



Migration (IMMI 18/018: Visa Applications— Skills in Demand (Class GK)) Instrument 2018

made under subregulation 2.07(5) of the

Migration Regulations 1994

Compilation No. 1

Compilation date: 7 December 2024

Includes amendments: *Migration Amendment (Skills in Demand and Nil VAC) Instrument 2024 (F2024L01615)*

Prepared by the Department of Home Affairs

About this compilation

This compilation

This is a compilation of the *Migration (IMMI 18/018: Visa Applications—Skills in Demand (Class GK)) Instrument 2018* that shows the text of the law as amended and **in force on 7 December 2024 (the *compilation date*)**.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

| | |
|---|----------|
| Part 1—Preliminary | 1 |
| 1 Name | 1 |
| 3 Authority | 1 |
| 4 Definitions | 1 |
| Part 2—Approved Forms and Manner for application of Class GK visas | 2 |
| 5 Approved forms..... | 2 |
| 6 Manner in which applications must be made | 2 |
| 7 Application of LIN 24/097 | 3 |
| Endnotes | 4 |
| Endnote 1—About the endnotes..... | 4 |
| Endnote 2—Abbreviation key..... | 5 |
| Endnote 3—Legislation history..... | 6 |
| Endnote 4—Amendment history..... | 7 |

Part 1—Preliminary

1 Name

This instrument is the *Migration (IMMI 18/018: Visa Applications—Skills in Demand (Class GK)) Instrument 2018*.

3 Authority

This instrument is made under subregulation 2.07(5) of the *Migration Regulations 1994*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Regulations, including the following:

- (a) ***Internet application***; and
- (b) ***standard business sponsor***.

In this instrument:

Act means the *Migration Act 1958*.

Department means the Department of Home Affairs.

officer has the meaning given by subsection 5(1) of the Act.

Regulations means the *Migration Regulations 1994*.

unlawful non-citizen has the meaning given by section 14 of the Act.

Part 2—Approved Forms and Manner for application of Class GK visas

5 Approved forms

- (1) For the purposes of item 1240 of Schedule 1 to the Regulations, the following approved forms are specified for the purposes of applications made in
 - (a) for an applicant seeking to satisfy the primary criteria for a Subclass 482 (Skills in Demand) visa, or an applicant lodging a combined application with another applicant who is seeking to satisfy the primary criteria—approved Form 482V (Internet);
 - (b) for an applicant seeking to satisfy the secondary criteria for a Subclass 482 (Skills in Demand) visa who is not lodging a combined application with another applicant who is seeking to satisfy the primary criteria—approved Form 482D (Internet).
- (2) For the purposes of item 1240 of Schedule 1 to the Regulations, the following approved forms are specified for the purposes of applications made in accordance with subsection 6(3):
 - (a) for an applicant seeking to satisfy the primary criteria for a Subclass 482 (Skills in Demand) visa, or an applicant lodging a combined application with another applicant who is seeking to satisfy the primary criteria—approved Form 482V; and
 - (b) for an applicant seeking to satisfy the secondary criteria for a Subclass 482 (Skills in Demand) visa who is not lodging a combined application with another applicant who is seeking to satisfy the primary criteria—approved Form 482D.

6 Manner in which applications must be made

- (1) For the purposes of item 1240 of Schedule 1 to the Regulations, subsections (2) and (3) specify the manner in which an application must be made.
- (2) Subject to subsection (3), an application must be made as an Internet application, using one of the approved forms specified in subsection 5(1).
- (3) If subsection (4) or (5) applies, and if:
 - (a) an officer has sent an authorisation for a person (the applicant) to make an application in accordance with this subsection; and
 - (b) the authorisation in paragraph (a) is sent by an email from e482.Manual.Lodgement@homeaffairs.gov.au, then the applicant may instead make an application by:

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- (i) using approved Form 482V or approved Form 482D, as provided with the authorising email; and
 - (ii) emailing the completed application form to e482.Manual.Lodgement@homeaffairs.gov.au by the end of the day on which the authorisation was given (AEST or AEDST as applicable to the date on which the authorisation was given); and
 - (iii) including in the email, a copy of the authorising email sent by the Department and the name and position number of the officer who sent the authorising email.
- (4) This subsection applies if:
- (a) the Department has identified a problem with its Internet application systems; and
 - (b) as a result of the problem referred to in paragraph (a), the applicant is unable to make an Internet application; and
 - (c) electronic lodgement of the application is not prevented by the Act or the Regulations; and
 - (d) it is more likely than not that the problem will not be rectified by the end of the business day on which the problem is identified by the Department; and
 - (e) the applicant will become an unlawful non-citizen on, or before, the next business day.
- (5) This subsection applies if:
- (a) a problem is identified by the Department with the Department's systems that allow Internet applications to be made, and the applicant is unable to make an Internet application as a result of that problem; and
 - (b) the problem referred to in paragraph (a) is unable to be rectified by the Department; and
 - (c) electronic lodgement of the application is not prevented by the Act or the Regulations.

7 Application of LIN 24/097

The amendments of this instrument made by Schedule 1 to the *Migration Amendment (Skills in Demand and Nil VAC) Instrument 2024 (LIN 24/097)* apply in relation to an application for a visa made on or after the commencement of the *Migration Amendment (2024 Measures No. 1) Regulations 2024*.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

| | |
|---|---|
| ad = added or inserted | orig = original |
| am = amended | par = paragraph(s)/subparagraph(s) /sub-subparagraph(s) |
| amdt = amendment | pres = present |
| c = clause(s) | prev = previous |
| C[x] = Compilation No. x | (prev...) = previously |
| Ch = Chapter(s) | Pt = Part(s) |
| def = definition(s) | r = regulation(s)/rule(s) |
| Dict = Dictionary | reloc = relocated |
| disallowed = disallowed by Parliament | renum = renumbered |
| Div = Division(s) | rep = repealed |
| exp = expires/expired or ceases/ceased to have effect | rs = repealed and substituted |
| F = Federal Register of Legislation | s = section(s)/subsection(s) |
| gaz = gazette | Sch = Schedule(s) |
| LA = <i>Legislation Act 2003</i> | Sdiv = Subdivision(s) |
| LIA = <i>Legislative Instruments Act 2003</i> | SLI = Select Legislative Instrument |
| (md not incorp) = misdescribed amendment cannot be given effect | SR = Statutory Rules |
| mod = modified/modification | Sub-Ch = Sub-Chapter(s) |
| No. = Number(s) | SubPt = Subpart(s) |
| o = order(s) | <u>underlining</u> = whole or part not commenced or to be commenced |
| Ord = Ordinance | |

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
|---|----------------------------------|-----------------------|--|
| <i>Migration (IMMI 18/018: Visa Applications—Skills in Demand (Class GK)) Instrument 2018</i> | 16 March 2018 (F2018L00279) | 18 March 2018 (s 2) | |
| <i>Migration Amendment (Skills in Demand and Nil VAC) Instrument 2024</i> | 6 December 2024 (F2024L01615) | 7 December 2024 (s 2) | - |

Endnote 4—Amendment history

| Provision affected | How affected |
|---------------------------|---------------------|
| s 1 | rs F2024L01615 |
| s 2 | rep LA s 48D |
| s 5 | am F2024L01615 |
| s 6 | am F2024L01615 |
| s 7 | ad F2024L01615 |
