

Hiya All

Well there goes another birthday yesterday. Only cool thing is being born on 20/11 makes this a pretty cool year. If I only I acted as grown up as my age everything in life might make some sense these days ha !

Anyhow on with our latest newsletter. Don't blame me for not much ! Tell DIAC to announce more stuff ha, only kidding, am sure for many having a period of stability is not a bad thing so you can plan for any future intentions to live in Australia.

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1) Student visa changes

DIAC BLOG ...

What is the Knight Review?

At the end of 2010, the Hon Michael Knight AO was appointed to conduct the first independent review of the Student visa program (the Knight Review).

Mr Knight made 41 recommendations in his report, *Strategic Review of the Student Visa Program 2011*, to improve the competitiveness of the Australian international education sector and the integrity of the student visa program. All of the recommendations have been accepted in principle by the government and stage one of the changes was implemented on 5 November 2011.

See: www.immi.gov.au/students/knight/

Why are the changes being made?

The changes are being made in order to help make Australia a destination of choice for international students. Fewer international students have been coming to Australia in recent years because of a number of factors, including the high Australian dollar and increased global competition. The government is determined to give the international education sector—one of Australia's largest export sectors—a boost.

What changes were introduced on 5 November 2011?

1. A new genuine temporary entrant (GTE) requirement

The GTE requirement addresses whether the individual circumstances of a Student visa applicant indicate that their intention is for a temporary stay in Australia. This new requirement aims to help maintain the integrity of the student visa program.

2. Reductions in the financial requirements

While not a Knight Review recommendation, the financial requirements for higher risk assessment level 3 and 4, student visa applicants were reduced by up to approximately AUD 36 000. This helps students who wish to obtain a visa to study in the vocational education and training (VET) sector.

3. Removing English language test requirements for ELICOS visa applicants

Stand alone English Language Intensive Courses for Overseas Students (ELICOS) (subclass 570) visa applicants who are subject to assessment level 4 and above, are no longer required to provide evidence of an English language proficiency test as part of their visa application. This helps to make English language study more accessible.

4. Stopping the pre-visa assessment (PVA) policy

Education providers no longer need to receive a PVA letter from us before they can issue a confirmation of enrolments (CoE) to students. This change is intended to reduce the time it takes to process a student visa.

5. Changes to policy for prepaid homestay fees

Prepaid fees for formal homestay arrangements through education providers are now taken into account when assessing whether an applicant meets the financial requirements for a student visa. This change helps to reduce the financial burdens on some Student visa applicants.

6. Increasing the visa period for new Postgraduate Research visa grants

The visa period for Postgraduate Research (subclass 574) visas granted from 5 November 2011 have been increased by six months. This extra time is to allow for interactive marking of a thesis.

More information

You can access Mr Knight's full report, fact sheets and frequently asked questions on the stage one and proposed stage two Knight Review changes on the department's website:

www.immi.gov.au/students/knight/

(Source: DIAC)

2) Permission to work for Student Graduates

Although the 485 visa will continue until the end of 2012, DIAC have proposed a new work visa for student graduates after that point as follows :

Important: The post study work visa is proposed for introduction in early 2013. More detailed advice about eligibility requirements will be made available as legislation to support the visa is put in place.

Who would be eligible to apply for the post-study work visa?

University graduates who have completed a Bachelor degree or Masters by coursework in Australia are proposed to be eligible to apply for a two year post-study work visa.

University graduates who have completed a Masters by research or PhD degree in Australia are proposed to be eligible to apply for a post-study work visa for three or four years respectively.

When would this visa be available to graduating students?

This visa would be available to those students who obtain their first student visa having been assessed against the new Genuine Temporary Entrant (GTE) requirement. The GTE requirement commenced on 5 November 2011.

As it is proposed that students must have completed a course of at least a Bachelor degree to be eligible for this visa, the post-study work visa is proposed to be available from early 2013.

What would be the visa eligibility requirements for the post-study work visa?

In the last six months before applying for the visa, it is proposed that the applicant must have completed at least a Bachelor degree (or a higher level course such as a Masters or PhD) obtained from a university in Australia.

It is also proposed that English language, health, character and security requirements must be met and that evidence of adequate health insurance for the duration of the visa must be provided.

It is likely that the visa applicant would have needed to study in Australia for a minimum period of time.

What level of English language would be required?

The proposed English language requirement would be competent English, which is a minimum score of 6 in each of the four components of the International English Language Testing System (IELTS) test or the equivalent score in another English language test that may be specified by the Minister for Immigration and Citizenship for use with this visa. 2

Would there be similar arrangements in place for students not studying at a university level?

