



Subclass 491 Skilled Work Regional (Provisional) Visa Eligibility and Important Information

Department of Home Affairs

To be eligible to apply for state nomination, you must meet the following requirements set out by the Department of Home Affairs. You must have:

- * not yet turned 45 years of age
- * nominated an occupation on the relevant [list of eligible skilled occupations](#)
- * a valid and positive [skills assessment](#) for your nominated occupation
- * at least '[Competent](#)' [English language proficiency](#)
- * at least 65 points on the Department of Home Affairs [points test](#).

Visit the [Department of Home Affairs](#) for more detailed information on these and other relevant requirements.

Please note that you must also meet the Tasmanian Government nomination requirements to be eligible for state nomination.

Migration Tasmania - important information

Meeting the minimum nomination requirements does **not** guarantee that you will be offered state nomination from the Tasmanian Government. The Department of Home Affairs sets a nomination quota for the state each year, which limits the number of applicants that can be nominated.

If you are able to meet the minimum nomination requirements, your application will be competitively assessed against other eligible applications, with a focus on your ability to address a number of criteria, including:

- *the demand for your particular skills and expertise, and your prospects for finding skilled employment in Tasmania*
- *your demonstrated ability and commitment to establishing yourself, and any dependents, in Tasmania with a view to your prospects for long-term settlement in the state*
- *the relevance of your qualifications, skills, experience and capabilities - to the needs of Tasmania's labour market*
- *the skills and background of dependent family members*
- *your level of English language competency*

Applicants who have skills in areas of particular need or are engaged in critical areas of the Tasmanian economy will be held in high regard, particularly if living in an area outside of Greater Hobart. See the [Tasmanian Skilled Nomination Program Factsheet](#) for details.

Multiple Nominations

Applicants nominated for a Subclass 491 Skilled Work Regional (Provisional) visa will not be able reapply for a Subclass 190 in the future. The Subclass 491 visa provides a pathway to permanent residency by way of a Subclass 191 visa. Previous state nominees supported for a Subclass 489 visa will need to follow the pathway to permanent residency by way of the Subclass 887 visa.

High Calibre subclass 491 category applicants may be considered for subclass 190 nomination

We will consider applicants who have applied for nomination in any of the subclass 491 categories for subclass 190 nomination if they can demonstrate that they are a “high calibre” candidate, even if they do not meet the subclass 190 category requirements. Applicants who believe they warrant consideration as high calibre candidates should supply a written submission included in the Commitment Letter of their application outlining their reason(s) for their request.

Positive attributes include:

- *Employment in highly skilled, specialist positions (normally ANZSCO 1 or 2)*
- *Rare/unique skills in high demand*
- *Specialist health/allied health skills and employment (in a health related setting)*
- *Recent graduate of a TSOL related occupation, with prior skills/experience and can demonstrate strong employment opportunities*
- *Employment directly related to nominated occupation, with highly reputable, well known company*
- *Employed in skilled area of high demand, having lived in Tas for 2 years or more*
- *Extensive residence in Tas (over 3 years) with solid and ongoing skilled employment*

Possessing any or all of these does not guarantee we will agree to subclass 190 nomination.

Important note: please DO NOT email to enquire eligibility as a ‘high calibre’ calibre applicant – we will not make an assessment before receiving your application. Select both 491 and 190 on your Skillselect EOI and include your request to also be considered for subclass 190 in your Commitment Statement.

Bridging Visa holders seeking AAT/Federal Court Review

Migration Tasmania will accept applications from candidates seeking review of a visa refusal or cancellation decision at the Administrative Appeals Tribunal or Australian Federal Court. Please refer to the Home Affairs announcements and updates.

Do you currently have any outstanding financial debts from the Tasmanian Government?

If you or any family members (including those who don't apply for nomination with you) owe fees to Tasmanian Government agencies (including education or health), the debt must be paid or payment arrangements undertaken.

