



**Hammond Taylor** a migration law firm

# Permanent Visa Pathways Medical Professionals

# Visa Update

There have been significant changes in the Australian immigration system affecting overseas doctors, and the hospitals and clinics employing them, over the last 2 ½ years. The key changes include:

1. Imposition of the [Skilling Australians Fund \(SAF\)](#) levy on employers for both Subclass 482 – Temporary Skill Shortage (TSS) visas and the Subclass 186 & 187 – Employer Nominated permanent visas
2. Reduction of the age limit for the 186 & 187 visas to 45 unless exemptions apply
3. Requirement to advertise or Labour Market Test for General Medical Practitioner and Medical Professionals nec ANZSCO classifications
4. Substantial reduction in places available under the Skilled Migration visa program pushing up the points score required to 80 or 85, making it difficult for doctors to apply independently
5. Introduction of the Health Workforce Certificate
6. Removal of the Subclass 187 – Regional Sponsored Migration Scheme permanent visa and introduction of the Subclass 494 – Skilled Employer Sponsored provisional to permanent pathway visa from November 2019

## Permanent/Provisional Visa Options

As of November 2019, the following permanent or provisional (leading to permanent) visas will be available to doctors:

- Subclass 189 & 190 – Skilled Independent & State Nominated Skilled permanent visas
- Subclass 491 – Skilled Work Regional provisional visa (replacing the Subclass 489 visa)
- Subclass 186 – Employer Nomination Scheme permanent visa
- Subclass 494 – Skilled Employer Sponsored provisional visa
- Subclass 187 – Regional Sponsored Migration Scheme visa (transitional only)

The definition of regional area for the purpose of the 491 and 494 visas will be anywhere outside of the Sydney, Melbourne, Brisbane, Gold Coast and Perth metropolitan areas.

## The Points Test

The points test applies to the Subclass 491, 189 and 190 visas. Historically, many doctors applied for the 189 visa, however, presently only applicants with 85 points or more are being invited. As an example, to achieve 85 points, an overseas doctor would need to:

- Be between the age of 33 – 39;
- Have near native English language skills (ie. 8 each on an IELTS English test);
- Have 3 years' experience in Australia and 5+ years' experience overseas;
- Have passed a translator's test or have a spouse with qualifications and good English.

While theoretically possible, practically it is very difficult to achieve this target.

Where States/Territories support the nomination of medical professionals for the 491 and 190 visas, the points score required drops to 65. This threshold should be relatively easy to obtain for doctors under the age of 39. The options for nomination vary significantly between states. General or specialist registration is required for these visas.

The key features of those visas as they relate to doctors are as follows:

189 & 190 Visa	491 Visa			
<ul style="list-style-type: none"> <li>• Must have general (not provisional, limited, or supervised) or specialist AHPRA registration</li> <li>• For 190 visa, must be nominated by a State/Territory government to live anywhere in Australia</li> <li>• Points test</li> <li>• Age limit of 45</li> <li>• No employer sponsorship or SAF levy</li> <li>• Receive unrestricted permanent residence visa</li> </ul>	<ul style="list-style-type: none"> <li>• Must have general (not provisional, limited, or supervised) or specialist AHPRA registration</li> <li>• Must be nominated by a State/Territory government to live and work in a regional area</li> <li>• Points test</li> <li>• Age limit of 45</li> <li>• No employer sponsorship or SAF levy</li> <li>• Receive 5-year provisional visa with a condition to only live, work and study in a regional area</li> <li>• Receive 5-year provisional visa with a condition to only live and work in a regional area and option to apply for permanent residence after 3 years</li> </ul>	186 Visa	187 Visa	494 Visa
<ul style="list-style-type: none"> <li>• Must have limited, general or specialist AHPRA registration</li> <li>• Must be nominated by employer</li> <li>• SAF levy</li> <li>• No Labour Market Testing</li> <li>• Age limit of 45, exemptions apply (see below)</li> <li>• Receive unrestricted permanent residence visa</li> </ul>	<ul style="list-style-type: none"> <li>• Available until 16 November except for 'transitional' cohort (persons who had applied for or held 457 visa as at 18 April 2017 or persons who held or applied for 482 visa in the MLTSSL stream as at 20 March 2019)</li> <li>• Must have limited, general or specialist AHPRA registration</li> <li>• Must be nominated by employer</li> <li>• SAF levy</li> <li>• Labour Market Testing may be required</li> <li>• Age limit of 45, exemptions apply (see below)</li> <li>• Receive permanent residence visa, which may be cancelled if the employee ceases employment within the first 2 years after visa grant</li> </ul>	<ul style="list-style-type: none"> <li>• Must have general or specialist registration. Not clear whether limited registration will be acceptable</li> <li>• Must be sponsored by employer</li> <li>• Labour Market Testing for all occupations</li> <li>• Age limit of 45 (no exemptions announced at present)</li> <li>• SAF levy</li> <li>• Receive 5-year provisional visa with a condition to only live, work for the sponsor and in the nominated occupation and study in a regional area and option to apply for permanent residence after 3 years</li> </ul>		