No, this arrangement would only be for graduates of university courses. Existing arrangements for other students would continue to apply in line with the government's commitment to the current transitional arrangements in place until the end of 2012. Other students would continue to have access to the Temporary Skilled Graduate (Subclass 485) visa. The Subclass 485 visa is a temporary visa that allows an 18 month stay to work in Australia. The existing Subclass 485 visa is available to eligible students provided they satisfy the criteria for the grant of that visa, including that they:

- have recently completed an eligible qualification(s) as a result of at least two years study in Australia
- have a skills assessment for an occupation on the Skilled Occupation List (SOL)
- meet the English language requirement of competent English (equivalent to IELTS 6 in all four components)
- are under 50 years of age.

Information about the current Subclass 485 visa is available.

See: www.immi.gov.au/skilled/general-skilled-migration/485/

Would this change affect existing student visa holders?

No. It is proposed that new students who obtain their first subclass 573 (higher education sector) or 574 (postgraduate research sector) having been assessed against the new GTE requirement will be eligible to apply for the post study work visa. The GTE commenced on 5 November 2011.

Students currently studying in Australia would still be entitled to apply for the existing Temporary Skilled Graduate visa (Subclass 485) before these proposed new arrangements come into effect. The Subclass 485 visa allows students to remain temporarily in Australia with work rights at the completion of their studies. Information about the current Subclass 485 visa can be found on the department's website.

See: www.immi.gov.au/skilled/general-skilled-migration/485/

Will there be consultation with the international education sector on this proposed measure?

Yes. The department will work with key stakeholders to develop this measure.

Where do I go for more information?

More information will be provided on the department's website as it becomes available.

See: www.immi.gov.au/students/knight/

3) Sponsor Accreditation for companies using 457 visas

Accreditation recognises that many Australian businesses have a long history of good dealings with the department including lodging a high volume of good quality, decision-ready applications and an excellent record of compliance with relevant laws.

Employers may now apply for accredited status which will qualify them for priority processing for all subclass 457 nominations and visa applications

Characteristics that must be met

Sponsors who want to be approved for Accredited Status must meet **all** of the following characteristics:

- be a government agency, a publicly-listed company, or a private company, with a minimum of \$4 million turnover per year for the last three years
 - have been an active subclass 457 visa sponsor for the past three years (with a break of no more than six months, not due to any sanction)
 - have no adverse information known about them based on Department of Immigration and Citizenship and Department of Education, Employment and Workplace Relation monitoring, including formal warnings and sanctions
 - have had at least 30 primary subclass 457 visa holders granted in the previous 12 months
 - have lodged a high level of decision-ready applications over the previous two years
 - have a non-approval rate of less than three per cent for the previous three years
- have Australian workers comprising at least 75 per cent of their workforce in Australia and a commitment to maintain this level.

<http://www.immi.gov.au/skilled/skilled-workers/sbs/sponsorship-accreditation.htm>

(Source: DIAC)

4) Reminder about Work needing to be on Skilled List

A reminder that if you nominate an occupation on Schedule 1 of the Skilled Occupation List (for example Systems Analyst) and you require work experience of 12 months in the last 24 months (ie you are not a recent graduate), then you need to make sure that the work is an occupation that CAN count.

That is, it needs to be in an occupation on the SAME skilled occupation list (in this case schedule 1) as the occupation you received an approved skills assessment for. So if the work is an occupation not on that list (ie Systems Engineer), then it CANNOT count.

So although you may think a person has been assessed in an occupation on an allowed skilled occupation list (SOL), and has work experience that is highly skilled, this work HAS to be in an occupation ALSO on that same SOL.

(Source: Iscah comment)

5) Source countries of illegals in Australia

AUSTRALIA has enough illegal immigrants on the loose to populate a large regional city. A *Herald Sun* investigation has found that nearly 60,000 people - one in every 390 - is in the country unlawfully, sparking renewed calls for a crackdown.

The 58,400 foreign citizens hiding illegally among us easily outnumber the populations of Mildura or Shepparton - Victoria's fifth and sixth biggest cities. And they dwarf the 4700 asylum seekers who arrived by boat in 2010-11.

Documents released to the *Herald Sun* under Freedom of Information also reveal the biggest groups of illegals are Chinese, Americans, Malaysians, Britons and South Koreans. More than half have been here for five or more years; 20,000 for a decade or more; and two in three have evaded authorities for more than two years. (The figures do not include visitors who overstay visas by less than a fortnight.)

Ethnic Communities Council of Victoria chairman Sam Afra said illegal residents attracted little of the outrage associated with boat people, despite taking jobs and housing, using public services, and not paying tax. He said it was far too easy to stay here if you knew how to "work the system". "It's shocking," he said. "To have one in three who have been here more than 10 years (suggests) something's wrong with the system." "Nobody's talking about it. It is a problem, and the question is, don't you think the damage justifies putting more resources in (to find them)?"

