



Freedom of Information Access Request – FA 23/07/00752

Condition 8579 is a mandatory condition that applies to all Skilled Work Regional (Provisional) visa (subclass 491) holders.

Condition 8579 requires visa holders to live at a residential address which is located in an Australian designated regional area (DRA), and usually spend work hours routinely performing usual work duties on behalf of the employer from a work location which is in a DRA.

The area a subclass 491 visa holder lives in must have been on the list of DRAs on the date they were granted their visa.

The employer of a subclass 491 visa holder does not need to be located in a DRA, but if the employer is foreign owned or based overseas, the subclass 491 visa holder may be required to provide evidence that remuneration is paid to the visa holder in Australia and income tax is payable in Australia.

All subclass 491 visa holders must have complied with the requirements of condition 8579 for the period they held the visa, to be eligible to be granted a Permanent Residence (Skilled Regional) visa (subclass 191).

Condition 8579 is not intended to prevent a visa holder from engaging in incidental activities outside a DRA. Such activities may include:

- holidays;
- work-related travel;
- work-related training.

Visa officers take account of the personal circumstances affecting individual visa holders when assessing compliance with condition 8579.

Under policy, further information may be sought from the visa holder on the reason for travel outside the DRA, where:

- the holder spends more than 90 days in total per annum outside the DRA; or
- the holder spends more than 60 continuous days outside the DRA.

The physical location of the person's employer is not conclusive. For example, the employer could be based in a metropolitan area of Australia, or overseas, but be operating in a DRA through a local office or branch. If the visa holder is working in the local office located in a DRA, then they meet the work requirements of condition 8579.

Note: Work undertaken in an area without a postcode, for a company that is registered in Australia, can be counted towards Australian work experience for the purpose of the points test. For example, a person undertaking work on a resources installation or sea installation attached to the Australian sea bed in Australian waters, is taken to have worked in Australia in accordance with sections 8 and 9 of the Migration Act'.

- The regional compliance conditions also provide officers with the ability to check that a Subclass [491](#) or Subclass [494](#) visa holder has lived, worked and studied in a DRA by:

- requiring the visa holder to provide their current contact details, including those of their employer and the location of the position in which the visa holder is employed, and any educational institution they may be attending;
- requiring the visa holder to provide evidence of where they have been living, working or studying, if requested by an officer;
- requiring the visa holder to attend an interview with an officer, if requested by an officer.

Notes:

1. Source: Department of Home Affairs (internal documents)

Caveats:

- *This information is provided for the specific purpose of this request.*
- *It is the responsibility of the area providing the Department of Home Affairs information to external stakeholders to ensure that the disclosure is in accordance with the ABF Act, Australian Privacy Principles or other relevant legislation.*