

DIRECTION 119

MIGRATION ACT 1958

DIRECTION UNDER SECTION 499

Order for considering and disposing of nominations and visa applications for certain Skilled Visas

I, Tony Burke, Minister for Home Affairs, Minister for Immigration and Citizenship, give this Direction under section 499 of the *Migration Act 1958*.

Dated 24.7.26

Tony Burke

Minister for Home Affairs, Minister for Immigration and Citizenship
Minister for Home Affairs, Minister for Immigration and Citizenship
nominations and visa applications
for
certain Skilled Visas

Part 1 - Preliminary

1. Name of Direction

This Direction is Direction 119 - Order for considering and disposing of nominations and visa applications for certain Skilled Visas.

It may be cited as Direction 119.

2. Commencement

This Direction commences on the day after it is signed.

3. Revocation

Direction 105, given under section 499 of the Act and dated 14 December 2023, is revoked.

4. Application

(1) This Direction applies to delegates of the Minister who consider nomination applications in relation to one or more of the visa subclasses mentioned in Schedule A.

(2) This Direction also applies to delegates of the Minister who consider applications for one or more of the visa classes mentioned in Schedule B under section 47 of the Act and consider and dispose of such visa applications for the purposes of sections 51 and 91 of the Act.

(3) This Direction does not apply to:

- (a) nomination applications and visa applications that have been remitted by the AAT or ART for reconsideration;
- (b) nomination applications and visa applications where the AAT or ART has set aside a decision and substituted a new decision;
- (c) nomination applications and visa applications where it is readily apparent that the criteria for the approval of the nomination or grant of the visa would not be satisfied;
- (d) applications by visa applicants claiming to be a member of the family unit of a person who holds a visa granted on the basis of satisfying the primary criteria in Schedule 2 to the Regulations and who did not make a combined application with that person;
- (e) nomination applications in relation to a change of employer; and
- (f) the ART.

(4) To avoid doubt, this Direction applies to nomination applications and visa applications made, but not finally determined, before the commencement of this Direction, and to nomination applications and visa applications made on or after commencement.

5. Preamble

- (1) Australia's skilled migration program is targeted to support key industries and strategically important occupations that are in the national interest.
- (2) The program is designed to select people who will make a positive contribution to the Australian economy and labour market and assist Australian businesses to access workers with skills that cannot be sourced from the local labour market.
- (3) Prioritising skilled migrants in occupations supporting law enforcement and Defence, and in healthcare, teaching, construction with a focus on housing, ensures the skilled migration program is providing the right skills in the right occupations. Prioritising skilled migrants already contributing to Australia supports a sensible, measured approach to provide the skilled workers Australia needs.
- (4) This Direction directs delegates with respect to the performance of functions and exercise of powers under the Act and Regulations when determining the order for considering and disposing of nomination applications in respect of the visa subclasses mentioned in Schedule A.
- (5) This Direction also directs delegates with respect to the performance of functions and exercise of powers under sections 47, 51 and 91 of the Act when determining the order for considering and disposing of applications for the visa classes mentioned in Schedule B.
- (6) The order of priority for considering and disposing of applications is specified in this Direction to ensure appropriate allocation of resources and so that certain cohorts of applications are given priority.

(7) This Direction does not change the composition of the skilled migration occupation lists. Applicants must meet the requirements set out in the Act and the Regulations in order to be granted a visa or have their nomination approved.

6. Interpretation

In this Direction:

AAT means the Administrative Appeals Tribunal.

Act means the *Migration Act 1958*.

ANZSCO has the same meaning as defined in regulation 1.03 of the Regulations.

ART means the Administrative Review Tribunal.

