



Australian Government
**Department of Immigration
and Border Protection**

LEGEND

[Sch6D] Schedule 6D general points test for General Skilled Migration visas mentioned in subregulation 2.26AC(1)

🔗 Schedule 6D general points test for General Skilled Migration visas mentioned in subregulation 2.26AC(1)

Migration Regulations - Schedules > Schedule 6D general points test for General Skilled Migration visas mentioned in subregulation 2.26AC(1)

Procedural Instruction

This Procedural Instruction describes how to implement the overarching policy in relation to points-tested visa categories and is applicable nationally and internationally.

Related Framework Documents

- [Public Interest Criterion 4020 – The Integrity PIC](#)
- [SkillSelect - Expression of Interest for Skilled Migration](#)
- [PAM3: GenGuideB - Non-humanitarian migration \(Offshore and onshore\) - Management of the non-humanitarian migration program](#)
- [PAM3: Div2.6 - Prescribed qualifications - Application of points system](#)
- [PAM3: English proficiency and assessment](#)
- [Skilled - Independent \(Permanent\) \(Class SI\) \(Subclass 189\) visa](#)
- [Sch2 Visa 190 - Skilled - Nominated \(Permanent\)](#)
- [Sch2 Visa 489 – Skilled – Regional \(Provisional\)](#)
- [Div1.2/reg1.15F - Australian study requirement](#)

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Skilled and Migration Program Section

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1. Purpose

This Procedural Instruction (PI) is:

- a companion to the [Migration Act 1958](#) ("the Act") and [Migration Regulations 1994](#) ("the regulations") and associated administrative processes
- designed to assist officers to apply migration legislation by providing policy and procedural instruction relevant to the legislation
- written to be read with the legislation
- a departmental instruction, with status as:
 - an official departmental instruction within the Department's [Policy and Procedure Control Register \(PPCR\)](#); and
 - operational information as defined in the [Freedom Of Information Act 1982](#).

2. Scope

This Procedural Instruction describes how to implement the overarching policy in relation to points-tested visa categories and is applicable nationally and internationally. It is addressed to officers administering migration law, in particular those officers who are ministerial delegates. Other persons reading PIs should keep in mind that they are not the primary audience and assistance, and advice, from within the department or from departmental Help Desks is only open to departmental staff.

3. Procedural Instruction

3.1 Strategic Context

This instruction covers:

- the [Schedule 6D](#) points test - refer to [The visas to which Schedule 6D applies](#); and
- legislative provisions relating to [Schedule 6D](#) - refer to [Related legislative provisions](#).

Before proceeding further, officers should first become familiar with the policy terms described in [3.5 Terms used in this instruction](#).

3.2 Migration Program objectives

The General Points Test set out in [Schedule 6D](#) of the regulations is designed to recognise those points-tested Skilled Migration visa applicants (visas mentioned in subregulation [2.26AC\(1\)](#)) who have the skills and other attributes that will allow them to find skilled employment in Australia and settle quickly into the community.

The Schedule 6D points test is used together with mechanisms such as:

- [Scoring](#);
- [GenGuideB - Non-humanitarian migration \(Offshore and onshore\) - Management of the non-humanitarian migration program](#); and
- [Direction No. 86 - Order of Consideration – Certain Skilled Migration Visas](#)

as a tool to manage the points-tested Skilled Migration program.

3.3 The Schedule 6D points test

The main purpose of this instruction is to:

- explain when an assessment under the [Schedule 6D](#) points test is required;
- give guidelines on each assessable factor in [Schedule 6D](#); and
- give an overview to allocating points for each factor – refer [Scoring](#)

Note: Although the Act and regulations use the word 'qualification' (for example, 'prescribed qualification' and 'age qualification') in referring to parts of [Schedule 6D](#), this and related policy instructions use the word "factor" to avoid any possible confusion with educational qualifications.

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3.4 Related legislative provisions

This and related instructions provide policy and procedure on aspects of visa processing inextricably linked to the [Schedule 6D](#) points test, namely:

- 'the 'points system' (that is, section 92 to section 96 of the Act – in this instruction, refer to [4.1 Migration Act, section 92 – section 96](#)); and
- Regulation [2.26AC](#) – in this instruction refer to [4.4 Division 2.6 of the regulations](#).

3.5 Terms used in this instruction

The terms (all of which have a defined meaning) summarised in the following table are used in this and related policy instructions.

Table 1 – Terms for Schedule 6D - General points test for GSM visas

Term	As per the meaning in:	For policy and procedure, refer to:
Assessed score	Subsection 5(1) of the Act	5.3 Establishing the assessed score 5.3.1 What is an assessed score
Australian study requirement	Regulation 1.15F	Div1.2/reg1.15F - Australian study requirement
Competent English	Regulation 1.15C	9. English language
Degree	Subregulation 2.26AC(6)	12. Education qualification
Diploma	Subregulation 2.26AC(6)	12. Education qualification
Employed	Subregulation 2.26AC(6)	10.1 About employment
Indicative score		5.3.2 Initial estimates are not assessed scores
Invitation score		SkillSelect - Expression of Interest for Skilled Migration
Proficient English	Regulation 1.15D	9.2 Proficient English
Qualifying score	Subsection 94(1) of the Act	5.1 Pass marks
Registered course	Regulation 1.03	Reg 1.03 - <i>Registered course</i>
Relevant assessing authority	Regulation 2.26B	Div2.6 - Prescribed qualifications - Application of points system
Skilled occupation	Regulation 1.15I	Reg 1.15I - Skilled occupation
Specialist educational qualifications	Subregulation 2.26AC(5A)	13 Specialist educational qualifications
Superior English	Regulation 1.15EA	9.3 Superior English
Trade qualification	Subregulation 2.26AC(6)	12.9 Australian trade qualifications

3.6 The visas to which Schedule 6D applies

This instruction is relevant in assessing the following visa applications under [Schedule 6D](#) of the regulations:

- [SI-189](#) Skilled—Independent (Permanent) – Points-tested stream
- [SN-190](#) Skilled—Nominated (Permanent)
- [SP-489](#) Skilled—Regional (Provisional) – First Provisional Visa Stream
- [PS-491](#) Skilled Work Regional (Provisional) (For applications lodged on or after 16 November 2019)

4. Schedule 6D legislative authority

4.1 Migration Act, section 92 – section 96

4.1.1 Operation of the points test

The legislative authority for the operation of the points test lies in sections 92 to 96 (inclusive) of [Part 2 – Division 3 – Subdivision B](#) of the Act - for details, refer to [Scoring](#). Importantly, subsection [93\(2\)](#) of the Act provides that applicants are given their **assessed score** based on the regulations in force when the assessment under subsection [93\(1\)](#) is made.

This means that if the points test criteria in [Schedule 6D](#) change after the application was lodged, but before a decision on points is made, then the delegate must apply the current legislation when giving an assessed score.

4.2 Schedule 2 of the regulations

4.2.1 Scoring against the points test

It is a [Schedule 2](#) criterion for the [SI-189](#), [SN-190](#), [SP-489](#) (Provisional Visa stream) and [PS-491](#) visas (see regulations [189.224](#), [190.214](#), [489.224](#), [491.216](#)) that an applicant's score is:

- not less than the score stated in the invitation; and
- not less than the qualifying score.

For details, refer to [Scoring](#).

