

In response to the coronavirus disease 2019 (COVID-19) pandemic, Australia's borders were closed in March 2020. As the country's strict travel restrictions continue, the federal government has announced changes to Australia's employer-sponsored visa programs, including the introduction of a Priority Migration Skilled Occupation List (PMSOL) and enhanced labour market testing conditions. We provide below an update on travel in and out of Australia and applicable exemptions, as well as an overview of the recent changes announced on 2 September 2020.

Travel Restrictions and Individual Exemptions

Australia's Borders Continue to Be Closed

Limited categories of persons are automatically exempt from Australia's inbound travel restrictions, including Australian citizens, permanent residents and New Zealand citizens usually resident in Australia (and their immediate family members), as well as persons recruited under the Government approved Seasonal Worker Program or Pacific Labour Scheme and **holders of a Business Innovation and Investment (subclass 188) visa**.

All other temporary visa holders and applicants who wish to enter Australia need to apply for, and be granted, an individual exemption from the Department of Home Affairs (DHA) and the Australian Border Force Commissioner (ABF Commissioner). Exemption applications must be made at least two weeks (but no more than three months) prior to travelling to Australia and will be assessed on a case-by-case basis. [Individual exemptions](#) are currently available to non-citizens:

- With critical skills required to maintain the supply of essential goods and services (such as medical technology, critical infrastructure, telecommunications, engineering and mining, supply chain logistics, aged care, agriculture, primary industry, food production and the maritime industry), or providing critical skills in religious or theology fields
- Delivering services in sectors critical to Australia's economic recovery (such as financial technology, large-scale manufacturing, film, media and television production, and emerging technology), where no Australian worker is available
- Sponsored by their employer to work in Australia in an occupation on the [PMSOL](#) (see below)
- Travelling at the invitation of the Australian government for the purpose of assisting in the COVID-19 response
- Providing critical or specialist medical services, including air ambulance, medical evacuations and delivering critical medical supplies
- Whose entry would otherwise be in the national interest, supported by the Australian government or a state/territory authority
- Who are military personnel
- Travelling for compassionate and compelling reasons (e.g. the death or critical illness of a close family member)

We note that, at present, there are very limited flights available to and from Australia, and [daily caps](#) are in place on international arrivals in various cities. In addition, all travellers that arrive in Australia are subject to a mandatory 14-day quarantine period at a designated facility (which may be at the traveller's own cost).

Australian citizens and permanent residents require an exemption to depart Australia. Temporary visa holders do not need an exemption to leave Australia – they can depart at any time, subject to any border restrictions in their home country. Temporary visa holders who are in Australia and considering returning to their home country should closely monitor border restrictions and flight availabilities, and may wish to contact their relevant [embassy/consulate](#) in Australia if they would like further information or assistance. Further information is also available on the [DHA's website](#). Temporary visa holders who depart Australia should note they will need to be granted an exemption to return.

Recently Announced Priority Migration Skilled Occupation List

On 2 September 2020, the Australian government announced the introduction of the PMSOL. The PMSOL lists [17 occupations](#) identified as filling critical skills needs that support Australia's economic recovery from COVID-19. The list is temporary and is subject to change, depending on Australia's recovery from the pandemic. Employer-sponsored nomination and visa applications with an occupation on the PMSOL will be given priority processing. All other skilled occupation lists will remain active, but the PMSOL occupations will take priority. The list of the 17 occupations (which include chief executive, managing director, mechanical engineer and software engineer) and further information is available [here](#). Information about current standard visa processing times is also available [here](#).

Changes to Labour Market Testing Requirements for Employer-sponsored Visa Programs

In response to the COVID-19 pandemic and the resulting disruptions to Australia's labour market, on 2 September 2020, the Australian government introduced an additional labour market testing requirement for Australia's employer-sponsored visa programs, including for the Temporary Skill Shortage (TSS) visa (subclass 482) and Skilled Employer Sponsored Regional (Provisional) visa (subclass 494). The legislative changes, which are intended to ensure that Australian workers are prioritised for local job opportunities, will apply to subclass 482 and 494 nominations lodged on or after 1 October 2020. Under the new changes:

- All nominated positions must be advertised on the government's free online jobs website, [Jobactive](#), in addition to two other advertisements that must be published in line with current requirements
- The Jobactive advertisement must be published in the same manner as the other two advertisements under current labour market testing requirements, i.e. it must include all of the same information, must have run for at least four weeks, and applications or expressions of interest for the advertised position must have been accepted for at least four weeks
- Evidence of a total of three advertisements, including an advertisement published on Jobactive, must be provided at the time the nomination is lodged

Further information about the new requirement and labour market testing in general is available on the [DHA's updated website](#).

Future of Australia's Border Restrictions

To date, there has been no official announcement as to when Australia will reopen its borders to international travel. However, the [federal government's Budget Outlook](#), released on 23 July 2020, is based on the assumption that Australia's international borders will reopen from between 1 January 2021 and 30 June 2021, with the mandatory 14-day quarantine period remaining in force for all arrivals. As the border restrictions are subject to change and will depend upon Australia's recovery from the pandemic, we recommend sponsors, visa holders and visa applicants regularly review the [DHA's website](#).

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