Subclass 491

Tasmanian Graduate requirements

To be considered for this category you must meet all the following criteria:

If you commenced your last course of study in Tasmania before 30 June 2021

- You must have completed and graduated from a [CRICOS registered tertiary institution in Tasmania](#). The course undertaken:
 - must be a degree (bachelor or any higher degree), a diploma (standard, advanced, associate or graduate) or a trade qualification (minimum Cert III level for a skilled occupation in Major Group 3 in ANZSCO)
 - must have a minimum duration of one academic year (40 weeks)
 - must be full time and on-site in Tasmania
- You must have lived in the state for at least 1 year and during your period of study prior to applying for visa state nomination
- You and your dependents must currently be living in Tasmania and able to provide evidence of your genuine ongoing commitment to remain in Tasmania
- If you are not currently in skilled employment you must provide a [career plan](#) that explains how your studies have increased your ability to find skilled work in Tasmania. This may include areas unrelated to your Tasmanian study

Employment is not a minimum requirement for this category of nomination. However, evidence of employment or business operation will be taken into consideration in our assessment where:

- *the employer is well established and has been operating in Tasmania for at least 12 months*
- *the employment has been more than 3 months in duration*
- *where candidates have been employed in the dairy, meat, accommodation, logistics or farming industry for at least the previous 6 months prior to lodging their application for nomination, they should have completed relevant industry training of at least Cert III (or equivalent training provided by industry peak bodies)*

OR

If you commenced your last course of study in Tasmania after 30 June 2021

- You must have completed a course of study and obtained a letter of completion from a tertiary institution in Tasmania registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)
- Your course of study must be listed on CRICOS with a duration of at least 40 weeks and must have been completed full time and on-site in Tasmania You must have lived in Tasmania for least one year from the commencement of your course and for the duration of your studies
- You and your dependents must be currently living in Tasmania and can provide evidence of your ongoing genuine commitment
- If you are not currently in skilled employment you must provide a [career plan](#) that explains how your studies have increased your ability to find skilled work in Tasmania. This may include areas unrelated to your Tasmanian study
- Your study does not need to be related to your nominated occupation, however a relevant skills assessment will be highly regarded
- **If you held a Student visa (subclass 500)** when you completed your last course of study in Tasmania, the study must be:
 - a degree (bachelor, masters or any higher degree), or a diploma (standard, advanced, associate or graduate); **or**
 - a qualification directly related to a [Priority Industry Training and Workforce Development Area](#) current at the time you commenced study) at the minimum qualification level specified for that area.

- **If you held a visa that was NOT a Student visa (subclass 500)** at the time you completed your last course of study in Tasmania, the study *MUST* be directly related to a [Priority Industry Training and Workforce Development Area](#) (current at the time you commenced study) at the minimum qualification level specified for that area.

Employment is not a minimum requirement for this category of nomination. However, evidence of employment or business operation will be taken into consideration in our assessment where:

- *the employer is well established and has been operating in Tasmania for at least 12 months*
- *the employment has been more than 3 months in duration*
- *where candidates have been employed in the dairy, meat, accommodation, logistics or farming industry for at least the previous 6 months prior to lodging their application for nomination, they should have completed relevant industry training of at least Cert III (or equivalent training provided by industry peak bodies)*

More specific guidance can be found on our [International Student Graduates](#) page.

Please note: only one course of study leading to one qualification may be included, unless it is part of an articulated pathway or packaged course, eg. a 2 year Certificate III – IV Commercial Cookery Pathway.

Flexible requirements for visa state nomination applicants affected by COVID-19 restrictions - please refer to this [link](#).

Subclass 491

Working in Tasmania requirements

To be considered for this category you must meet all the following criteria:

- you must have been working in Tasmania for 6 months immediately prior to your application for state nomination. You do not have to be working in your nominated occupation.
- if you have a skills assessment and related employment in an occupation listed on the [Tasmanian Skilled Occupations List \(TSOL\)](#) – you may be eligible for nomination after 3 months of employment (please note that applicants must have the English Proficiency listed on TSOL, but not those listed in “Other requirements and notes”)
- your employment needs to be at least 35 hours per week, *(20 hours per week when completing industry specific training for [ANZSCO skill level 4 or 5](#) positions)* in one full-time job or in two or more part-time jobs and you are able to provide evidence of your employment claims (see Document Checklist) and fill a genuine, ongoing skill shortage in Tasmania
- you and your dependents must currently be living in Tasmania and provide evidence of genuine commitment to continue to live in Tasmania
- your employer must have a **well-established business*** that has been actively operating in Tasmania for the past 12 months
- **there must be a genuine, ongoing need for your position within the business (including a minimum 12 month contract with at least 3 months remaining at the time you apply for nomination). The contract may be casual, but must comply with the Fair Work Ombudsman’s [National Employment Standards](#)**
- your wages and conditions must be no less favourable than those that would apply to an Australian citizen or permanent resident, and salary or wages are equivalent to the market salary rate (see the Document Checklist).
- Employment in positions classified at [ANZSCO skill level 4 or 5](#) will not be eligible for the purposes of state nomination unless:
 - the employment is ongoing, for at least 6 months beyond the application date

