

Migration Regulations 1994

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Schedule 1—Classes of visa

Part 1—Permanent visas

Item 1137 Skilled—Independent (Permanent) (Class SI)

(1) Form: The approved form specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

Points-tested stream

(2) Subitems (3) to (4C) set out the requirements for:

(a) an applicant (a *primary Points-tested applicant*) seeking to satisfy the primary criteria for the grant of a Subclass 189 (Skilled—Independent) visa in the Points-tested stream; or

(b) an applicant (a *secondary applicant*) seeking to satisfy the secondary criteria for the grant of a Subclass 189 (Skilled—Independent) visa, whose application is:

(i) combined with the application of a primary Points-tested applicant; or

(ii) sought to be combined with such an application before a decision is made in relation to that application.

Note: A member of the family unit of a primary Points-tested applicant may apply for the grant of a Subclass 189 (Skilled—Independent) visa, seeking to satisfy the secondary criteria. However, the application by the member of the family unit must be made before a decision is made in relation to the application by the primary Points-tested applicant.

(3) Visa application charge—first instalment (**payable at the time the application is made**):

First instalment—Visas in the Points-tested stream etc.		
Item	Component	Amount
1	Base application charge	\$3 670
2	Additional applicant charge for an applicant who is at least 18	\$1 835
3	Additional applicant charge for an applicant who is less than 18	\$920

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and

non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(4) Visa application charge—second instalment (**payable before grant of visa**):

Second instalment—Visas in the Points-tested stream etc.		
Item	Applicant	Amount
1	Applicant who: (a) was at least 18 at the time of application; and (b) is assessed as not having functional English	\$4,885
2	Any other applicant	Nil

(4A) Other:

(a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

(b) An applicant may be in or outside Australia, but not in immigration clearance.

(c) An applicant in Australia must hold:

(i) a substantive visa; or

(ii) a Subclass 010 Bridging A visa; or

(iii) a Subclass 020 Bridging B visa; or

(iv) a Subclass 030 Bridging C visa.

(d) An application by a secondary applicant may be made at the same time, and combined with, an application by a primary Points-tested applicant.

(4B) A primary Points-tested applicant must meet the further requirements in the table.

Item	Further requirements—Visas in the Points-tested stream
1	The applicant must have been invited, in writing, by the Minister to apply for a Subclass 189 (Skilled—Independent) visa
2	The applicant must apply for that visa within the period stated in the invitation
3	The applicant must not have turned 45 at the time of invitation to apply for the visa
4	The applicant must nominate a skilled occupation: (a) that is specified by the Minister, in an instrument under subitem (4C), as a skilled occupation at the time of invitation to apply for the visa; and (b) that is specified in the invitation as the skilled occupation which the applicant may nominate; and (c) for which the applicant declares in the application that the applicant's skills have been assessed as suitable by the relevant assessing authority and that the assessment is not for a Subclass 485 (Temporary Graduate) visa
5	The applicant must not nominate the New Zealand stream

(4C) The Minister may, by legislative instrument, specify skilled occupations for the purposes of item 4 of the table in subitem (4B).

New Zealand stream

(4D) Subitems (4E) to (4G) set out the requirements for:

(a) an applicant (a **primary NZ applicant**) seeking to satisfy the primary criteria for the grant of a Subclass 189 (Skilled—Independent) visa in the New Zealand stream; or

(b) an applicant (a **secondary applicant**) seeking to satisfy the secondary criteria for the grant of a Subclass 189 (Skilled—Independent) visa, whose application is:

(i) combined with the application of a primary NZ applicant; or

(ii) sought to be combined with such an application before a decision is made in relation to that application.

Note: A member of the family unit of a primary NZ applicant may apply for the grant of a Subclass 189 (Skilled—Independent) visa, seeking to satisfy the secondary criteria. However, the application by the member of the family unit must be made before a decision is made in relation to the application by the primary NZ applicant.

(4E) Visa application charge—first instalment (payable at the time the application is made):

First instalment—Visas in the New Zealand stream etc.		
Item	Component	Amount
1	Base application charge	\$734
2	Additional applicant charge for an applicant who is at least 18	\$367
3	Additional applicant charge for an applicant who is less than 18	\$184

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

(4F) Visa application charge—second instalment (payable before grant of visa):

Second instalment—Visas in the New Zealand stream etc.		
Item	Applicant	Amount
1	Applicant who satisfies the primary criteria	\$2 936
2	Applicant who was at least 18 at the time of the application, and satisfies the secondary criteria	\$1 468
3	Applicant who was under 18 at the time of the application, and satisfies the secondary criteria	\$736

(4G) Other:

(a) An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for this item under subregulation 2.07(5).

(b) The applicant must not nominate the Points-tested stream.

(c) A primary NZ applicant must hold a Subclass 444 (Special Category) visa.

(d) A secondary applicant in Australia must hold:

(i) a substantive visa; or

(ii) a Subclass 010 Bridging A visa; or

(iii) a Subclass 020 Bridging B visa; or

(iv) a Subclass 030 Bridging C visa.

(e) An application by a secondary applicant may be made at the same time, and combined with, an application by a primary NZ applicant.

Subclasses

(5) Subclasses:

Subclass 189 (Skilled—Independent)