Construction occupation means an occupation in any of the following (where each occupation is of equal priority):

ANZSCO Sub-Major Group 33 - Construction Trades Workers

ANZSCO Sub-Major Group 82 - Construction and Mining Labourers

ANZSCO Unit Group 1331 - Construction Managers

ANZSCO Unit Group 2321 - Architects and Landscape Architects

ANZSCO Unit Group 2332 - Civil Engineering Professionals

ANZSCO Unit Group 3121 - Architectural, Building and Surveying Technicians

ANZSCO Unit Group 3126 - Safety Inspectors

ANZSCO Unit Group 3129 - Other Building and Engineering Technicians

ANZSCO Unit Group 3222 - Sheetmetal Workers

ANZSCO Unit Group 3223 - Structural Steel and Welding Trades Workers

ANZSCO Unit Group 7111 - Clay, Concrete, Glass and Stone Processing
Machine Operators

ANZSCO Unit Group 7121 - Crane, Hoist and Lift Operators

ANZSCO Unit Group 7212 - Earthmoving Plant Operators

ANZSCO occupations:

i. 341111 - Electrician (General)

ii. 341112 - Electrician (Special Class)

Healthcare occupation means an occupation in any of the following (where each occupation is of equal priority):

ANZSCO Sub-major Group 25 - Health Professionals

ANZSCO Minor Group 411 - Health and Welfare Support Workers

ANZSCO Unit Group 2346 - Medical Scientists

ANZSCO Unit Group 2721 - Counsellors

ANZSCO Unit Group 2723 - Psychologists

ANZSCO Unit Group 2725 - Social Workers

ANZSCO Unit Group 3112 - Medical Technicians

ANZSCO occupations:

- i. 423111 - Aged or Disabled Carer
- ii. 423312 - Nursing Support Worker
- iii. 423313 - Personal Care Assistant

Member of the family unit has the same meaning as in regulation 1.12 of the Regulations.

Nomination application means a nomination application made under section 140GB of the Act or regulation 5.19 of the Regulations.

Nominee means the applicant, or proposed applicant, for a visa who has been nominated or identified in a nomination application.

Occupation related to Australia's defence interests means an occupation in relation to AUKUS Pillar I (conventionally armed, nuclear-powered submarines) or II (advanced capability development); and the following occupations in relation to which the visa applicant, or proposed applicant, is nominated or sponsored by the Australian Defence Force (ADF) or the Department of Defence (where each occupation is of equal priority):

ANZSCO Unit Group 4411 - Defence Force Members – Other Ranks

ANZSCO occupations:

- i. 111212 - Defence Force Senior Officer
- ii. 139111 - Commissioned Defence Force Officer
- iii. 139211 - Senior Non-Commissioned Defence Force Member

Occupation related to Australia's law enforcement interests means an occupation in the ANZSCO Unit Group 4413 - Police, in relation to which the visa applicant, or proposed applicant, is nominated or sponsored by the Australian Federal Police, New South Wales Police Force, Victoria Police, Queensland Police Service,

Western Australia Police Force, South Australia Police, Tasmania Police, or Northern Territory Police Force.

Primary applicant means an applicant who seeks to satisfy the primary criteria for the grant of a visa.

Regulations means the Migration Regulations 1994.

Section 85 cap means the maximum number of visas of a specified class or classes that may be granted in a specified financial year, as determined by the Minister in a legislative instrument made under section 85 of the Act.

Teaching occupation means an occupation in any of the following (where each occupation is of equal priority):

ANZSCO Minor Group 241 - School Teachers

ANZSCO Unit Group 1341 - Child Care Centre Managers

ANZSCO occupations:

- i. 134311 - School Principal
- ii. 242211 - Vocational Education Teacher (AUS) / Polytechnic Teacher (NZ)
- iii. 421111 - Child Care Worker
- iv. 242111 - University Lecturer

Part 2 - Directions

7. Order for considering and disposing of nomination applications in relation to the visa subclasses mentioned in Schedule A

(1) In determining the order for considering and disposing of nomination applications in relation to the visa subclasses mentioned in Schedule A, delegates are to follow the order set out in this section, having due regard to the Government's policy intentions concerning the size and composition of the Migration Program.