4.3 Schedule 6D of the regulations

4.3.1 The points test framework

[Schedule 6D](#) of the regulations provides the legislative framework for the points test. The Schedule has 13 Parts, against which applicants may be awarded points. These Parts are summarised in the following table:

Table 2 - Parts of Schedule 6D against which Points may be awarded

Schedule 6D	Factor ('Qualification')	Policy and procedure
Part 6D.1	Age qualifications	8. Age
Part 6D.2	English language qualifications	9. English language
Part 6D.3	Overseas employment experience qualifications	10. Overseas and Australian employment
Part 6D.4	Australian employment experience qualifications	10. Overseas and Australian employment
Part 6D.5	Aggregating points for employment experience qualifications	10.2 Schedule 6D.5 - Aggregating points for employment experience
Part 6D.6	Australian professional year qualifications	11. Australian professional year (PY)
Part 6D.7	Educational qualifications	12. Education qualifications
Part 6D.7A	Specialist educational qualifications	13. Specialist educational qualifications
Part 6D.8	Australian study qualifications	14. Australian study requirement
Part 6D.9	Credentialed community language qualifications	15. Credentialed community language
Part 6D.10	Study in designated regional area qualifications	16. Study in designated regional area
Part 6D.11	Partner qualifications	17. Partner qualifications
Part 6D.12	State or Territory nomination qualifications	18. State or Territory Nomination
Part 6D.13	Designated regional area nomination or sponsorship qualifications	19 Designated regional area nomination or sponsorship

4.4 Division 2.6 of the regulations

[Division 2.6](#) of the regulations (for which, refer to [Div2.6 - Prescribed qualifications - Application of points system](#)) provides legislative interpretation of, relevant definitions and information about the assessment of [Schedule 6D](#) factors.

Regulation [2.26AC](#) applies to applicants for points-tested [SI-189](#), [SN-190](#), [SP-489](#) or [PS-491](#) visa. Delegates should refer to this regulation when awarding points against [Schedule 6D](#) factors.

4.5 Critical dates

Under the SkillSelect model, refer to [SkillSelect - Expression of Interest for Skilled Migration](#) clients are invited to apply for a points-tested [SI-189](#), [SN-190](#), [SP-489](#) or [PS-491](#) visa based on the claims presented in an expression of interest (EOI) in SkillSelect.

The invitation to apply for a points-tested [SI-189](#), [SN-190](#), [SP-489](#) or [PS-491](#) visa specifies an indicative invitation score based on information provided in the EOI at the time of invitation.

Consequently most criteria specified in each part of [Schedule 6D](#) tests whether the applicant satisfied the relevant requirements at time of invitation.

The qualifying score relevant to the applicant is the pass mark in place at the time the applicant's score is assessed under the points test - refer to section [94](#) of the Act.

5. Scoring

Subdivision B – the 'points' system, has effect where the relevant visa criterion provides that applicants are required to receive a qualifying score.

5.1 Pass marks

Section [96](#) of the Act provides the Minister with authority to set a pass mark by legislative instrument. The pass mark is set from time to time by legislative instrument.

Applicants for certain visas are given an assessed score under the points test, which is compared against the applicable pass mark.

If that score is more than or equal to the applicable pass mark, the applicant is taken to have received the qualifying score.

5.2 Relevant factors

Applicants to whom the [Schedule 6D](#) points test applies (refer to [3.6 the visas to which Schedule 6D applies](#)) are given their assessed score based on:

- [Schedule 6D](#) factors that must have been satisfied at the time of invitation; and
- the assessment of information provided as part of their visa application in support of their claims.

5.3 Establishing the assessed score

5.3.1 What is an assessed score

The assessed score is the total score an applicant is given when assessed against each part of the points test in [Schedule 6D](#). An assessment for the purposes of section [93](#) of the Act may be made any time between the lodgement of the visa application and the decision to grant or refuse to grant the visa.

5.3.2 Initial estimates are not assessed scores

The indicative score that forms part of the SkillSelect invitation process is an estimate based on the claims the applicant made in their EOI prior to making their visa application. It is not an assessed score for the purposes of the application.

In some cases, decision makers may also need to estimate an applicant's assessed score. This estimate does not constitute the applicant's actual assessed score provided it is clearly recorded in the case notes as an estimate. If this is not done, or the estimated score is provided to the applicant, then the estimate may in law be taken to be the assessed score.

An assessed score should be given only when a final score for each relevant [Schedule 6D](#) factor has been given.

There is no requirement for the individual points test criteria assessed for the application to be identical to those estimated by SkillSelect when issuing the invitation. The factors that contribute to the assessed score may vary, as the [s93](#) delegate assesses each factor in [Schedule 6D](#).

5.3.3 The effect of giving an assessed score

An assessed score, once given, is a decision and cannot be changed. Officers cannot "revisit" or "revoke" an assessed score, regardless of whether doing so favours (or disadvantages) the applicant.

If a decision to refuse to grant a visa is subsequently the subject of merits review (for example, by the Administrative Appeals Tribunal), the review authority can, amongst other things, set the decision aside and substitute a new decision

5.3.4 Delegations

Giving an assessed score is a distinct decision under migration law. The power to give an applicant their assessed score is not "inherent" in the power under section 65 of the Act to grant or refuse a visa. It is subject to separate delegation by the Minister, for which officers should refer to the current instruments of delegations.

Not all officers with the power to grant or refuse to grant visas have the power to assess applicants against the points test. The power to make a points assessment can be found under section 93 of the Act.

The pass mark that applies to the applicant is that in force when the applicant is given that assessed score (section 94 of the Act).

6. Decisions made under points-based visas

6.1 Assessed score must be given

A decision under section 65 of the Act to grant or refuse to grant a visa, based on a failure to satisfy the relevant [Schedule 2](#) criteria, that is:

- being an [assessed score](#) less than the score stated in the invitation to apply for the visa; or
- an assessed score less than the qualifying score

cannot be made unless the applicant has been given the assessed score.

7. About the nominated skilled occupation

7.1 Nominated skilled occupation

To make a valid application for a points-tested visa, the primary applicant must nominate a skilled occupation:

- that is specified in an [instrument in writing](#) as a skilled occupation at the time of invitation to apply for the visa; and
- that is specified in the invitation as the skilled occupation which the applicant may nominate; and
- for which the applicant declares in the application that the applicant's skills have been assessed as suitable by the relevant assessing authority. (See policy relating to [10.4.2 Medical Practitioners](#) and [10.4.3 Solicitors and Barristers](#))

[skilled occupation](#) has the meaning given by regulation 1.151. The applicant's nominated skilled occupation is relevant to the assessment of the Overseas and Australian employment factors.

Although skills are not a factor for the award of points under [Schedule 6D](#), the applicants nominated skilled occupation is relevant to the assessment of parts:

- [6D.3](#) Overseas employment experience
- [6D.4](#) Australian employment experience
- [6D.6](#) Australian professional year qualifications

8. Age

8.1 Why there is an age factor

The age factor reflects the level of benefit to the Australian work force and economy expected of persons entering Australia under this stream of the migration program.

The points awarded for age reflect the applicant's potential contribution to the Australian economy in their lifetime. This reflects the focus of the points test on labour market contribution and the balance between the future contribution to the economy of points-tested migrants and the average welfare and health costs as they age. Australian Bureau of Statistics data and departmental research indicates that highly skilled migrants who come to Australia between the ages of 25 and 32 add the most benefit to the Australian economy in terms of lifetime earnings.

8.2 Age as at time of invitation

Points are awarded under the [Part 6D.1](#) of the regulations based on the primary applicant's age at the time of invitation.

9. English language

9.1 Background

Research indicates that migrants with higher levels of English language proficiency have a better chance of finding skilled employment and settling into the Australian community. For this reason, primary applicants for Skilled Migration are required to demonstrate that they have competent English.

