



Commonwealth of Australia

Migration Regulations 1994

CLASSES OF PERSONS (EXEMPT FROM THE SKILL CRITERIA)

(Subclause 186.234(3) and Paragraph 187.234(a))

I, *CHRIS BOWEN*, Minister for Immigration and Citizenship, acting under subclause 186.234(3) and paragraph 187.234(a) of the *Migration Regulations 1994* ('the Regulations'):

1. SPECIFY the following class of persons for the purposes of subclause 186.234(3) of the Regulations:

Class 1

Persons who are employed in certain occupations as follows:

- Ministers of Religion (**ANZSCO** 272211) who have applied for a visa under the Regulations to occupy a position as nominated by a *religious institution*;
- Researchers, scientists and technical specialists at ANZSCO skill levels 1 or 2, who have applied for a visa under the Regulations to occupy a position as nominated by Australian government agencies;
- Academics who have applied for a visa under the Regulations to occupy a position as nominated by a university in Australia. An academic is a person to be employed at an Academic Level of A, B, C, D or E as a University Tutor (ANZSCO: 242112), University Lecturer (ANZSCO: 242111) or Faculty Head (ANZSCO: 134411).

2. SPECIFY the following classes of persons for the purposes of subclause 186.234(3) and paragraph 187.234(a) of the Regulations:

Class 2

Persons who are nominated for a visa under the Regulations for a position where their nominated *earnings* will be at least equivalent to the current Australian Tax Office top individual income tax rate.

Class 3

Persons who are currently in Australia as the holder of a subclass 444 or 461 visa and have been working with their nominating employer in their nominated occupation for at least two years (excluding any periods of unpaid leave) in the last three years immediately before making their visa application.

This Instrument, IMMI 12/060, commences on 1 July 2012, immediately after the commencement of *Migration Amendment Regulation 2012 (No. 2)*.

Dated 12 June 2012

Chris Bowen
Minister for Immigration and Citizenship

- [NOTE 1: Subclause 186.234(3) of the Regulations and paragraph 187.234(a) of the Regulations provide that, at the time of the application, the applicant was a person in a class of persons specified by the Minister in an instrument in writing.
- NOTE 2: ANZSCO means the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics and as current on 1 July 2010.
- NOTE 3: Regulation 1.03 of the Regulations defines **religious institution** as a body that, the activities of which, reflect that it is a body instituted for the promotion of a religious object; and the beliefs and practices of the members of which constitute a religion due to those members believing in a supernatural being, thing or principle and accepting the canons of conduct that give effect to that belief, but that do not offend against the ordinary laws; and that meets the requirements of section 50-50 of the *Income Tax Assessment Act 1997*; and the income of which is exempt from income tax under section 50-1 of that Act.
- NOTE 4: Subregulation 2.57A(1) of the Regulations defines **earnings** to include the person's wages, and amounts applied or dealt with in any way on the person's behalf or as the person directs, and the agreed money value of non-monetary benefits.]