

Migration (LIN 19/210: Pool and Pass Marks for General Skilled Migration Visas) Instrument 2019

I, David Coleman, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, make the following instrument.

Dated 29 October 2019

David Coleman

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

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1 Name

(1) This instrument is the *Migration (LIN 19/210: Pool and Pass Marks for General Skilled Migration Visas) Instrument 2019*.

(2) This instrument may be cited as LIN 19/210.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | At the same time as Schedule 1 to the *Migration Amendment (New Skilled Regional Visas) Regulations 2019* commences. | 16 November 2019 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsections 96(1) and (2) of the *Migration Act 1958*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

In this instrument:

***Act*** means the *Migration Act 1958*.

***invitation***, in relation to an application for a class of visa, means an invitation by the Minister to apply for that class of visa.

6 Pool and pass marks—applications made on or after 16 November 2019

(1) This section applies in relation to a class of visas to which both of the following paragraphs apply:

(a) the visas are of any of the following subclasses:

(i) Subclass 189 (Skilled—Independent) visa;

(ii) Subclass 190 (Skilled—Nominated) visa;

(iii) Subclass 491 (Skilled Work Regional (Provisional)) visa;

(b) the applications for the visas are made on or after 16 November 2019.

(2) For the purposes of the Act and the regulations:

(a) the pool mark in relation to the class of visas; and

(b) the pass mark in relation to the applications;

is 65 points.

7 Pool and pass marks—applications made before 16 November 2019

(1) This section applies in relation to a class of visas to which all of the following paragraphs apply:

(a) the visas are of a subclass mentioned in column 1 of an item of the table in subsection (3);

(b) the requirements specified in column 2 of the item are met;

(c) the applications for the visas were made before 16 November 2019.

(2) For the purposes of the Act and the regulations:

(a) the pool mark in relation to the class of visas; and

(b) the pass mark in relation to the applications;

is the mark specified in column 3 of the item.

(3) The following is the table:

| Pool and pass marks | | | |
| --- | --- | --- | --- |
| Item | Column 1  Visas | Column 2  Requirements | Column 3  Pool and pass marks |
| 1 | (a) Subclass 189 (Skilled—Independent) visa; or  (b) Subclass 190 (Skilled—Nominated) visa; or  (c) Subclass 489 (Skilled—Regional (Provisional)) visa | the applications for the visas were made:  (a) on or after 1 July 2018; and  (b) in response to invitations given by the Minister on or after 1 July 2018 | 65 points |
| 2 | (a) Subclass 189 (Skilled—Independent) visa; or  (b) Subclass 190 (Skilled—Nominated) visa; or  (c) Subclass 489 (Skilled—Regional (Provisional)) visa | the applications for the visas were made in response to invitations given by the Minister before 1 July 2018 | 60 points |
| 3 | (a) Subclass 175 (Skilled—Independent) visa; or  (b) Subclass 176 (Skilled—Sponsored) visa; or  (c) Subclass 475 (Skilled—Regional Sponsored) visa; or  (d) Subclass 487 (Skilled—Regional Sponsored) visa; or  (e) Subclass 885 (Skilled—Independent) visa; or  (f) Subclass 886 (Skilled—Sponsored) visa | regulation 2.26AB of the *Migration Regulations 1994*, as in force immediately before 1 July 2013, applied to the applicants for the visas | 65 points |
| 4 | (a) Subclass 175 (Skilled—Independent) visa; or  (b) Subclass 885 (Skilled—Independent) visa | regulation 2.26AA of the *Migration Regulations 1994*, as in force immediately before 1 July 2013, applied to the applicants for the visas | 120 points |
| 5 | (a) Subclass 176 (Skilled—Sponsored) visa; or  (b) Subclass 475 (Skilled—Regional Sponsored) visa; or  (c) Subclass 487 (Skilled—Regional Sponsored) visa; or  (d) Subclass 886 (Skilled—Sponsored) visa | regulation 2.26AA of the *Migration Regulations 1994*, as in force immediately before 1 July 2013, applied to the applicants for the visas | 100 points |

Schedule 1—Repeals

Migration (IMMI 18/067: Pool and Pass Marks for General Skilled Migration Visas) Instrument 2018

1 The whole of the instrument

Repeal the instrument.