As per regulation 1.03, [competent English](#) has the meaning in regulation 1.15C.

Applicants may be eligible for the award of points for higher levels of English language proficiency under the [Part 6D.2](#) of the regulations. For information regarding English language, refer to the English language PI.

Points are available to applicants with [proficient English](#) or [superior English](#)

9.2 Proficient English

9.2.1 Meaning of proficient English

As per regulation 1.03, [proficient English](#) has the meaning in regulation 1.15D.

9.2.2 Points for proficient English

Applicants who have demonstrated they have proficient English are eligible to be awarded 10 points under paragraph [6D22](#) – proficient English (in [Part 6D.2](#) of the regulations).

9.3 Superior English

9.3.1 Meaning of superior English

As per regulation 1.03, [superior English](#) has the meaning in regulation 1.15EA.

9.3.2 Points for superior English

Applicants who have demonstrated they have superior English are eligible to be awarded 20 points under paragraph [6D21](#) – superior English (in [Part 6D.2](#) of the regulations).

9.4 When the criteria must be met

The English language definitions in regulations [1.15D](#) and [1.15EA](#) require the applicant to have undertaken their language test, in which they achieved the specified score, in the 3 years **immediately before** the day on which the invitation was issued to the applicant.

To ensure this requirement is assessed objectively, applicants must sit an accepted English language test (as specified in [the instrument](#)) to demonstrate their English language proficiency. There are no exceptions to this requirement.

[Legislative instrument \(IMMI 15/005\) Language Tests Score and Passports 2015](#) (regulations [1.15B](#), [1.15C](#), [1.15D](#) and [1.15EA](#)) specifies proficient and superior English, including the accepted English Language tests and required scores. For policy and procedure on assessing English language, including approved English Language test providers, refer to [English proficiency and assessment](#).

10. Overseas and Australian employment

10.1 About employment

The awarding of points for skilled employment factors recognises the benefits of extensive work experience in a nominated skilled occupation or a closely related skilled occupation in providing for successful labour market outcomes. Relevant Australian and overseas skilled employment in the 10-year period immediately before the date the applicant was invited to apply for this visa can be considered for the purpose of awarding points.

The higher weighting of points able to be awarded for Australian skilled employment recognises the value that firsthand experience and understanding of the Australian work environment can have in assisting migrants to establish themselves in the Australian labour market and settle into life in Australia.

Periods of employment do not have to be continuous, as it is the aggregated period of relevant employment experience that will be considered. Therefore, applicants can be eligible for points if their relevant skilled employment is interspersed by periods of non-related employment or other activities such as study.

For example, if prior to applying for their points-tested visa, an applicant whose nominated skilled occupation is Accountant, works for 2 years as an Accountant, then undertakes postgraduate studies for 2 years, then works as an IT consultant for 2 years, then works as an Accountant for a further 3 years. This applicant would be eligible for points based on their 5 years employment experience as an Accountant (as long as the applicant's relevant employment took place in the 10 years immediately before the time when the applicant was invited to apply for the visa).

Applicants may also be eligible for points for the employment factor if they have both Australian and overseas skilled employment experience.

For example, if prior to applying for their points-tested visa, an applicant whose nominated occupation is assessed as a registered nurse works overseas for 5 years as a registered nurse then works in Australia on a temporary employment visa for 3 years as a registered nurse, the applicant would be eligible for points based on their 5 years of overseas employment as well as their 3 years of Australian employment experience.

However, it is not possible for applicants to combine shorter periods of skilled employment gained while working in and outside Australia in order to meet one of the Australian or overseas skilled employment experience factors. For example, an applicant cannot claim 3 years' Australian employment by adding together 6 months of overseas employment experience and 30 months of Australian employment experience.

Employment undertaken whilst the applicant is physically present in Australia will be assessed against the requirements for Australian employment and cannot be claimed as working for an overseas employer.

Work undertaken in an area without a postcode, for a company that is registered in Australia, can be counted towards Australian work experience for the purpose of the points test. For example, a person undertaking work on a resources installation or sea installation attached to the Australian sea bed in Australian waters, is taken to have worked in Australia in accordance with sections 8 and 9 of the Migration Act.

10.2 Schedule 6D.5 - Aggregating points for employment experience

Australian and overseas employment experience factors are assessed separately, subject to the maximum number of points that can be awarded for any combination of skilled employment experience. This is consistent with the overall policy objectives of the points test settings, and is the mechanism for selecting applicants who present an optimal mix of attributes across a range of qualifications. It also ensures that disproportionate weight is not given to any one factor.

10.3 The meaning of 'employed' - defined in the regulations

The term 'employed' is defined in subregulation 2.26AC(6) of the regulations and means 'engaged in an occupation for remuneration for at least 20 hours a week.'

10.3.1 Remuneration

For 'remuneration', the policy intention is that applicants have been engaged in the occupation on a paid basis. Mere emotional or psychological satisfaction or the acquisition of useful, but unpaid, professional experience, is not considered 'remuneration' for points-tested purposes.

The following scenarios will not satisfy the meaning of employed as defined in subregulation 2.26AC(6):

- A postgraduate student whose income is derived from living allowances or scholarships designed to cover their expenses.
- Skilled work experience undertaken as part of work placement component of a Professional Year because this internship is considered a developmental program rather than employment at a skilled level. Paid employment that is not connected with the Professional Year, and undertaken at a skilled level, concurrently with a Professional Year program may be considered for Australian employment experience points

10.3.2 Remunerated at least 20 hours a week

Working for at least 20 hours a week, generally means 20 hours each week. However, where employment contracts provide for variable distribution of hours of work that extend beyond a week, such as some shift workers, "Fly In Fly Out" workers and seafarers, decision makers can take this into consideration in determining whether a person has worked 'at least 20 hours per week.'

Decision makers should also be fair and reasonable when applying this provision in relation to applicants employed on a casual basis who, because of illness or other compelling and compassionate reasons, may have fallen short of the 20-hour benchmark for one or more weeks over the relevant period.

To evidence claims, applicants may be asked to provide detailed evidence of their terms of employment and salary payments.

10.3.3 Leave periods

As employment must be for remuneration, only periods of leave on full pay will be counted as time during which an applicant was employed. This means those periods of extended leave without pay (for example, maternity or paternity leave) will not be counted as a period of employment.

10.4 Employment must be skilled

10.4.1 Assessing periods of skilled employment

When assessing periods of skilled employment for the purpose of awarding points, the following must be taken into account:

- the opinion of the relevant skills assessing authority on the period of skilled employment including the date on which they deemed the applicant skilled; and
- the Australian and New Zealand Standard Classification of Occupations (ANZSCO) including any pre-requisite qualifications/work experience relevant to the claimed skilled employment; and
- any other relevant information (such as employment records and references).

If the skills assessing authority's opinion would result in the applicant being awarded less points than the applicant claimed in their EOI, then decision makers should consider the information in ANZSCO and apply the more beneficial outcome in determining when the applicant was working at a skilled level.

While having regard to the opinion provided by skills assessing authorities, decision makers also need to be satisfied with the bona fides of the supporting documents presented in making their decision to award points.

The regulations require only that an applicant is employed in a nominated skilled occupation for a particular period of time. The provision does not require the applicant to have skills of a particular standard during that period of employment. The decision maker can consider whether the applicant is undertaking at least some of the duties prescribed for the position in ANZSCO, for example, if a client is claiming employment as a carpenter, the tasks they are undertaking are those of a carpenter.

