



**Commonwealth of Australia**

*Migration Regulations 1994*

**CLASSES OF PERSONS (EXEMPT FROM THE AGE CRITERIA)**

(Paragraphs 186.221(b), 186.231(b), 187.221(b), 187.231(b))

I, *CHRIS BOWEN*, Minister for Immigration and Citizenship, acting under paragraphs 186.221(b), 186.231(b), 187.221(b) and 187.231(b) of the *Migration Regulations 1994* ('the Regulations'):

1. SPECIFY the following classes of persons for the purposes of paragraphs 186.221(b), 186.231(b), 187.221(b) and 187.231(b) of the Regulations:

**Class 1**

Persons who are employed in certain occupations and industries 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;
- Senior academics who have applied for a visa under the Regulations to occupy a position as nominated by a university in Australia. A senior academic is a person to be employed at an Academic Level of B, C, D or E as a University Lecturer (*ANZSCO*: 242111) or Faculty head (*ANZSCO*: 134411).

2. SPECIFY the following classes of persons for the purposes of paragraphs 186.221(b) and 187.221(b):

**Class 2**

Persons:

- who have been working for their nominating employer as the holder of a Subclass 457 visa for at least the four years immediately before applying; and
- whose annual *earnings* for each year in the four year period was at least equivalent to the *Fair Work High Income Threshold*.

This Instrument, IMMI 12/058, 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: Paragraphs 186.221(b), 186.231(b), 187.221(b), and 187.231(b) 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) 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.
- NOTE 5: Information relating to the **Fair Work High Income Threshold** can be found at [www.fairwork.gov.au](http://www.fairwork.gov.au).]