REQUIREMENTS**

Individuals applying for any of the three visa subclasses (mentioned above) under the points tested stream must:

- Have nominated an occupation that is on the relevant skilled occupation list;<sup>2</sup>
- Have provided evidence that their skills have been assessed as suitable for their nominated occupation by the relevant assessment authority;
- Be less than 45 years of age when being invited to apply for the visa (note - applicants can still apply if they turn 45 after receiving an invitation);
- Achieve at least 65 points on the points test; and
- Have at least 'competent' English.<sup>3</sup>

### **D. SKILLS ASSESSMENT REQUIREMENT**

For the visa application to be valid, the applicant must have a suitable skills assessment at the time of invitation. A copy of the skills assessment must be included in the application. It is recommended that a skills assessment be obtained before submitting an EOI because applicants cannot rely on a skills assessment if it is obtained after receiving an invitation to apply. A skills assessment will generally be valid for a period of three years from the date of issue unless a shorter validity period is specified on the assessment.

An applicant can obtain a skills assessment by contacting the appropriate assessing authority for their nominated occupation (e.g. the relevant assessing authority for an engineer is Engineers Australia). It is important to note that procedures, timeframes, and costs for obtaining the skills assessment vary between the assessing authorities. After receiving a positive assessment result, a certified scanned copy should be attached to the application.

### **E. POINTS TEST REQUIREMENTS**

When submitting an EOI, applicants are given a score based on the material in their EOI. Individuals must achieve a score of at least 65 or they will not be eligible to receive an invitation to apply. However, it is important to note that achieving the minimum score of 65 does not guarantee an invitation to apply - it simply makes the individual eligible to receive one. Invitations are issued periodically to the highest ranking expressions of interest subject to occupation ceilings.

The following is an overview of the points system detailing how points are calculated and accrued in several areas.

#### **E.1. AGE**

- 25 points awarded if applicant is aged between 18 and 24 at the time of application
- 30 points awarded if applicant is aged between 25 and 32 at the time of application
- 25 points awarded if applicant is aged between 33 and 39 at the time of application
- 15 points awarded if applicant is aged between 40 and 44 at the time of application

#### **E.2. ENGLISH LANGUAGE POINTS**

Applicants require an International English Language Testing System (IELTS) score of 6 ('competent') in all four components of an IELTS exam. Bonus points are awarded to applicants who achieve English language scores above the threshold level:

- 10 points awarded for 'proficient' English; and
- 20 points awarded for 'superior' English.

The English language threshold is a basic requirement. If an applicant does not meet the prescribed threshold, they would not be eligible for a visa.

#### **E.3. SKILLED EMPLOYMENT EXPERIENCE**

Points are awarded for employment if the employment was in the nominated skilled occupation or a closely related skilled occupation at the time of invitation. Applicants can only claim points for employment if it occurred in the past 10 years. A maximum number of 20 points can be claimed for any combination of overseas and Australian skilled employment.

##### ***E.3.1. Overseas Skill Employment***

Points are awarded as follows for overseas skilled employment as follows:

- 0 points for employment that was less than 3 years
- 5 points for at least 3 years but less than 5 years of employment
- 10 points for at least 5 years but less than 8 years of employment
- 15 points for at least 8 years of employment

##### ***E.3.2. Australian Skilled Employment***

Points are awarded as follows for Australian skilled employment:

- 0 points for employment that was less than a year
- 5 points for at least 1 year but less than 3 years of employment
- 10 points for at least 5 years but less than 8 years of employment
- 15 points for at least 5 years but less than 8 years of employment
- 20 points for at least 8 years of employment

#### E.4. EDUCATIONAL QUALIFICATIONS

Points for educational qualifications are awarded for the applicant's highest qualification only. The points are awarded as follows:

- 20 points for a doctorate from an Australian educational institution or a doctorate from another educational institution of a recognised standard
- 15 points for at least a bachelor degree from an Australian educational institution or from another educational institution of a recognised standard
- 10 points for a diploma or trade qualification from an Australian educational institution
- 10 points for a qualification or award that is recognised by the relevant assessing authority for the applicant's nominated skilled occupation.

##### *E.4.1. Specialist Educational Qualification*

An additional 10 points can be claimed if the applicant has a masters degree by research or a doctorate degree from an Australian educational institution that included at least two academic years of study in a specified science, technology, engineering, mathematics or information and communication technology (ICT) fields.

##### *E.4.2. Australian Study Requirement*

5 points are also awarded if the applicant meets the Australian study requirement by having at least one degree, diploma or trade qualification from an Australian educational institution.

##### *E.4.3. Study in Regional Australia*

Applicants can also claim an additional 5 points if they obtained a degree, diploma or trade qualification by studying and living in regional Australia (note that online distance learning does not count).

#### E.5. PROFESSIONAL YEAR IN AUSTRALIA

5 points are awarded if the applicant completed a professional year in Australia in the accounting, ICT/computing or engineering field. The professional year must have been in the applicant's nominated or closely related occupation and must have been completed in the four years before being invited to apply.

#### E.6. CREDENTIALLED COMMUNITY LANGUAGE

5 points are awarded if the applicant holds a recognised credentialled community language qualification.

#### E.7. PARTNER SKILLS

- 10 points if the applicant's spouse or de facto partner is also an applicant for the visa and meets the age, English and skill requirements
- 5 points if the applicant's spouse or de facto partner is also an applicant for the visa and has competent English
- 10 points if the applicant is single
- 10 points if the applicant's partner is an Australian citizen or permanent resident

#### E.8. NOMINATION AT TIME OF INVITATION

- 15 points for nomination by State or Territory government or sponsorship by an eligible family member, for residing and working in a specific/ designated area (subclass 491 only)
- 5 points for nomination by a State or Territory government (subclass 190 only)

Comasters is able to prepare a comprehensive application to the Department of Home Affairs on behalf of clients.

<sup>2</sup> List can be accessed on <https://immi.homeaffairs.gov.au/visas/working-in-australia/skill-occupation-list>.

<sup>3</sup> <https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/english-language/competent-english>.

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