He said the involvement of illegals in criminal and other dubious activities also sullied the reputations of legal migrants.

Jailed terrorist cell leader Abdul Benbrika lived illegally for years after arriving on a visitor's visa in 1989. Three months after marrying in 1992, while still an illegal, he successfully applied to stay, living on welfare with his wife and seven children until his arrest in 2005. Illegal immigrants have also been involved in drug cartels, sexual slavery, and fraud. Illegals accused of guarding marijuana crops in Melbourne and regional Victoria were among 43 people arrested last year in raids focusing on a \$400 million crime syndicate.

A charter flight to deport 76 illegal aliens from Malaysia and Indonesia, busted picking fruit in Mooroopna last year, cost taxpayers \$100,000. Australian Human Rights Commission president Catherine Branson, QC, said it was important to remember many more overstayed visas, or arrived by plane and sought asylum, than arrived by boat. "Another misconception is that people who arrive by boat are illegal immigrants. Australia is obliged to assess asylum seekers' claims."

There were 10,600 more illegals at June 30 last year than in 2005.

6) Iscah Moving

We have that 3 year itch again and we are moving our Iscah offices in December. The difference is this time it is only about 20 metres to the front of the building !

All contact postal box, emails, phones etc will remain the same, just more space at last, woohoo !

7) WA State Criteria for RSMS

The changes to criteria to obtain state sponsorship for 857 and 119 visas are still likely to be changed shortly as they move through often slow state government stages. As mentioned last month the expected changes are :

To avoid having to advertise the position you will need one of the following :

If the visa applicant has worked in the position on a 457 visa for two years there is no requirement for labour market testing. .

Additionally, for skill level 1, skill level 2 and skill level 3 trades, there is no requirement for labour market testing if the holder of a temporary visa (457 or other) has filled the position for 2 years working at least 20 hours per week.

For other skill level 3 (non trades) and skill level 4 positions, the person must have been on a 457 visa for 2 years.

If advertising is then required it is likely to be just for 2 weeks in the local press/online. Please note these changes must be passed before they are able to be implemented

(Source: State Migration Centre, WA)

8) DIAC Processing Times for Skilled visas

Applicants who lodged a GSM application **before** the following dates have been contacted by a case officer.

Important note:

N/A denotes 'Not Applicable'. There are no GSM visa subclasses within these priority groups.

** Not currently allocating. These dates will be provided once assessment of Priority Group 5 applications resumes.

Visa Subclass	Priority Group 1	Priority Group 2	Priority Group 3	Priority Group 4	Priority Group 5
subclass 887 online	20 October 2011	N/A	N/A	N/A	**
subclass 887 paper	20 October 2011	N/A	N/A	N/A	**
subclass 175 online	N/A	N/A	N/A	28 February 2011	**
subclass 175 paper	N/A	N/A	N/A	28 February 2011	**
subclass 176 online	N/A	N/A	15 October 2011	28 February 2011	**
subclass 176 paper	N/A	N/A	15 October 2011	28 February 2011	**
subclass 475 online	N/A	N/A	15 October 2011	28 February 2011	**
subclass 475 paper	N/A	N/A	15 October 2011	28 February 2011	**
(Provisional) subclass 495	N/A	N/A	N/A	All applications allocated	**
subclass 496	N/A	N/A	N/A	All applications allocated	**
subclass 885 online	N/A	N/A	N/A	25 June 2011	**
subclass 885 paper	N/A	N/A	N/A	17 June 2011	**
subclass 886 online	N/A	N/A	15 October 2011	25 June 2011	**
subclass 886 paper	N/A	N/A	15 October 2011	17 June 2011	**
(Provisional) subclass 487 online	N/A	N/A	15 October 2011	25 June 2011	**
(Provisional) subclass 487 paper	N/A	N/A	15 October 2011	17 June 2011	**

Priority exempt applications

Visa subclasses 485 and 476 are exempt from the current priority processing direction. Applications for these subclasses will be processed in the order in which they were received by the department.

Visa Subclass	Lodgement Method	Application Date
Skilled – Graduate subclass 485	online	25 August 2010
	paper	18 August 2010
Skilled – Recognised Graduate subclass 476	online	15 September 2011
	paper	15 September 2011

Subsequent entrant applications

All subsequent entrant applications that were lodged before 15 October 2011 have been contacted by a case officer.

Okay, that is all folks. Seeya all on 19th December and happy and safe xmas shopping and partying ..

Cheers

Steven O'Neil (Iscah Manager - MARN 9687267)

08 9353 3344 / www.iscah.com

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