- you have reasonable career development prospects in the industry (demonstrated through genuine and realistic opportunities available in the industry, or through completion of **industry specific training**** while working with your employer)
- it is located at least 50km from a population centre of more than 5000[^] people (detailed below), in a position for which there is a genuine and demonstrated severe labour recruitment difficulty^{^^}, unless
- it is associated with aged care and individual support (Unit Group 4233 Nursing Support and Personal Care Workers) (relevant qualifications of at least Certificate III required), or
- the position involves specialist qualifications or experience* that are not available in the local community, and
- evidence of prior related employment experience and/or qualifications are provided
- you are engaged in / have completed a course of relevant, industry-specific training while working with your employer*

**** A well-established business** actively operating in Tasmania would normally be expected to have:

- permanent business signage;
- active/ongoing online presence, advertising and marketing;
- a Tasmanian address as a registered business location;
- a local landline contact number;
- an ongoing office space (not a residential address or a corporate/co-shared/casual/virtual office rental); and
- a permanent representation of employees at the stated business location.

**** Industry specific training** must be a minimum Certificate III, or equivalent training provided by an industry peak body. Employment must be minimum 20 hours per week during training periods

^ Areas with a population centre of more than 5000 people:

- ~ Hobart (Including Hobart, Glenorchy, Kingston, Clarence, Brighton LGA areas)
- ~ Huonville - Franklin
- ~ Launceston
- ~ Devonport - Latrobe - Port Sorell
- ~ Burnie - Somerset - Wynyard
- ~ Ulverstone - Penguin
- ~ New Norfolk
- ~ Wynyard
- ~ Sorell - Richmond
- ~ Dodges Ferry - Lewisham
- ~ Brighton
- ~ George Town

Employment located less than 50km from a population centre of more than 5000 people may be considered if there is a severe recruitment difficulty for skills, qualifications or experience which are not readily available in the local community. Evidence of this difficulty must be demonstrated by the employer, and employment must reasonably lead to a skilled role in the future.

^^ severe labour recruitment difficulty and specialist skills/qualifications must be demonstrated through documentary supporting evidence such as industry workforce development plans, ongoing recruitment activity reports, government or independent research publications. For more information, refer to the Document Checklist and the detailed guidance factsheet.

Please note:

- Internships (unless paid professional internships undertaken for registration purposes), stipends, scholarships and volunteer positions are not considered employment for the purpose of this category.
- Sole traders/subcontractors may be eligible for nomination under Category 5 - Small Business Owner.
- There are areas of employment in Tasmania that are not supported for nomination under the 'Working in Tasmania' category. This includes employment relating to:

- supermarkets
- service stations
- limited service restaurants***
- massage clinics
- taxi/uber driving
- sub-contracted cleaning, business maintenance or security work
 - *** A limited service restaurant includes the following:
 - fast food or takeaway food services
 - fast casual restaurants that do not offer full table service
 - drinking establishments that offer only a limited food service
 - limited service cafes including, but not limited to coffee shops or mall cafés
 - limited service pizza restaurants

A fact sheet for employers regarding the information they may need to provide in support of their employee seeking nomination is [HERE](#)

Subclass 491

Overseas Applicant (TSOL) requirements – by Invitation ONLY

To be considered for this category you must meet all the following criteria:

- your nominated occupation *should** be listed on the [Tasmanian Skilled Occupation List \(TSOL\)](#)
- you, or any of your dependents have not lived in another Australian state or territory within the last twelve months
- you have achieved the **English requirement** specified on the TSOL for your nominated occupation in a [recognised English language test](#) or hold a passport of the UK, Ireland, the USA, Canada or New Zealand
- you have read and meet the '**other requirements and notes column**' specified on the TSOL for your nominated occupation
- you have access to sufficient financial assets to fund your migration and settlement in Tasmania for at least 6 months while you seek employment
- you have researched the Tasmanian labour market, have been invited to seek nomination, and unless your occupation is listed as “High Demand” in the TSOL, provide evidence that there are sufficient employment opportunities in Tasmania or that you have reasonable prospects for employment related to your occupation (see Document Checklist – Employability for more guidance)
- if your occupation is listed as “High Demand” and you meet the specified requirements, employability evidence is not required.

