



Which “Schedule” in the Skilled Occupations List (SOL) applies to you?

By Atty. Imelda Argel, Bachelor of Laws (UP), Master of Laws (University of Sydney)

Under the General Skilled Migration (GSM) program, you must have a nominated occupation which is on the Skilled Occupation List (SOL) applicable to your circumstances at the time you apply for a visa. You may still use a valid skills assessment with an ASCO code but you must nominate the relevant comparable ANZSCO occupation, if you lodge your visa application on or after 1 July 2010.

You cannot change your nominated occupation, after you have lodged your visa application. It is therefore critical for you to determine which “schedule” in the Skilled Occupation List (SOL) applies to you, before you lodge your visa application:

1. Schedule 1 is the SOL in existence before 1 July 2010 in ASCO code. It applies only to General Skilled Migration (GSM) applicants who have lodged their application before 1 July 2010.
2. Schedule 2 is the SOL in existence before 1 July 2010 and shows both the ANZSCO code and the comparable ASCO code. It applies to you if you held a student visa in subclasses 572, 573 and 574 on 8 February 2010 and you apply for subclass 485 visa on or before 31 December 2012 OR

if you (a) apply for a Subclass 885 (Skilled-Independent), 886 (Skilled – Sponsored), or Subclass 487 (Skilled – Regional Sponsored) visa, (b) held a Subclass 485 visa on 8 February 2010 or had applied for a Subclass 485 visa that was not finally determined on 8 February 2010, (c) apply on or before 31 December 2012. You also have the option to nominate an occupation in ANZCO code under Schedule 3 or 4.
3. Schedule 3 is the *new SOL* with ANZSCO code occupations correlated from ASCO code occupations. It applies to all GSM applicants who lodge their visa application on or after 1 July 2010 including those who qualify for the transitional arrangements but choose to apply under the new SOL.
4. Schedule 4 is an expanded version of Schedule 3 with the ANZSCO code but require State or Territory nomination or sponsorship. It applies to applicants for subclasses 176 (Skilled – Sponsored), 886 (Skilled – Sponsored), 475 (Skilled – Regional Sponsored) and 487 (Skilled – Regional Sponsored) visas who are nominated by a State or Territory government agency. It does not apply to those sponsored by a relative or applying as independent skilled.

The State Migration Plan (StatSOL) occupations, requirements and process for most States are expected to be released on 1 August 2010.

This information is of a general nature and should not be taken as authoritative legal advice for specific cases. Australia has a scheme that requires persons who give immigration assistance to be registered as migration agent. The writer, Atty. Imelda Argel is a practising migration solicitor and a registered migration agent in Sydney, Australia. She is a Solicitor of the Supreme Court of New South Wales, the High Court of Australia, an Attorney at law in the Philippines and in the State of New York, USA. Her Registered Migration Agent no. is 9682957.

She is the author of TIPS on GSM visas, the recipient of the inaugural NSW FAWAA (Filipino- Australian Women's Achievement Award) for her outstanding achievements in corporate practice and entrepreneurship, and the University of the Philippines Alumni Association (NSW Chapter) Achievement Award for law and community service. More information is available at www.iargel.com.au. You can contact the author by email at info@iargel.com.au or by fax at (+612) 9699 3210 or by appointment at Suite 41, Ground Floor, 61-89 Buckingham St. SURRY HILLS NSW 2010.