

# Iscah Migration Newsletter

Monday 19th August 2013 | Edition 182

*Hiya guys,*

Welcome to edition number ummm 182. That's over 15 years of dribble about my footy team the Freo Dockers too ha., but this season may be the one that brings home the bacon for the purple army. Just 2 weeks to go until the finals start and we are sitting pretty for a big assault on the AFL footy premiership. Strap on your seat belts, this city will never be the same if we get that bit of luck we need !!

This free newsletter is published on the third Monday of each month and brings together all the changes and important information we have gathered since the last newsletter. If you have any suggestions, want to subscribe or unsubscribe, drop a line to us at [newsletter@iscah.com](mailto:newsletter@iscah.com)

Anyhow on to the August update...



## Contents

- 1) Limiting of some Engineering/Computing Occupations.
- 2) DIAC Fees are rising AGAIN from 1st September 2013.
- 3) Concession for 457 applications lodged before 1st July 2013
- 4) Some Retail Managers can apply for 457 visas
- 5) WA State Nomination Test
- 6) RSMS policy on new owners of an existing business
- 7) Migrant English levels 'should be tracked'
- 8) Free Snapshot of your occupation
- 9) DIAC Processing Times

## 1) Limiting of some Engineering/Computing Occupations

We advised last week on facebook that DIAC had already met the occupational ceilings for a number of occupations under the 489, 189 and 190 categories.

DIAC have advised in fact they have nearly met their quota but not quite. So they have decided the few remaining places in these occupations will be allocated slowly throughout the rest of this program year (until July 2014) to the highest scoring candidates.

Here is DIACs reply to the MIA who asked for some more details ...

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To provide some background information on occupational ceilings, I can confirm that they were introduced on 1 July 2012 as part of the package of reform of Australia's skilled migration program, which included the introduction of SkillSelect, the creation of new visa subclasses and changes to visa processing systems to provide for e-lodgement of all applications. Occupational ceilings were designed to limit the number of invitations issued via SkillSelect for each occupational group in the general skilled migration program. They are intended to ensure that the program is not dominated by a narrow range of occupations which could potentially crowd out local job seekers in these areas.

Once an occupational ceiling has been reached, no further invitations for that occupation can be issued for the remainder of the program year. However, occupational ceilings do not apply to employer sponsored visas so specific skill shortages can still be filled through the employer sponsored program, even if the relevant ceiling has been reached. Occupational ceilings are set based upon advice from the Australia Workforce Productivity Agency (AWPA) and other Federal agencies such as Treasury and DEEWR. The ceilings are set at six per cent of the stock number of workers in each occupational group, representing the average figure for replacement demand (that is, replacing workers who have left the workforce) and new job growth.

In 2012-13, the six occupational groups referred to in your email reached their occupational ceilings which meant no intending migrants in these occupations could be nominated or invited to apply for a visa until the ceilings were reset on 1 July 2013. In the first month of the 2013-14 program year, a significant proportion of available places were again used up for these six occupational groups and it was determined that the ceilings would again be met, but even earlier than in the previous program year. Based on the high numbers of Expressions of Interest (EOIs) being submitted for these occupational groups, the decision was therefore made to move to a pro rata allocation of the remaining places to allow limited numbers of the most highly skilled workers in these occupations to apply for a visa throughout 2013-14.

There is no change in the total number of places available for these six occupational groups under their occupational ceilings. However, the allocation of places will be spread out to ensure that highly skilled migrants who submit EOIs later in the program year are not prevented from applying by lower quality applicants taking all available places earlier in the program year. Again, I would highlight that this change has no impact on the number of places available for these occupational groups but it will allow places to be released throughout 2013-14, with a focus on ensuring the most highly skilled migrants can still apply for a visa, instead of having all places exhausted early in the program year.

(Source: DIAC)

**Further** DIAC have just announced the following for some of these affected occupations ..

Please note that there will be no invitations issued for the following occupations in the upcoming invitation round on 19 August 2013. The department is currently working on arrangements for the allocation of the remaining places for these occupations and we expect to be able to issue invitations for these occupations in the next invitation round on 2 September 2013.

The occupational groups affected are:

- 2231 Chemical and Materials Engineers
- 2334 Electronic Engineers
- 2339 Other Engineering Professionals
- 2611 ICT Business and Systems Analysts
- 2613 Software and Applications Programmers
- 2633 Telecommunications Engineers

## 2) DIAC Fees are rising AGAIN from 1st September 2013

DIAC having introduced considerable fee increases for visa applications on the 1st July 2013 have seen fit to again raise prices from the 1st September 2013 as a result of a deteriorating federal budget position. As a result most application fees will rise by about 15%.

Skilled Migration under the points test (189/190) for example will rise from \$3060 to \$3520 for the main applicant. Rather than go through all of the rises individually you are welcome to browse through them here

<http://www.comlaw.gov.au/Details/F2013L01534/Explanatory%20Statement/Text>

(Source: DIAC)

## 3) Concession for 457 applications lodged before 1st July 2013

Amongst a raft of changes on 1st July 2013 for the 457 visa process were these two ...

**1)** Visa applicants who lodged under professional occupations (that were not otherwise exempt because of salary, passport or education) and who's 457 visa has NOT been granted before 1st July 2013 would now need to obtain 5,5,5,5 at least in IELTS (or similar level OET marks). Some 457 applicants who had not yet had their 457 visa decided before the 1st July 2013 were caught up by these changes.