***'OFF LIST' Nominations (for occupations not listed on TSOL)**

From time to time in response to industry demand, Migration Tasmania may invite and nominate candidates who do not have an occupation listed on TSOL.

Candidates with a non TSOL occupation may lodge an EOI for Tasmanian nomination, however there is no guarantee they will be invited to apply.

The Category 3A Application Process

You cannot apply for nomination in this category before being invited by Migration Tasmania. Follow these steps:

1. Read the nomination requirements for Category 3A: Overseas applicant (TSOL).

2. If you believe you can meet the requirements, create an expression of interest (EOI) in SkillSelect. Choose Tasmania as your state of interest. Candidates who select other states (or all) may not be invited to apply for nomination.
3. Migration Tasmania will periodically review EOIs and contact the most promising candidates and invite them to apply for nomination through SkillSelect.
4. **If you are invited to apply** for nomination, complete your [application for nomination](#) on this website within 60 days. Attach a copy of the email invitation you received from SkillSelect. If you do not attach your invitation you will be refused nomination.

Please note: Migration Tasmania will only review EOIs that have been created or updated in the previous 6 months.

Subclass 491

Overseas Applicant (Job Offer) requirements

To be considered for this category you must meet all the following criteria:

- have received a formal job offer for a job that is based in Tasmania that is in your nominated occupation
- if the job offer is in an area related to the [TSOL](#) you must have a Skills Assessment in that area and should meet the additional English and registration/experience requirements listed for that occupation on the TSOL
- you, or any of your dependents have not lived in another Australian state or territory within the last 12 months
- your employer must have a well-established business that has been actively operating in Tasmania for the past 12 months
- your wages and conditions must be no less favourable than those that would apply to an Australian citizen or permanent resident, and salary or wages are equivalent to the market salary rate (refer to the Document Checklist - Category 3B related evidence requirements).
- there is a genuine and ongoing need for your position within the business and the capacity for the business to sustain your employment

Subclass 491

Family in Tasmania requirements

To be considered for this category you must meet all the following criteria:

- has been an Australian Permanent Resident or an Australian Citizen for a minimum of 12 months prior to the lodgement of your application
- is currently residing in Tasmania and has been for a minimum of 12 months
- is a parent, brother, sister, child, aunt, uncle, or grandparent
- agrees to support and assist you in the process of gaining employment in Tasmania upon your arrival in Tasmania

Please note: relationships by marriage, such as sister-in-law or brother-in-law, are not acceptable for this category. You (the applicant) must hold the direct relationship with the sponsoring family member.

Applicants currently living in Tasmania should consider other available nomination categories.

Subclass 491

Small Business Owner requirements

To be considered for this category you must meet all the following criteria:

- demonstrate that you have established and operated your business (solely owned) in Tasmania for at least 6 months
 - demonstrate that the business is highly likely able to give you a personal income that would meet the minimum taxable income requirement set by Home Affairs for the subclass 191 Permanent Residence (Skilled Regional) visa. Currently, that is AU\$53,900 per year for at least 3 years in the next 5 years
 - show that you have an understanding of the responsibilities and requirements around treating employees fairly by completing key units on the Fair Work Ombudsman's [online learning centre](#) (see the Document Checklist - Category 5 Small Business Owner information).
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All applicants must provide a [comprehensive business plan](#) with:

- evidence of thorough research into, and understanding of, the target market
- research and understanding of relevant industry conditions, licensing and/or registration requirements for the business in Tasmania
- realistic market opportunities for the proposed business in Tasmania, particularly where the business would be competing with other similar existing businesses already established in Tasmania.

Additional considerations include the applicant's prior business ownership or business management experience and also the nature of the business and its long-term benefit to Tasmania.

**** Franchise and part-owned or passive business investments are not acceptable under this category.**

**** Service stations, massage clinics and taxi/uber related businesses are not supported under this category.**

Other helpful websites include:

- ▶ [Business Tasmania](#) for information about establishing and running a business in Tasmania
- ▶ [Small Business Showcase](#) – a set of resources in a single easy to access and navigate hub to help small business employers understand their workplace rights and obligations
- ▶ The [Fair Work Ombudsman](#) also publishes useful information to assist small business owners
- ▶ [Fair Work handbook](#) – a useful reference guide that summarises your responsibilities under the Fair Work Act 2009, the National Employment Standards, awards, enterprise agreements and other registered agreements.