10.4.2 Medical practitioners

For doctors, evidence of full registration is a favourable skills assessment. The department will accept one of the following certificates issued by the Australian Health Practitioner Regulation Agency as evidence of full registration:

- full/unconditional/general medical registration
- conditional specialist registration. This registration allows the person to practise only in their particular speciality, with no further training or supervision requirements

Work as a medical practitioner that is undertaken by doctors as an Intern or Registrar may be counted as skilled employment for the purpose of points-tested Skilled Migration applications.

Australian work experience can also be accepted as skilled employment where the applicant is a doctor who was employed as a medical practitioner whilst the holder of conditional medical registration.

The basis for accepting this employment as skilled is that doctors undertake an extremely high level of tertiary training before commencing an internship.

Awarding points for work experience: current policy that limits recognition of 'closely related occupations' to occupations in the same ANZSCO unit group may disadvantage medical specialists.

- Under policy for the purpose of points test, a specialist's previous work experience undertaken as a general practitioner should be recognised as skilled work experience.
- If work experience completed as a general practitioner (Unit group 2531), this can be accepted under Minor Group 253. It would not be disadvantaging the specialist medical practitioners (in the five other Unit groups) in the points test.

10.4.3 Solicitors and Barristers

For solicitors and barristers, the department accepts evidence of the applicant's:

- admission to the relevant State Legal Admissions Authority; or
- admission to the Supreme Court of a state or territory; or
- as a suitable skills assessment.

Evidence of admission to the Supreme Court of a state or territory demonstrates that an applicant has been deemed as suitable to practise as a solicitor or barrister in that jurisdiction. Therefore, evidence of admission to the Supreme Court can be accepted as evidence of a suitable skills assessment for the occupations of solicitor and barrister.

10.4.4 Professional membership or registration is not a skills assessment

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Evidence of membership of an Australian professional society (for example, membership of the Australian Institute of Management) is not a skills assessment and does not meet the applicable Schedule 2 criteria, that at the time of invitation, the relevant assessing authority had assessed the applicant's skills as suitable for the applicant's nominated occupation.

10.5 Closely related occupations

Applicants can claim points for employment in their nominated skilled occupation or a closely related skilled occupation in the 10 years immediately preceding the date of the invitation to apply for the visa. Although skilled employment experience within the 10 years immediately before the time of invitation to apply for the visa, would generally involve work in the applicant's nominated skilled occupation, it is also policy to award points to applicants if their career has advanced, or the occupation has evolved in the relevant period. In these circumstances, to be awarded points, the claimed employment will need to be in a skilled occupation that is closely related to the applicant's nominated skilled occupation.

Under ANZSCO, occupations are grouped together to form "unit groups". Generally, all unit groups are at one skill level. Skill level is defined as a function of the range and complexity of the set of tasks performed in a particular occupation, and is generally measured by the required level or amount of formal education and training, previous experience in a related occupation, or on the job training.

Under policy, closely related skilled occupations are those occupations that fall within one unit group classified under ANZSCO. For example, if an applicant's nominated occupation is Accountant (General) (221111) and the applicant has provided evidence of skilled employment in the occupations of Management Accountant (221112) and Taxation Accountant (221113), decision makers should consider these periods of employment as closely related for the purpose of awarding points.

For the purpose of awarding points, an applicant's skilled employment experience can be in their nominated occupation or any closely related skilled occupation that appears on the skilled occupation list/s applicable to the visa subclass for which they have applied, see regulation 1.15I.

10.6 If careers have advanced over the 10 years prior to invitation

Career advancement would usually take the form of promotion to a senior role or higher level that relates to a field of expertise and incorporates greater responsibility. For example, it is possible that over a 10-year period an accountant or engineer could advance in their career to a Chief Accountant or Chief Engineer, or a Chief Executive Officer. This type of career advancement may occur outside of the four-digit ANZSCO unit group but can be considered an exception to the policy requirement that closely related occupations be in the same ANZSCO unit group if it follows a well-established path for career advancement.

Whilst most occupations within the 10-year period would, in most instances, be covered by the three-digit ANZSCO Minor group code. There may be reasonable instances outside this, for example, a Geologist could transition to a University Lecturer and use their geology experience as a Lecturer.

Exceptions would also likely be seen with applicants who claim to be in managerial positions, which would fall within the Major group.

10.7 Unlawful employment excluded from consideration

The effect of regulation 2.27C is that a period of employment in Australia cannot be counted unless the applicant:

- held a substantive visa; a Bridging A visa; or a Bridging B visa; with permission to work during that period; and
- complied with the conditions of that visa.

If an applicant has breached the conditions of their visa by working when they had no work rights, or by working in excess of the amount of work allowed, the period of employment in breach of visa conditions cannot be counted under the employment experience factor in the regulations.

For example, a Student visa holder who was subject to a condition that they not work more than 40 hours a fortnight but who was employed in their nominated skilled occupation for 45 hours a fortnight while their course was in session could not use that period of employment to claim points under the regulations.

11. Australian professional year (PY)

11.1 About the professional year

Applicants are eligible for 5 points only if they have, in the relevant period, completed a PY. This is in recognition of the increased job readiness and greater employment outcomes of PY graduates.

Subregulation 2.26AC(6) provides that a professional year means a course specified by the Minister in an [instrument in writing](#).

The PY is a structured professional development program combining formal learning and workplace experience. As the focus is on developing skills that will assist applicants to secure employment, PY courses will not be specified without industry support.

There are currently three PY programs for which points can be awarded:

- The Professional Year Program provided by the Australian Computer Society which is available to information technology graduates;

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- The Professional Year Program provided by Chartered Accountants Australia and New Zealand (CAANZ), the Certified Practising Accountants Australia (CPAA) and the Institute of Public Accounting (IPA) which is available to accounting graduates;
- The Professional Year Program provided by Engineers Australia which is available to engineering graduates.

If an applicant has claimed PY points and their details are not included in the relevant list of PY graduates, decision makers should email the GSM Program Support mailbox for further assistance.

11.2 Closely related occupations for PY

If a Professional Year provider has enrolled an applicant in a PY, officers can be satisfied that their occupation has been assessed by that provider as being a closely related occupation and no further assessment is required.

If officers have any concerns that an applicant's skills assessment and degree/professional year are unrelated, please contact the GSM Program Support mailbox for further assistance.

11.3 English language and PY

For a number of occupations, PY peak bodies and providers exempt applicants from English language requirements if they have completed a PY. This may include occupations outside the unit group for that occupation. This is a separate requirement to awarding points for English language under [Schedule 6D](#) and is not a relevant consideration.

11.4 Work placement for PY

Applicants cannot claim the work placement component of their PY as skilled work experience for Schedule 6D points. This is due to the fact that the PY work experience is an internship and is considered a developmental program, not employment at a skilled level. See [10.3.1 Remuneration](#)

12. Education qualifications

12.1 Part 6D.7

Under [Part 6D.7](#) of the regulations, applicants are eligible for points for qualifications awarded by either an Australian educational institution or another educational institution. Points can also be awarded for a qualification or award recognised by the relevant skills assessing authority for the applicant's nominated occupation as being suitable for that occupation.

If the qualification awarded is at least a bachelor level or higher and is not awarded by an Australian educational institution, it must be of a 'recognised standard'.

12.2 Points awarded for highest level qualification only

Decision makers award points to an applicant for the highest level of eligible qualification attained. The regulations preclude the awarding of points for more than one qualification (see subregulation [2.26AC\(4\)](#)).

For example, if an applicant presents evidence of having attained a doctoral qualification and a bachelor level qualification, decision makers must first consider the doctorate for the purpose of awarding points. If eligible for points for the doctoral qualification, the applicant cannot also claim points for another educational qualification.

