

# Iscah Migration Newsletter

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*Morning fellow Dockers supporters ,  
and the rest of the world...*

Woohoo !! great start to the footy season last Friday night. I've missed the purple passion, the going to the games, the getting beat by a point (ok maybe don't miss that), the cold pies and warm beer! May not last much if we get beat next round, but hey, the world is good this week ha

Anyhow on to our monthly update on where DIBP and other associated bodies are taking us in the migration story ...

This newsletter is free and published (give or take a day) on the third Monday of each month. Back copies are available here also [www.iscah.com](http://www.iscah.com)

Heave how, on we go...



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## 1) NEW Western Australian State Sponsorship Criteria

The Western Australian government have released their new criteria for state sponsorship in the 489 and 190 categories.

The highlights (lowlights) are :

- 1) Managers and Professionals (Group 1 and 2 in ANZSCO) who are on the WA State Migration Plan must obtain at least 7,7,7,7 in the IELTS or a minimum of all Bs on the OET test (unless holding a UK, USA, Canada, Ireland or NZ passport). Other groups of occupations still require just 6,6,6,6.
- 2) All applicants must meet the minimum work experience requirement of:
  - at least one year of Australian work experience in the nominated (or closely related) occupation over the last ten years; or
  - at least three years of overseas work experience in the nominated (or closely related) occupation over the last ten years; and
- 3) The region of Peel (ie Mandurah) is considered a restricted zone for 489 sponsorship and additional requirements of a job offer are required for overseas applicants who previously could just show 3 genuine advertised vacancies.
- 4) If your occupation is on Schedule 2 of the Wasmol you must have a job offer for both a 489 and a 190 application, even if you are applying from overseas.
- 5) No job offer is required for the 190 for WA graduates with an occupation on Schedule 1, but will still need the 12 months work experience in Australia or 3 years overseas in the last 10 years

Full details are available here

[www.migration.wa.gov.au/SiteCollectionDocuments/skilled\\_migration\\_criteria\\_2013-2014%20\(4\).pdf](http://www.migration.wa.gov.au/SiteCollectionDocuments/skilled_migration_criteria_2013-2014%20(4).pdf)

(Source: WA State government and Iscah comment)

## 2) Credit card merchant fees to be charged to applicants

From 22 March 2014, the Department is implementing changes to enable the recovery of credit card merchant fees from clients via a surcharge on credit card payments for visa application charges (VACs) and other fees and charges.

The surcharge will be applied to all clients who pay VACs and other fees and charges online and those who opt to pay at a departmental office by credit card. The surcharge will be applied to all onshore and offshore applicants. Full details of the surcharge will be communicated on the DIBP website and at counters from 22 March 2014. All application forms have been updated for the new surcharge arrangements and will be available from 22 March 2014.

The MIA has asked DIBP to confirm the exact fees to be charged to enable Members to advise clients.

(Source: MIA)

## 3) BUPA new DIBP provider of health assessment and other services

The Department has announced Bupa as the successful tender applicant for provision of comprehensive health services from 25 May 2014 to 24 May 2017. Bupa will replace Medibank Health Solutions in providing: visa medical examinations and assessments onshore; provision of Fitness to Travel, Fitness to Depart and Carer visa assessments; and Health Status Assessments.

Bupa will also be taking over extra functions currently undertaken by MOC, including: health undertakings administration and assessments; medical opinions on referred offshore medicals; updating costs estimates for client medical conditions; and ensuring currency of Notes of Guidance.

The Department will provide details to the MIA for the changeover from Medibank Health Solutions to Bupa shortly. The process is expected to take around six months to be fully implemented.

(Source: MIA)

## 4) 457 Nomination ceilings abolished

DIBP criteria was amended on 14 February 2014 to remove references to sponsorships ending on the event of the number of approved nominations (the nomination ceiling) being reached.

DIBP still requires the applicant to provide to the delegate the number of persons that they propose to nominate during their period of approval as a sponsor. In most cases the number requested by the employer may be considered reasonable and the terms of approval will be based on that number.

Although sponsorships that are approved after 14 February 2014 require the number of nominations to be entered into eVisa, further nominations can still be lodged after the originally provided number have been reached, until the SBS approval expiry date.