## Exemptions to the Age Limit

The maximum age for the above visas is currently 45. An applicant would cease to be eligible for these visas on their 45th birthday. Age exemptions apply in the following scenarios relevant to doctors:

- For doctors who held a 457 visa as at 18 April 2017 and applying for the 186/187 visa under the Temporary Residence Transition stream before March 2022, the age cut off is 50;
- For doctors who are transitioning from a 457/482 visa and applying for the 186/187 visa under the Temporary Residence Transition stream and have received a salary above the Fair Work High Income Threshold (currently \$148,700) for a period of 3 years, there is no age limit;
- For doctors who are transitioning from a 457/482 visa and applying for the 186/187 visa under the Temporary Residence Transition stream and have worked in a regional area for at least 2 of the last 3 years, there is no age limit.

## Health Workforce Certificate

Health Workforce Certificates (HWC) are currently required for the 482, 186 and 187 visas for the following occupations:

- General Practitioner (ANZSCO 253111)
- Resident Medical Officer (ANZSCO 253112)
- Medical Practitioners not elsewhere classified (ANZSCO 253999).

It is a requirement for the application that a positive HWC be available at time of application.

Positions based in clinics in Modified Monash Model Zone 1-2 are subject to assessment based on new Department of Health planning tool, 'Health Demand and Supply Utilisation Patterns Planning (HeadSUPP)'. The data supporting this tool is not currently available publicly. Outcomes will depend on assessment.

The following positions will receive an expedited response:

- Positions located in rural, remote and regional areas of Australia (as defined by the Modified Monash Model e.g. MM categories 3-7);
- Positions where Australian trained doctors require a visa;
- Doctors seeking an extension of their existing working arrangements in the same position, same location with the same employer; and
- Positions nominated for filling by an OTD at an Aboriginal Medical Service (AMS).
- Hospital based generalist positions

We expect that the requirement will extend to the 494 visa, once introduced.

## About Hammond Taylor

Hammond Taylor is a law firm specialising in immigration law and employer sponsored visa applications. We assist private and public health services providers throughout regional Australia. Please contact us for a discussion about visa applications, immigration strategy and compliance.

*The above is a summary only and should not be treated as legal advice. You should seek personalised advice before acting on the above information.*

## Further Information

For further information on how we can assist you to manage your visa requirements contact Hammond Taylor Managing Partner, James Hammond by phone on (03) 9044 9265 or by email at [j.hammond@hammondttaylor.com.au](mailto:j.hammond@hammondttaylor.com.au)

**Hammond Taylor**  
Ground Floor, 268 Rosslyn St,  
West Melbourne, VIC 3003

(03) 9044 9265  
[hello@hammondttaylor.com.au](mailto:hello@hammondttaylor.com.au)  
[hammondttaylor.com.au](http://hammondttaylor.com.au)