12.3 Australian qualifications

In awarding points for qualifications awarded by Australian educational institutions, subregulation [2.26AC\(6\)](#) provides meaning for the terms **degree**, **diploma** and **trade qualification**. Applicants are awarded points for Australian qualifications if they:

- met the requirements for the award of a doctorate, bachelor degree, masters degree, diploma or trade qualification by an Australian educational institution (or industry training legislation or relevant industrial award in the case of trade qualifications); or
- had attained a qualification or award recognised by the relevant assessing authority for the applicant's nominated skilled occupation as being suitable for the occupation.

Generally, Australian educational qualifications are obtained while applicants are living and studying in Australia. In certain instances, an applicant may claim points for Australian qualifications that are obtained while they lived overseas. For example, Australian education providers deliver courses overseas that meet the requirements of certain Australian qualifications (for example, a bachelor degree). Educational institutions in such cases award qualifications stating that the applicant meets the requirements of a specific Australian educational qualification.

12.4 Qualifications other than Australian educational qualifications

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Applicants may be eligible to be awarded points for certain overseas qualifications, i.e. bachelor level or higher. Decision makers must be satisfied that the qualification attained is of a recognised standard.

Under the education factor, points may also be awarded if an applicant has attained a qualification or award recognised by the relevant assessing authority for the applicant's nominated skilled occupation as being suitable for that occupation (refer to paragraph 6D75 of Part 6D.7 of the regulations).

12.5 Recognised standard

Subregulation 2.26AC(5) prescribes that decision makers must have regard to several factors when assessing whether an educational qualification is of a recognised standard. Those factors are:

- whether, at the time of invitation to apply for the visa, the educational qualification had been recognised by the relevant assessing authority for the applicant's nominated skilled occupation as being suitable for the occupation; and
- whether, the educational qualification is recognised by a body specified by the Minister in an [instrument in writing](#) for this paragraph; and
- the duration of the applicant's study towards the educational qualification; and
- any other relevant matter.

12.5.1 Assessment by VETASSESS

Regulation 2.26AC provides for recognition of qualifications by a body specified by the Minister. Vocational Education and Training Assessment Services (VETASSESS) is the only body currently specified to provide this recognition.

An applicant can have their qualification assessed by VETASSESS to determine if it is of a recognised standard for the purpose of awarding points. An applicant can provide this opinion up until the time the points decision is made. Decision makers must have regard to any opinion provided by VETASSESS on an applicant's qualification.

12.5.2 Other relevant matters

If neither the relevant assessing authority nor VETASSESS has provided an opinion on an applicant's qualifications decision makers should take into consideration any relevant information that is available to them, including information available on Country Education Profiles, advice from Australian Education International (AEI) – National Office for Overseas Skills Recognition (NOOSR) and any other relevant evidence provided by the applicant.

12.6 Doctorates

For the purpose of awarding points for paragraph 6D71 of the regulations, the applicant should be able to provide sufficient evidence to demonstrate that their qualification is a doctorate and, in the case of a doctorate not awarded by an Australian educational institution, is of a recognised standard. In the Australian context, the definition of 'degree' in paragraph 2.26AC(6) of the regulations notes that a doctorate is a postgraduate qualification for which the entry level to the course is at least a bachelor degree with honours or a masters degree.

The doctorate must also consist of extensive postgraduate study, including the submission of a thesis or dissertation. This is because the purpose of a doctoral degree is to qualify individuals who apply a substantial body of knowledge to research, investigate, and develop new knowledge, in one or more fields of investigation, scholarship, or professional practice.

There are both professional and research doctoral degrees. The research doctoral degree (typically referred to as a Doctor of Philosophy) makes a significant and original contribution to knowledge. The professional doctoral degree (typically titled Doctor of [field of study]) makes significant and original contributions to knowledge in the context of professional practice. As per the Australian Qualifications Framework (AQF), both qualifications require production of 'significant and original research outcomes culminating in a thesis, dissertation, exegesis or equivalent for independent examination by at least two external expert examiners of international standing'.

This research component underlines the AQF classification of a doctorate as a Level 10 qualification as opposed to, for example, a medical degree (MD) or bachelor medicine/bachelor of surgery (MBBS), which are typically Level 9 and Level 7 qualifications in the AQF respectively.

Consequently, the fact an applicant holds medical qualifications even if these include the title of Doctor or Doctorate will not entitle an applicant to the award of points for a doctorate unless they can evidence further postgraduate study of the standard outlined above.

Completion of a fellowship program in Australia does not qualify as eligible postgraduate study as it is not recognised under the Australian Qualifications Framework

For further clarification of what constitutes a doctorate, refer to the [Australian Qualifications Framework](#) website.

12.7 Bachelor and postgraduate qualifications

Applicants who, at the time of the invitation to apply for the visa, met the requirements for the award of at least a bachelor qualification by an Australian educational institution or by another educational institution (if the qualification is of a recognised standard), are eligible for points under paragraph 6D72 of the regulations.

The bachelor qualification or other qualification does not have to be related to the applicant's nominated occupation.

An applicant who holds a postgraduate qualification is not required to have previously completed a bachelor's degree. There may be circumstances where an applicant has been accepted into and completed a course at postgraduate level and been awarded an eligible postgraduate qualification to be awarded points under paragraph 6D72.

There is nothing in paragraph 6D72(b) that requires an applicant to have completed a bachelor qualification before completing a post graduate qualification to be eligible for the award of points. Paragraph 6D72(b) only requires that the applicant has been awarded at least a bachelor qualification by another educational institution, that is of a recognised standard.

For further clarification regarding bachelor degrees and other post graduate qualifications (Graduate Certificates, Graduate Diplomas and Masters), refer to the [Australian Qualifications Framework](#) website for qualifications at the AQF Level 7 and above.

12.8 Diplomas

Applicants who met the requirements for the award of a diploma by an Australian educational institution are eligible for points under paragraph 6D73 of the regulations.

Subregulation 2.26AC(6) provides that a 'diploma' means:

- (a) an associate diploma, advanced diploma or a diploma, within the meaning of the Register of Australian Tertiary Education (as current on 1 January 1999) that is awarded by a body authorised to award diplomas of those kinds; or
- (b) a diploma, or advanced diploma, under the [Australian Qualification Framework](#), that is awarded by a body authorised to award diplomas of those kinds.

12.9 Australian trade qualifications

Applicants who met the requirements for the award of a trade qualification by an Australian educational institution are eligible for points under paragraph 6D74 of the regulations.

Subregulation 2.26AC(6) provides that a 'trade qualification' means:

- (a) an Australian trade qualification obtained as a result of the completion of:
 - (i) an indentured apprenticeship; or
 - (ii) a training contract;
that is required by State or Territory industrial training legislation or a relevant Federal, State or Territory industrial award and involves:
 - (iii) part-time formal training at a technical college or a college of technical and further education; and
 - (iv) employment within the meaning of:
 - (A) an industrial award under a law of the Commonwealth or of a State or Territory;
or
 - (B) a law of a State or Territory dealing with commercial or industrial training; or
- (b) a qualification, under the AQF, of at least the Certificate III level for a skilled occupation in Major Group IV in the Australian Standard Classification of Occupations (ASCO); or
- (c) a qualification, under the AQF, of at least the Certificate III level for a skilled occupation in Major Group 3 in ANZSCO.

Note: Decision makers should be aware that ASCO was in effect from 1986 to August 2006 when it was replaced by ANZSCO.