Sponsorships that were approved prior to 14 February 2014 and were subject to a nomination ceiling will still cease when that ceiling is reached. If these sponsors are getting close to reaching their nomination ceiling a sponsorship variation application can be lodged.

(Source: DIBP)

## 5) Applying for Australian citizenship

After obtaining permanent residence there are several residential requirements to be eligible for Australian citizenship. One of those is that you need to be lawfully holding a visa during any period you have lived in Australia over the 4 year period before applying for citizenship.

This becomes an issue when a person may have become unlawful through either of two unfortunate circumstances.

1) A person has applied for an Australian visa in the last 4 years, and just before applying for that visa, they still held an existing Australian visa that had one week left on it (for example). If the department of Immigration receipted the application straight away then you would receive a bridging visa to remain lawful during the rest of the processing. However if the department took more than one week to receipt that application you technically will become unlawful for a short period. Of course that is not your fault and so in these instances when you apply for citizenship several years later, the department is likely to consider this an administrative error (on their part) and so not penalise you

2) The second instance is a little harder to set out, I'll give you an example

- a. A person holds a 485 visa until 1/1/2014
- b. Applies for a permanent 190 visa on 15/6/2013 and receives a bridging visa A as part of that application
- c. Wants to travel overseas on 15/10/2013 for just one week. Decides to travel using the 485 visa (as that allows travel and still has until 1/1/2014 before it finishes).
- d. On the day that person leaves Australia (15/10/2013) their bridging visa A ceases but they don't realise this.
- e. They return to Australia one week later on 22/10/2013 and are still on their 485 visa until 1/1/2014. However they don't realise that they will become unlawful on 2/1/2014 as they no longer have a BVA from their 190 application
- f. On 2/1/2014 they do become unlawful as their 485 has ceased and their BVA finished when they left Australia on 15/10/2013. This won't affect their Permanent visa and the 190 is then granted on 15/2/2014.

Unfortunately for them now they cannot meet the citizenship requirements until at least 15/2/2018. They became unlawful not because of an administrative error from the department of Immigration, but instead they become unlawful from letting their bridging visa A cease.

*(continued on next page)*

What they should have done was either :

- Obtain a bridging visa B before they departed on 15/10/2013, as this continues to be in effect on return to Australia for the rest of the 190 processing.
- Or, after returning to Australia on 22/10/2013 and before their 485 ceased on 1/1/2014 they should have reapplied for their another bridging visa A visa to allow them to remain lawful during the rest of the 190 visa processing.

(Source: Iscah comment)

## 6) South Australian State Government open more occupations

### DIBP Occupational Ceiling Removed

From 1 Mar 2014, state and territories are no longer subject to the Department of Immigration and Border Protection's (DIBP) occupational ceilings for the 190 and 489 state nominated visas – see <http://www.immi.gov.au/skills/skillselect/>. There will continue to be state planning levels (quotas) for each occupation on the State Nominated Occupation List (SNOL).

Immigration SA has reviewed availability for the six occupation groups which were previously limited by DIBP. Many of these occupations have now been made available again on the State Nominated Occupation List (SNOL). The following six occupation groups have been reviewed by Immigration SA:

- 2331 Chemical and Materials Engineers
- 2334 Electronics Engineers
- 2339 Other Engineering Professionals
- 2611 ICT Business and Systems Analysts
- 2613 Software and Applications Programmers
- 2633 Telecommunications Engineering Professionals

Please note: there are limited places available for the occupations from these groups which have been made available.

The occupations of 233111 Chemical Engineer, 233999 Engineering Professionals Nec and 261313 Software Engineer will remain as “Special Conditions” due to reaching the state planning level. Occupations listed as Special Conditions are only available to International Graduates of South Australia who meet the state nomination criteria.

(Source: South Australian State government)

## 7) Trades Recognition Australia – 485 Assessments

The TRA will now accept UNPAID work towards the 360 hours work experience required for Step 1 of the Job Ready Program.

This first step is in reality the skills assessment for the Temporary Graduate 485 visa.

