



## Ministerial Direction No.105

A new Ministerial Direction for prioritising skilled visa applications came into effect on 15 December 2023. Ministerial Direction No.105 formalises the Australian Government's support for regional Australia through priority processing. It builds on ongoing work to improve skilled visa processing times.

The Australian Government is committed to providing a world-leading immigration service with \$48.1 million announced in the 2023-24 Budget to continue efforts to improve the delivery of visa programs.

### Ministerial Direction No.105

- The new Ministerial Direction recognises the need to streamline visa processing for businesses in regional Australia who are sponsoring skilled workers. It puts applications for employer sponsored visas in occupations in regional Australia to the highest priority.
  - This applies to the [Temporary Skill Shortage visa \(subclass 482\)](#), [Employer Nomination Scheme \(subclass 186\)](#) and [Skilled Employer Sponsored Regional \(Provisional\) visa \(subclass 494\)](#) visas as they fill an identified shortage and are guaranteed to be in regional Australia.
- The new Ministerial Direction will continue prioritising applications for occupations in the healthcare and education sectors. This change will have a minor impact on processing times for these occupations.
  - There is no change to the list of occupations in these sectors that will receive priority processing.
- Applications from sponsors with Accredited Status will continue to be a priority. This will support the Government's announcement for a modernised accredited sponsorship program, including start-ups that have received venture capital funding.
- We are also no longer prioritising offshore permanent visa applications over onshore applications. This supports the Government's commitment to providing pathways to permanent residence and simplifies processes.
- Priority in each category for eligible passports holders (Hong Kong nationals and British National Overseas) has also been removed to provide further efficiencies.

For a full list of the visa subclasses subject to Ministerial Direction No. 105, see: [Skilled visa processing priorities \(homeaffairs.gov.au\)](#)

<b>KEY DATES AND REFERENCES</b>	
Commenced	15/12/2023
Signed	14/12/2023
Status	<b>Current</b>
Revoked	Directions no. 100

**DIRECTION NO. 105**  
**MIGRATION ACT 1958**  
**DIRECTION UNDER SECTION 499**

**Order of Consideration — Certain Skilled Visas**

I, Clare O’Neil, Minister for Home Affairs and Minister for Cyber Security, give this Direction under section [499](#) of the [Migration Act 1958](#) (the Act).

Dated

Minister for Home Affairs and Minister for Cyber Security

**Part 1 - Preliminary**

**1. Name of Direction**

This Direction is Direction no. 105 Order of Consideration - Certain Skilled visas.

It may be cited as Direction no. 105.

**2. Commencement**

This Direction commences on the day after it is signed.

**3. Revocation**

The following Directions given under section [499](#) of the Act are revoked:

- *Direction no. 100 Order of Consideration - Certain Skilled Migration visas*, dated 27 October 2022

## 4. Application

- (1) This Direction applies to all persons having powers under the Act, who consider and dispose of the applications for the visas mentioned in Schedule A
- (2) This Direction also applies to decision-makers who consider nomination applications in relation to employer sponsored visas.
- (3) Without intending to limit the scope of subsection 4(1), this Direction applies to decision-makers performing functions or exercising powers under sections [51](#) and [91](#) of the Act.
- (4) This Direction does not apply to:
  - (a) applications that have been remitted by the AAT for reconsideration;
  - (b) applications where the AAT has set aside a decision and substituted a new decision;
  - (c) applications where the criteria for 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;
  - (f) the Administrative Appeals Tribunal.
- (5) Subject to subsection 4(4) above, this Direction applies to nomination applications and visa applications made before, on or after the commencement of this Direction and which have not been finally determined.

## 5. Preamble

- (1) Australia's skilled visa programs are 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 met from the local labour market.
- (2) The order of priority for considering applications is specified in this Direction to ensure appropriate allocation of resources in considering and disposing of applications, and that certain cohorts of applications are given priority.
- (3) In relation to the visas mentioned in Schedule A, this Direction directs persons to which it applies with respect to the performance of functions and exercise of powers (under sections [51](#) or [91](#) of the Act) to consider and dispose of visa applications in the specified order of consideration.
- (4) Persons to whom this Direction applies are to give due regard to the priority processing directions set out below in [Part 2](#) of this Direction.

(5) This Direction does not change the composition of the skilled migration occupation lists. Applicants must meet the requirements set out in 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.

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

*Approved sponsor with Accredited Status* means a standard business sponsor awarded Accredited Status by the Department of Home Affairs.

*Designated Regional Area* has the same meaning as in regulation [1.15M](#) of the Regulations.