12.10 Other qualifications and awards

In addition to the formal qualifications specified above, applicants who attained a qualification or award recognised by the relevant assessing authority for the applicant's nominated skilled occupation as being suitable for the occupation are eligible for points under paragraph 6D75 of the regulations.

Such scenarios are likely to arise in trade occupations for which an applicant may have an award or qualification that is not eligible to be awarded points under paragraph 6D73 or paragraph 6D74 of the regulations but which is recognised by the relevant assessing authority.

12.11 Examples of qualification scenarios and assessment

Scenario 1

An applicant has a 'Master's degree' and a 'Graduate Diploma' attained outside Australia but does not hold a bachelor's qualification. The relevant assessing authority recognises both of the applicant's qualifications as being suitable for their nominated occupation.

There is nothing in paragraph 6D72(b) that requires an applicant to have completed a bachelor qualification before completing a post graduate qualification to be eligible for the award of points. Paragraph 6D72(b) only requires that the applicant has been awarded at least a bachelor qualification by another educational institution, that is of a recognised standard.

In determining whether the qualification is of a recognised standard, decision makers must comply with subregulation 2.26AC(5) which specifies the factors to be taken into account when determining whether an educational qualification obtained from a country other than Australia is of a recognised standard. Refer to 12.4 Qualifications other than Australian educational qualifications.

In order to award points under paragraph 6D72(b) the qualification being presented must be at least comparable to an Australian bachelor degree qualification. This requirement would cover all qualifications which are determined to be the equivalent to AQF 7-9 levels.

In determining the applicant's entitlement to points under paragraph 6D72(b), the decision maker should consider whether the qualification is of a recognised standard in accordance with subregulation 2.26AC(5), by having regard to:

- the opinion of the relevant assessing authority, noting that in this scenario the relevant assessing authority has recognised the educational qualifications as being suitable for the occupation. While that recognition is not conclusive for the purpose of assessing paragraph 6D72(b), it would normally be given some weight if the occupation requires at least a bachelor level qualification in Australia; and
- whether the educational qualification is recognised by a body specified by the Minister in an instrument (VETASSESS); and
- the duration of the applicant's study towards the educational qualification; and
- any other relevant information such as information included in Country Education Profiles or evidence provided by the applicant.

If the decision maker is satisfied that either of the applicant's qualifications satisfies the requirements of paragraph 6D72(b) then the applicant is entitled to the award of 15 points.

If the decision maker is not satisfied that either of the applicant's qualifications satisfy the requirements of paragraph 6D72(b) then under this scenario the applicant is entitled to the award of 10 points under paragraph 6D75 as their qualifications have been recognised by the relevant assessing authority as being suitable for the occupation.

Scenario 2

The applicant holds a bachelor's degree attained outside Australia that is unrelated to their nominated occupation. The relevant assessing authority has not recognised the applicant's bachelor qualification as part of their assessment of the applicant's nominated skilled occupation.

The assessing authority assesses the applicant as suitable for their nominated skilled occupation based on other qualifications held and related training and work experience.

The applicant also had their bachelor's qualification assessed by VETASSESS, and VETASSESS recognised the applicant's qualification as equivalent to at least a bachelor's degree. The applicant will be eligible for 15 points for attaining a qualification meeting the requirements for the award of 'at least' a bachelor level qualification by another educational institution that is of a recognised standard.

12.12 Veracity of the claims presented

Relevant assessing authorities provide an opinion on qualifications based on the claims submitted to them by an applicant. In making their assessment, these authorities draw upon their knowledge of the nominated skilled occupation and the related industry and professional standards and other relevant authoritative information, including the Country Education Profiles. While having regard to the opinion provided by assessing authorities, decision makers also need to be satisfied of the bona fides of the supporting documents presented in making their decision to award points.

13. Specialist educational qualifications

Applicants are eligible for 10 points under Part 6D.7A of the regulations if they meet the requirements for the award of a *specialist educational qualification*.

Subregulations 2.26AC(5A) and (5B) specify the requirement a person must meet for the award of a *specialist educational qualification*.

This requires completion of either a masters degree by research (as opposed to a masters by coursework) or a Doctoral degree (PhD).

Additionally, the qualification must have included study of at least 2 academic years in Australia and be awarded by an Australian educational institution in a field specified in the instrument IMMI 16/076 - Specification of Fields of Education 2016/076. This currently covers "STEM" specialisations (i.e. Science, Technology, Engineering and Mathematics) and Information and Communication Technology (ICT). The instrument specifies the 'narrow field of education' the qualification must have been completed in as follows:

Table 3 - Required STEM qualifications

Broad Field of Education	Narrow Field of Education
Natural and Physical Sciences	Biological Sciences
	Chemical Sciences

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	Earth Sciences
	Mathematical Sciences
	Natural and Physical Sciences
	Other Natural and Physical Sciences
	Physics and Astronomy
Information Technology	Computer Science
	Information Systems
	Information Technology
	Other Information Technology
Engineering and Related Technologies	Aerospace Engineering and Technology
	Civil Engineering
	Electrical and Electronic Engineering and Technology
	Engineering and Related Technologies
	Geomatic Engineering
	Manufacturing Engineering and Technology
	Maritime Engineering and Technology
	Mechanical and Industrial Engineering and Technology
	Other Engineering and Related Technologies
	Process and Resources Engineering

If it is unclear using the Provider Registration and International Student Management System (PRISMS) whether the qualification reflects the specific STEM field of education claimed by the applicant, refer to other available information such as documentation issued by the relevant Australian institution.

The term 'narrow field of study' should not be taken to require an exact match, for example, the narrow field of Biological Sciences would include microbiology.

14. Australian study requirement

14.1 Australian study

Applicants are eligible for 5 points under [Part 6D.8](#) of the regulations if they have met the Australian study requirement factor. In assessing this requirement, decision makers should refer to regulation [1.15F](#) Australian study requirement and the [Div1.2/reg1.15F - Australian study requirement](#).

Paragraph [6D81](#) does not require the eligible Australian study being claimed to be relevant to the applicant's nominated occupation. Nor is it relevant when the study was completed, provided the applicant met the requirement at the time of invitation.

Consistent with regulation [2.27D](#), study undertaken in Australia for the purposes of meeting the Australian study requirement and being awarded points under [Part 6D.8](#) of the regulations will only be considered if, throughout the relevant period, the applicant held a substantive visa or an applicable bridging visa that allowed them to study, and they complied with the conditions of that visa.

15. Credentialed community language

15.1 Community language

[Part 6D.9](#) of the regulations recognises the economic and social value to the Australian community of the contribution of accredited community language skills, particularly in the languages of Australia's trading partners and of new and emerging, as well as established, communities in Australia.

Applicants are eligible for 5 points if they provide evidence that at the time of invitation to apply for the visa they were accredited by the National Accreditation Authority for Translators and Interpreters (NAATI) at the specified standard.

On 19 March 2018, the instrument IMMI 18/009 – Credentialed Community Language Qualifications Instrument 2018 commenced to incorporate a new certification scheme for the credentialed community language qualifications offered by NAATI. [The instrument](#) incorporates an additional qualification for persons who are seeking recognition of their credentialed community language skills so that they are eligible for five points for their visa application, but who are not seeking formal qualification as an interpreter or translator.

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There are three levels of formal credentialled community language qualifications that may be issued by NAATI and are eligible for points:

- accreditation at the paraprofessional level or above; or
- certification at the certified provisional level or above; or
- a community language credential.

The community language credential is the most recent acceptable certification option available from NAATI.

Transitional provisions also provide that visa applicants who obtained a recognised language qualification issued by NAATI prior to the instrument commencing are still be eligible for credentialled community language points. Previous NAATI qualifications held by applicants will be recognised and those applicants do not need to re-apply for language qualifications from NAATI under the current scheme in order to be eligible for credentialled community language points.