Sufficient evidence will still have to be provided proving the work did happen. The work statement must be signed by a person authorised to make, and capable of making, the statement which may include an employer, a direct supervisor or a registered training organisation. For any work or vocational placement undertaken after 1 July 2011, additional evidence must be provided to reflect the completion (360 hours minimum) of work undertaken. This evidence may include payslips (though not mandatory as the work can now be UNPAID) , timesheets, payment summaries, bank statements or log books.

(Source: TRA and Iscah comment)

## 8) Trades Recognition Australia (TRA) expansion of Offshore Skills Assessment Program

A large list of New occupations and passport countries are required to be assessed under the Offshore Skills Assessment Program from 28th April 2014.

Trades Recognition Australia has extended the range of occupations and assessment locations for the Offshore Skills Assessment Program.

From Monday 28 April 2014, applicants seeking a skills assessment for migration purposes must apply for the Offshore Skills Assessment Program and be assessed by a TRA-approved RTO if they:

- are seeking assessment in a nominated occupation listed below; and
- hold a passport from a nominated country listed against that occupation, and
- are not applying for the Job Ready Program or the 457 Skills Assessment Program. Further information about the Offshore Skills Assessment Program, including how to apply can be found here.

Applicants seeking a skills assessment for an occupation that is not listed or who hold a passport from another country, and who are not applying for the Job Ready Program or the 457 skills assessment program, are required to apply for an assessment under the TRA Migration Skills Assessment Program.

The list is quite extensive so see the full list here :

[www.innovation.gov.au/skills/SkillsAssessment/TradesRecognitionAustralia/TRANotices/Pages/default.aspx](http://www.innovation.gov.au/skills/SkillsAssessment/TradesRecognitionAustralia/TRANotices/Pages/default.aspx)

(Source: TRA)



## 9) New Occupational Ceilings

In late 2013, the department conducted an evaluation of occupational ceilings to assess how they have operated to date and to consider changes to ensure they are performing their intended function.

Based on feedback received as part of the evaluation, the following changes will be in place from 1 March 2014:

- State and territory nominated visas will no longer be subject to occupational ceiling limitations
- The minimum ceiling for each occupational group will be 1000 invitations.

As there are still high levels of interest from prospective skilled migrants in the following six occupations, pro rata arrangements for these occupational groups will continue:

- Chemical and Materials Engineers
- Electronics Engineers
- Other Engineering Professionals
- ICT Business and Systems Analysts
- Software and Applications Programmers
- Telecommunications Engineering Professionals.

Details of the cut-offs for these occupations will continue to be included in the regular invitation round reports.

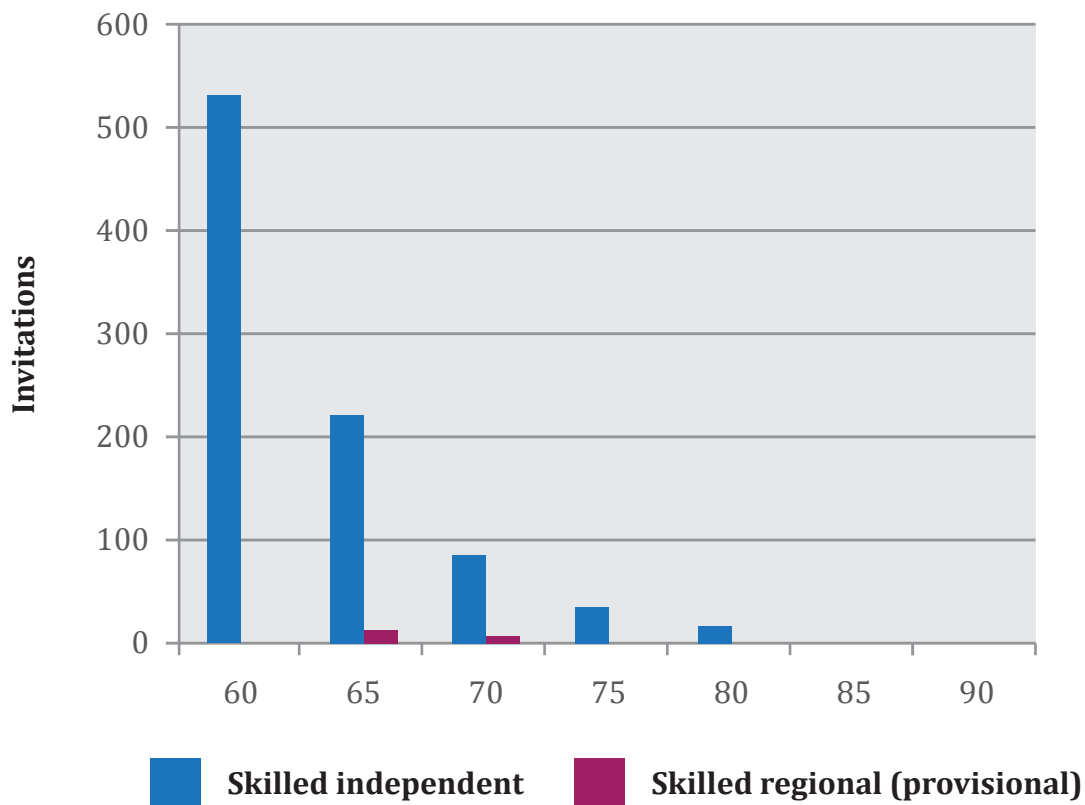
(Source: DIBP)