(2) Paragraphs (3)(a) to (e) set out the order of priority for considering and disposing of nomination applications, with paragraph (a) being the highest priority and paragraph (e) being the lowest priority.

(3) The order of priority is as follows:

(a) Nomination applications which:

- (i) identify a nominee who is in Australia at the time the nomination application is made; and
- (ii) nominate an occupation related to Australia's law enforcement or defence interests.

(b) Nomination applications which:

- (i) identify a nominee who is outside Australia at the time the nomination application is made; and
- (ii) nominate an occupation related to Australia's law enforcement or defence interests.

(c) Nomination applications which:

- (i) identify a nominee who is in Australia at the time the nomination application is made; and
- (ii) nominate a healthcare occupation, teaching occupation, or construction occupation.

(d) All other nomination applications where the nominee is in Australia at the time the nomination application is made.

(e) All other nomination applications where the nominee is outside Australia at the time the nomination application is made.

8. Order for considering and disposing of applications for visa classes mentioned in Schedule B

(1) In determining the order for considering and disposing of applications for the visa classes mentioned in Schedule B, delegates are to follow the order set out in this section, having due regard to the Government's policy intentions concerning the size and composition of the Migration Program.

(2) Paragraphs (3)(a) to (e) set out the order of priority for considering and disposing of visa applications, with paragraph (a) being the highest priority and paragraph (e) being the lowest priority.

(3) The order of priority is as follows:

(a) Visa applications which meet the following requirements:

- (i) the applicant is a primary applicant who is in Australia at the time the application is made; and
- (ii) the application is in relation to an occupation related to Australia's law enforcement or defence interests.

(b) Visa applications which meet the following requirements:

- (i) the applicant is a primary applicant who is outside Australia at the time the application is made; and
- (ii) the application is in relation to an occupation related to Australia's law enforcement or defence interests.

(c) Visa applications which meet the following requirements:

- (i) the applicant is a primary applicant who is in Australia at the time the application is made; and
- (ii) the application is in relation to a healthcare occupation, teaching occupation, or construction occupation.

(d) All other visa applications where the applicant is a primary applicant who is in Australia at the time the application is made.

(e) All other visa applications where the applicant is a primary applicant who is outside Australia at the time the application is made.

(4) Visa applications that are combined with a primary applicant's application in a way permitted by the Regulations are given the same priority as the primary applicant's application.

9. If a section 85 cap applies

(1) In deciding the order for considering and disposing of visa applications affected by a section 85 cap, the applications to which this Direction specifically applies should be given priority in the order as provided for in section 8 above.

Schedule A

This Direction applies to nomination applications in relation to the following visa subclasses:

- (a) Subclass 186 (Employer Nomination Scheme) visa;
- (b) Subclass 187 (Regional Sponsored Migration Scheme) visa;
- (c) Subclass 482 (Skills in Demand) visa;
- (d) Subclass 482 (Temporary Skill Shortage) visa; and
- (e) Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa.

Schedule B

This Direction applies to the following visa classes:

- (a) Employer Nomination (Permanent) (Class EN) (Subclass 186);
- (b) Regional Employer Nomination (Permanent) (Class RN) (Subclass 187);
- (c) Skilled-Independent (Permanent) (Class SI) (Subclass 189);
- (d) Skilled-Nominated (Permanent) (Class SN) (Subclass 190);
- (e) Permanent Residence (Skilled Regional) (Class PR) (Subclass 191);
- (f) Skills in Demand (Class GK) (Subclass 482);
- (g) Temporary Skill Shortage (Class GK) (Subclass 482);
- (h) Skilled-Regional Sponsored (Provisional) (Class SP) (Subclass 489);
- (i) Skilled Work Regional (Provisional) (Class PS) (Subclass 491);
- (j) Skilled Employer Sponsored Regional (Provisional) (Class PE) (Subclass 494);
- (k) Business Skills (Permanent) (Class EC) (Subclass 888); and
- (l) Skilled (Residence) (Class VB) (Subclass 887).