16. Study in designated regional area

16.1 Study in a designated regional area

The points awarded under [Part 6D.10](#) of the regulations recognise the important contribution students living and studying in a designated regional area make to regional Australia.

Applicants are eligible for 5 points if they satisfied each of the four requirements of item [6D101](#) at time of invitation:

- they met the Australian study requirement; (paragraph [6D101\(a\)](#)) refer to [Div1.2/reg1.15F - Australian study requirement](#); and
- the location of the campus or campuses at which that study was undertaken was at an Australian educational institution in a designated regional area or LPGMA (paragraph [6D101\(b\)](#)); and
- while the applicant undertook the course of study, the applicant lived in a designated regional area (this requirement relates to the whole course not just the period used to satisfy the Australian study requirement) (paragraph [6D101\(c\)](#)); and
- none of the study undertaken constituted distance education (Paragraph [6D101\(d\)](#)).

Note:

[Australian study requirement](#) is defined in regulation 1.03 as having the meaning given by regulation [1.15F](#).

Designated regional area is defined in regulation 1.03 as a part of Australia specified in an Instrument under regulation [1.15M](#). Regulation 1.15M provides that the Minister may, by legislative instrument, specify a part of Australia to be a designated regional area.

The definition of designated regional area may change over time. In this circumstance, a designated regional area is defined at the time of the points assessment.

Consistent with regulation [2.27D](#), study undertaken in Australia will be considered towards meeting the requirements of [Part 6D.10](#) only if, throughout the relevant period, the applicant held a substantive visa or Subclass [010](#) (Bridging A) or Subclass [020](#) (Bridging B) visa that allowed them to study, and they did not breach the conditions of that visa.

When assessing whether an applicant satisfies [6D101](#) it is not relevant:

- when the study was completed (provided it was completed prior to the date of invitation to apply for the visa); or
- whether the study is related to the applicant's nominated skilled occupation.

The intention of this requirement is that a visa holder both studies and resides in a designated regional area for the duration of the course of study. Travel to an area outside a designated regional area for study/work or recreational purposes is permitted and includes:

- travel overnight for business reasons
- a brief holiday or
- to undertake training for work.

For example, it would be consistent for a visa applicant to have studied and had a residence in Orange, New South Wales, but who stays with friends in Sydney on some weekends. It would not be consistent with the requirement if the same visa applicant established a residence in Sydney and stayed in the metropolitan area when they did not need to attend classes in orange.

16.2 Designated Regional Area

The postcodes that constitute regional Australia and the eligible campuses that fall within those postcodes are specified in an instrument ([LIN 19/217: Regional Areas Instrument 2019](#)) for the purposes of paragraph [6D101](#) of [Part 6D.10](#) of the regulations. This instrument applies to any relevant application that did not have an assessed score prior to 16 November 2019 when the current instrument came into effect.

16.3 Distance education is not included

Paragraph [6D101\(d\)](#) precludes points being awarded for any study undertaken while enrolled at an educational institution in a designated regional area as a distance education student.

16.4 Location of campus and where applicant lives

To assess whether the applicant lived in an eligible area(s) and studied at an eligible campus(es) for the award of points, decision makers should refer to relevant instrument ([LIN 19/217: Regional Areas Instrument 2019](#)). Note that all of South Australia, Tasmania, the Northern Territory and the Australian Capital Territory are designated regional areas for the purposes of [Part 6D.10](#) (Study in designated regional area qualifications).

16.5 Time in Australia spent outside a designated regional area

Under policy, it is consistent with the intention of the requirement to study in a designated regional area that a visa holder who continues to be enrolled to study, in a designated regional area and continues to reside in a designated regional area, might travel to an area outside a designated regional area for work or recreational purposes such as:

- for once-off business reasons
- a brief holiday or
- to undertake training for work.

For example, it would be consistent with the requirement to study in a designated regional area if a visa holder studied and had a residence in Orange, New South Wales, and stayed with friends in Sydney one weekend a month. It would not be consistent with the condition if the same visa holder established a residence in Sydney and stayed in the metropolitan area every weekend.

16.6 Evidence

To confirm that the study component for this factor was completed in a designated regional area, decision makers should refer to the academic transcript or letter of course completion.

To confirm the residence component, applicants should provide supporting documentation with their application such as, but not limited to, copies of rental agreements, telephone bills, or electricity/water/gas bills.

17. Partner qualifications

17.1 Background

Changes to the partner skills criterion came into effect on 16 November 2019 to recognise the human capital contribution that the skilled partner of an applicant can contribute. This recognition builds on a recommendation of the Productivity Commission in its 2016 Report *Migrant Intake into Australia*.

The award of points for single applicants will ensure a single person with identical skills to a primary applicant who has a skilled spouse or de facto partner will not be displaced in the points test. This measure is based on a recommendation from *Migrant Intake into Australia*.

The points for partners with competent English recognises the link between good English language skills and successful entry into the Australian labour market.

17.2 Assessing the partner relationship and partner points

When assessing applicant's eligibility for partner points decision makers need to assess the relevant criteria against the relevant item of [Part 6D.11](#) of the regulations.

The skills assessment and English language requirements for the relevant items in [Part 6D.11](#) must be satisfied at time of invitation.

In assessing whether

- an applicant is single or has a spouse (as defined in section 5F of the Act) or a de facto partner (as defined in section 5CB of the Act); and
- the citizenship or permanent residence status of any partner

The relevant time of the relationship status is the date of the points test assessment by the decision maker.

This means that if the applicant's relationship status or the residence status of their partner changes after the date of invitation or the date of application, the award of partner points under [Part 6D.11](#) may also change.

17.3 Skilled partners

Under Item 6D111 of [Part 6D.11](#) of the regulations, 10 points may only be awarded if the *spouse* (as defined in section 5F of the Act) or *de facto partner* (as defined in section 5CB of the Act) of the primary applicant:

- is an applicant for the same subclass of visa as the primary applicant; and
- is not an Australian permanent resident or an Australian citizen; and
- was under 45 at the time the primary applicant was invited to apply for the visa unless transitional arrangements apply – see below; and
- at the time of invitation to apply for the visa, nominated a skilled occupation, being an occupation specified under regulation 1.15 (1)(a) at that time; and

- at the time of invitation to apply for the visa, had been assessed by the relevant assessing authority for their nominated **skilled occupation** as having suitable skills for the occupation and the assessment was not for a Subclass 485 (Temporary Graduate) visa. See paragraph 6D111 of Schedule 6D of the regulations; and
- at the time of invitation to apply for the visa had **competent English**.

17.4 Transitional Arrangements for the Partner age criterion

If the applicant was invited to apply for a GSM points-tested visa prior to 1 July 2018 then the relevant age requirement is that their partner was under 50 years of age at time of invitation. Refer to [Part 71 – Amendments made by the Home Affairs Legislation Amendment \(2018 Measures No.1\) regulations 2018](#) in [Schedule 13 – Transitional arrangements](#) of the regulations.

17.5. Single applicants

Under Item 6D.112 of Part 6D.11 of the regulations, 10 points may be awarded if:

- the applicant does not have a spouse or de facto partner; (see paragraph 6D112(a)); or
- The applicant has a spouse or de facto partner who is an Australian permanent resident or an Australian citizen (see paragraph 6D112(b)).

In order to determine whether an applicant has a spouse or de facto partner, decision makers must check a visa applicant's visa application history, (if applicable), and the documentation used to support those applications, to ensure accurate information is provided in relation to their marital status and whether or not they are in a de facto relationship.