## 10) SkillSelect Invitations to apply to migrate - 24 February Round Results

The table below shows the number of invitations issued in the SkillSelect invitation round on 24 February 2014.

The following graph shows the points for clients who were invited to apply in the 24 February 2014 round:

**Invitations by Points Score 24 February 2014**



*(continued on next page)*

## Invitation process and cut offs

The highest ranked clients by points score are invited to apply for the relevant visa. For clients who have equal points scores, the time at which they reached their points score for that subclass (referred to as the visa date of effect) determines their order of invitation. Expressions Of Interest with earlier dates of effect are invited before later dates.

**24 February 2014**

### Invitation process and cut off date by point score

Visa subclass	Points score	Visa date of effect
Skilled - Independent (subclass 189)	60	17/2/2014 4.52 pm
Skilled - Regional Provisional (subclass 489)	60	18/2/2014 11.35 am

Due to the continuing high numbers of EOIs received for the following six occupations, invitations for these occupations will be issued on a pro rata basis in each twice monthly invitation round over the remainder of the 2013-14 programme year. Please also note that SkillSelect first allocates available places to Skilled – Independent (Subclass 189) visas and then remaining to Skilled – Regional (Subclass 489) (Provisional – Family Sponsored) visas. If all places are taken up by Subclass 189 visas then there will be no invitations issued for Subclass 489 visas:

- Chemical and Materials Engineers
- ICT Business and Systems Analysts
- Electronics Engineers
- Telecommunications Engineering Professionals
- Other Engineering Professional
- Software and Applications Programmers.

The points scores and the visa dates of effect cut-offs for these occupations in the 24 February 2014 invitation round were as follows:

*Note: Below points score and visa date of effect is for Skilled Independent (Subclass 189) and no invitations were issued to Skilled – Regional (Subclass 489 (Provisional) – Family Sponsored.*

Occupation ID	Description	Points score	Visa date of effect
2331	Chemical and Materials Engineers	75	22/2/2014 5.24 pm
2334	Electronics Engineers	65	14/1/2014 1.25 pm
2339	Other Engineering Professionals	75	3/2/2014 11.31 pm
2611	ICT Business and Systems Analysts	70	31/1/2014 11.31 pm
2613	Software and Applications Programmers	70	14/2/2014 1.32 pm
2633	Telecommunications Engineering Professionals	70	14/2/2014 7.26 pm

Thanks everyone. Have a super few weeks and see you all on Monday 21st April.

Cheers



**Steven O'Neill**

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 [iscahmigration](https://twitter.com/iscahmigration)

 [iscah.com](https://www.iscah.com)

 Phone: 61-8-9353 3344

 Fax: 61-8-9353 3350

 E-mail: [newsletter@iscah.com](mailto:newsletter@iscah.com)

 **Iscah Migration**  
Suite 14 (Kewdale Business Park)  
133 Kewdale Road, Kewdale  
Perth Western Australia, 6105  
PO Box 75 Welshpool BC 6986



Registered Migration Agent 9687267