*Employer sponsored visa* - means a [Subclass 186 \(Employer Nomination Scheme\) visa](#), a [Subclass 187 \(Regional Sponsored Migration Scheme\) visa](#), a [Subclass 482 \(Temporary Skill Shortage\) visa](#), or a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#).

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

- a. ANZSCO Sub-major Group 25 - Health Professionals
- b. ANZSCO Minor Group 241 - School Teachers
- c. ANZSCO Minor Group 411 - Health and Welfare Support Workers
- d. ANZSCO Unit Group 1341 - Child Care Centre Managers
- e. ANZSCO Unit Group 2346 - Medical Scientists
- f. ANZSCO Unit Group 2721 - Counsellors
- g. ANZSCO Unit Group 2723 - Psychologists
- h. ANZSCO Unit Group 2725 - Social Workers
- i. ANZSCO Unit Group 3112 - Medical Technicians
- j. ANZSCO occupations:
  - i. 134311 - School Principal
  - ii. 421111 - Child Care Worker
  - iii. 423111 - Aged or Disabled Carer.
  - iv. 423312 - Nursing Support Worker
  - v. 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 in relation to an employer sponsored visa under regulations [2.73](#), [2.73B](#) or [5.19](#) of the Regulations.

**Primary criteria** means the visa criteria under [Schedule 2](#) to the Regulations for a particular visa subclass that are to be satisfied by the primary applicant.

**Regulations** means the [Migration Regulations 1994](#).

**Section 85 cap** means the maximum number of visas of a specified class that may be granted in a particular financial year, as specified by the Minister in a legislative instrument made under section [85](#) of the Act.

**Standard Business Sponsorship** means a person who is an [approved work sponsor](#); and is approved as a work sponsor in relation to the standard business sponsor class by the Minister under subsection [140E\(1\)](#) of the Act.

## **Part 2 - Directions**

### **7. Order for considering nomination applications for employer sponsored visas**

(1) Paragraphs 7(1)(a) to (d), set out the order of priority for considering nomination applications, with paragraph (a) being the highest priority and paragraph (d) being the lowest priority.

- (a) Nomination applications in relation to an occupation to be carried out in a designated regional area.
- (b) Nomination applications in relation to a healthcare or teaching occupation.
- (c) Nomination applications lodged by an Approved sponsor with Accredited Status.
- (d) All other nomination applications.

### **8. Order for considering visa applications for visa subclasses mentioned in Schedule A**

(1) Paragraphs 8(1)(a) to (e), set out the order of priority for considering visa applications, with paragraph (a) being the highest priority and paragraph (e) being the lowest priority.

- (a) For employer sponsored visas, visa applications in relation to an occupation to be carried out in a designated regional area;
- (b) Visa applications in relation to a healthcare or teaching occupation.
- (c) For employer sponsored visas, visa applications where the applicant is nominated by an Approved sponsor with Accredited Status.

- (d) For permanent and temporary visa subclasses, visa applications that count towards the migration program, excluding the [Subclass 188 \(Business Innovation and Investment \(Provisional\)\) visa](#).
- (e) All other visa applications.

## 9. If a section 85 cap applies

- (1) Applications for a visa may be affected by a section [85](#) cap that allows processing to be conducted but prevents the grant of visas beyond a specified number in a specified time period.
- (2) 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 the following visa subclasses:

- (a) Subclass 124 (Distinguished Talent) visa;
- (b) [Subclass 186 \(Employer Nomination Scheme\)](#) visa;
- (c) [Subclass 187 \(Regional Sponsored Migration Scheme\)](#) visa;
- (d) [Subclass 188 \(Business Innovation and Investment \(Provisional\)\)](#) visa;
- (e) [Subclass 189 \(Skilled - Independent\) \(Points-tested stream\)](#) visa;
- (f) [Subclass 190 \(Skilled - Nominated\)](#) visa;
- (g) [Subclass 191 \(Permanent Residence \(Skilled Regional\)\)](#) visa;
- (h) [Subclass 482 \(Temporary Skill Shortage\)](#) visa;
- (i) [Subclass 489 \(Skilled - Regional \(Provisional\)\)](#) visa;
- (j) [Subclass 491 \(Skilled Work Regional \(Provisional\)\)](#) visa;
- (k) [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\)](#) visa;
- (l) [Subclass 858 \(Global Talent\)](#) visa;
- (m) [Subclass 887 \(Skilled - Regional\)](#) visa;
- (n) [Subclass 888 \(Business Innovation and Investment \(Permanent\)\)](#) visa.