In accordance with section 57 of the Act, inconsistent information regarding the marital /de facto relationship status of the applicant should be provided to the applicant for comment and if there has been a change in relationship status, evidence should be requested to support this change. This is to ensure applicants who are married or in a de facto relationship are not able to be awarded points under 6D112 on the basis of claiming to be without a spouse or de facto partner.

17.6 Australian citizen or permanent resident partners

Under Item 6D112 of Part 6D.11 of the regulations, 10 points may be awarded if the applicant has a spouse or de facto partner who is an Australian permanent resident or an Australian citizen.

Evidence should be provided to support this claim, such as an Australian passport, Australian birth certificate or visa grant notice. Decision makers must verify claims of Australian permanent residence in Departmental systems.

17.7 Partners with Competent English

Under Item 6D.113 of Part 6D.11 of the regulations, 5 points may be awarded if the applicant has a spouse or de facto partner who:

- Is an applicant for the same visa subclass as the applicant (see paragraph 6D113(a)); and
- is not an Australian permanent resident or an Australian citizen (see paragraph 6D113(b)); and
- at the time of invitation to apply for the visa, had **competent English** (see paragraph 6D113(C)).

17.8 Partner's nominated skill occupation and skills assessment

For the purpose of awarding partner points, the nominated occupation of the partner (that is, **spouse or de facto partner**) must be on the [Occupation List\(s\)](#) applicable to the point-tested visa that the primary applicant has applied for.

A suitable skills assessment required for paragraph 6D111 must have been obtained at time of invitation but is not subject to the time periods prescribed in [Schedule 2](#) and which apply to the primary applicant. This means that a suitable skills assessment obtained more than three years prior to the date of invitation can be accepted for this criterion.

18. State or Territory Nomination

Under [Part 6D.12](#) of the regulations, 5 points may be awarded to an applicant for a [SN-190](#) visa who is nominated by a State or Territory government agency provided the nomination is not withdrawn prior to the giving of an assessed score.

18.1 If a nomination is withdrawn

Because a points assessment is a decision for the purposes of the Act and the regulations, once a points assessment has been made it cannot be revisited or revoked even if a nomination is withdrawn. However, in such cases the applicant may no longer satisfy [Schedule 2](#) criteria relating to the nomination requirement.

19. Designated regional area nomination or sponsorship

Under [Part 6D.13](#) of the regulations, 15 points may be awarded to an applicant who has been invited to apply for a Subclass [489](#) (Skilled Regional (Provisional)) visa or Subclass [491](#) (Skilled Work Regional (Provisional)) visa, and who:

- is nominated by a State or Territory government agency and the nomination is not withdrawn prior to the giving of an assessed score; or
- is sponsored by a family member and the sponsorship has been accepted by the Minister.

19.1 If a nomination/sponsorship is withdrawn

Because a points assessment is a decision for the purposes of the Act and the regulations, once a points assessment has been made it cannot be revisited or revoked even if a nomination/sponsorship is withdrawn. However, in such cases the applicant may no longer satisfy [Schedule 2](#) criteria relating to the nomination or sponsorship requirement.

20. Fraudulent or bogus documentation

For all factors, if it is suspected that bogus documentation or false or misleading information has been provided, decision makers are required to follow procedures, including standard procedural fairness procedures, outlined in [Public Interest Criterion 4020 – The Integrity PIC](#).

s. 22(1)(a)(ii)



s. 22(1)(a)(ii)



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23. Version Control

Version number	Date of issue	Author(s)	Brief description of change
1	November 2019	Acting Director Skilled and Migration Program Section	Revisions and redraft.

Attachment A – Definitions

Term	Acronym (if applicable)	Definition
the Act	N/A	<i>The Migration Act 1958</i>
Assessed score	Assessed score	Has the same meaning as defined in section 5 of the Act.
Australian Standard Classification of Occupations	ASCO	From 1986 to Aug 2006 – for classification of occupations.
Australian and New Zealand Standard Classification of Occupations	ANZSCO	Classification system for industry qualifications and experience for specific occupations.
Competent English	English	<i>Competent English</i> is defined in regulation 1.15C
the Department		Department of Home Affairs
Designated regional area		Has the same meaning as in regulations 1.03 and 1.15M.
Expression of Interest	EOI	Intending migrants must have submitted an EOI in SkillSelect to receive an invitation to apply for this visa.
Invitation to apply for a visa	Invitation	The applicant must have been invited to apply for a points-tested GSM visa. Invitations are issued in SkillSelect.
Migration Law		Covers the <i>Migration Act 1958</i> , the <i>Migration Regulations 1994</i> and other legislative instruments.
Nominated Occupation		The skilled occupation that the invited applicant nominates in their application.
PI	PI	Procedural instruction
Points test		General points test for General Skilled Migration visas mentioned in subregulation 2.26AC(1).
Primary points-tested applicant	Primary applicant	The applicant seeking to satisfy the primary criteria for the grant of a points-tested GSM visa.
Public Interest Criterion	PIC	Has the same meaning as defined in regulation 1.03 of the Regulations.
Registered course		Has the same meaning as defined in regulation 1.03 of the Regulations.
Regulation (the Reg/s)	N/A	The <i>Migration Regulations 1994</i>
Relevant Assessing Authority	Assessing Authority	relevant assessing authority means a person or body specified under regulation 2.26B.
Skills Assessment	N/A	A skills assessment is the outcome of the assessment made by a relevant assessing authority of the applicant's skills in relation to their nominated skilled occupation.
Skilled Occupation	N/A	Has the same meaning as defined in regulation 1.15I.
SkillSelect	N/A	<p>SkillSelect is an online service that enables skilled persons who are interested in obtaining an Australian visa to submit an EOI that includes information about their skills and other attributes. SkillSelect then issues invitations to apply to migrate based upon a ranking of the attributes of nominees, the pass mark and subject to ceilings on occupation numbers.</p> <p>SkillSelect also enables staff of certain State/Territory government agencies and Australian employers to view relevant information in an intending migrant's EOI. This information assists State/Territory government agencies to identify persons who they may nominate to help meet labour market needs in their respective jurisdictions.</p>

Attachment B – Assurance and Control Matrix

1.1 Powers and Obligations

Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
Migration Act 1958	Section 93 and 94	Determination of an applicant's score and initial application of 'points' system.	Yes	LIN 19/033
Migration Act 1958	Section 65	Decision to grant or refuse to grant visa	Yes	LIN 19/033 <i>Citizenship and Social Cohesions Group and Immigration and Settlement Services Group (Minister) Instrument 2019</i>

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1.2 Controls and Assurance

<p>Related Policy</p>	<p>There is no policy statement related to this document.</p>
<p>Procedures / Supporting Materials</p>	<p>Related instructions as mentioned in this PI but not limited to:</p> <ul style="list-style-type: none"> • Public Interest Criterion 4020 – The Integrity PIC • SkillSelect - Expression of Interest for Skilled Migration • GenGuideB - Non-humanitarian migration (Offshore and onshore) - Management of the non-humanitarian migration program • Div2.6 - Prescribed qualifications - Application of points system • PAM3: English proficiency and assessment • Skilled - Independent (Permanent) (Class SI) (Subclass 189) visa • Sch2 Visa 190 - Skilled - Nominated (Permanent) • Sch2 Visa 489 – Skilled – Regional (Provisional) • Div1.2/reg1.15F - Australian study requirement <p>• Direction No. 86 - Order of Consideration – Certain Skilled Migration Visas</p>

s. 22(1)(a)(ii)



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