**2)** 457 applicants who lodged under the occupations of Program and Project Administrator and Specialist Manager not elsewhere and who were NOT granted before 1st July 2013 would need to undertake a formal skills assessment.

The Immigration minister has agreed that it would be unfair to impose the additional criteria on a 457 visa applicant who had applied BEFORE 1st July 2013 and was unluckily not decided by the 1st July 2013. So for those visa applicants this additional criteria is now NOT required.

(Source: DIAC)

## 4) Some Retail Managers can apply for 457 visas

It is not normally possible to be employed as a Retail Manager or a Supervisor of a Fast Food establishment on a 457 visa

However DIAC last year established a Labour Agreement that will allow some well experienced people to still apply in certain circumstances.  
Details are as follows ...

Template labour agreement for fast food employers

Following an extensive consultation process, the department has established a template labour agreement for employers in fast food businesses. This will help meet identified shortages of qualified managers and supervisors particularly for employers in regional areas competing with the resources sector for workers.

There are limited visa options for sponsoring workers in management and supervision roles in fast food environments but demand for these workers is high. The industry-wide template labour agreement provides certainty for employers experiencing these skills shortages as expectations are clear: the parameters of a template agreement are non-negotiable, detailing English language requirements, pay, qualification, and work experience requirements, and training benchmarks.

Fast food employers will be able to sponsor Diploma-qualified Retail Managers with five years' experience and Retail Supervisors with Certificate IV qualifications and four years' experience, provided they:

- can demonstrate that they have been attempting to recruit Australian workers
- are training their workforce
- can pay market salary rates above the Temporary Skilled Migration Income Threshold.

(Source: DIAC)

## 5) WA State Nomination Test

To be nominated now by WA under subclasses 489 or 190 as an onshore graduate or a schedule 2 (off the list) place, an applicant needs to pass the "State Nomination test".

See details here

[www.migration.wa.gov.au/skilledmigration/Pages/Statenominationtest.aspx](http://www.migration.wa.gov.au/skilledmigration/Pages/Statenominationtest.aspx)

(Source: WA State Government)

## 6) RSMS policy on new owners of an existing business

Normally for a 187 RSMS visa application there is a DIAC policy requirement that a business must have been first operating for 6 months before it can be approved as a sponsor.

DIAC in August last year provided us written policy advice that if an existing business has been operating for more than 6 months, is bought by a new owner and changes the ABN, then provided it keeps the same nature of business going, it is considered to already have satisfied this 6 months requirement.

Last week DIAC have advised us that they have changed their interpretation. They now state that in the above circumstances where the ABN changes, this will now constitute a brand new business. As such it will need to operate for ANOTHER 6 months before it can sponsor under the 187 RSMS category.

(Source: DIAC)

## 7) Migrant English levels 'should be tracked'

This is a recent news article from the current Liberal opposition party (and probable new government)

Migrants should take more than one English-language proficiency test if they want to stay in Australia long-term, opposition immigration minister Scott Morrison says. Under the current system, applicants for a skills-based visa must pass only a one-off test to prove they have vocational English.

Giving a speech at the Affinity Intercultural Foundation on Wednesday, Mr Morrison said the level of language skills required to live and work in Australia should also take into how long they intend to stay.

"We need more than a one-off snapshot. If a person has been living in Australia for a number of years it is in their interests ... that their level of English proficiency does not remain static. Ideally it would develop and improve over time, and that's something we should be tracking."

While the "observations" did not amount to a policy proposal at this stage, Mr Morrison said he had "looked into these matters in a very detailed way". He said there was an opportunity to test English-language skills for migrants applying for temporary entry, permanent residence and potentially even citizenship.

(Source: Channel 9)

## 8) Free Snapshot of your occupation



As a special offer to our facebook, twitter and newsletter members we are offering a snapshot of your occupation.

If you drop an email to [snapshot@iscah.com](mailto:snapshot@iscah.com) (cool name huh ?) and tell us your occupation, you will receive a summary of whether your occupation appears on the 457, ENS as well as any of the 8 state and territory Skilled Demand Lists for the 489 and 190 visas.

Also we will advise of the average salary for your occupation in Australia.

And yeah... **it's free to our members.**

Check one out here;

[www.iscah.com/wp\\_files/wp-content/uploads/2013/07/SampleSnapshot.pdf](http://www.iscah.com/wp_files/wp-content/uploads/2013/07/SampleSnapshot.pdf)

## 9) DIAC Processing Times

DIAC will no longer be publishing allocation dates by processing centre as we are using a number of strategies to manage the caseload more efficiently. Generally they are managing allocations via the following:

Priority 1: Decision Ready, complete applications in ANSCO 1 & 2 occupations  
(by date of lodgement)

Priority 2: All other Decision Ready applications  
(by date of lodgement)

Priority 3: ANSCO occupations 1 & 2 requiring further documentation  
(by date of lodgement)

Priority 4: All other applications by date of lodgement

### **GSM visas are available here**

<http://www.immi.gov.au/skilled/general-skilled-migration/estimated-allocation-times.htm>

### **other visa categories are available here**

<http://www.immi.gov.au/about/charters/client-services-charter/standards/2.1.htm>

(Source: DIAC)

Okay folks, all over again!  
Have a great few weeks and see  
you hopefully all on Monday 16th September

 **Kind regards, Steven O'Neill**

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