

Iscah Migration Newsletter

Edition Number 210 | 18th December 2015

Merrrrry Xmas, and the rest

Well that was a big year in Australian visa news !!
Hope you are all settling down for a great time with your family and friends over the xmas and new year break.

Remember if you want to unsubscribe, send bouquets or brickbats, or for any other correspondence, email us direct to newsletter@iscah.com

Enjoy our last edition for 2015...



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1) Assurance of Support

Several family sponsored categories still require what is called an Assurance of Support . This is to protect the Australian government from large claims on social security/Centrelink payments when a migrant first moves to Australia to live permanently. In most cases this is likely only to be a requirement if you sponsor a parent for one of the various parent visas.

Information on how much is required in income, who can provide an assurance is governed by the Department of Social Security. Their requirements are here :

<http://guides.dss.gov.au/guide-social-security-law/9/4>

Section 9.4.3.60 is especially useful.

(Source: DSS)

2) Paying for a Company to Sponsor you

On 14 December 2015 new criminal, civil and administrative sanctions, and visa cancellation provisions were introduced as part of a framework that makes 'payment for visas' behaviour illegal. 'Payment for visas' behaviour is where a person asks for, receives, offers or provides a benefit in return for visa sponsorship or employment (that requires visa sponsorship).

Payment for visas conduct is considered unacceptable by the Australian Government as it undermines the integrity of skilled work programmes, which are designed to address genuine skill shortages in the Australian labour market by making employees available from overseas.

It is not acceptable for sponsors, nominators, employers or other third parties to make a personal gain from their position in a payment for visas arrangement, nor is it acceptable for current or prospective visa holders to obtain permanent residency in Australia or have the opportunity to work in Australia by paying an employer for a job.

For more information about the new legislation and what it means for you go to <http://www.border.gov.au/Trav/Work/Work-1>

(Source: DIBP)

3) Engineers Australia accept combined IELTS scores

This from their FAQs :

Does Engineers Australia accept combined test results? Yes, provided that all tests results are valid at the time of submission of the application, and the required score is reached for each module at least once. We will accept a combination of multiple TOEFL or multiple IELTS, NOT a mixed batch of both TOEFL and IELTS. We would accept combined results provided that all tests are valid at the time of submission of the application, and that the required score is reached for each module at least once.

(Source: Engineers Australia)

4) Vetassess skills assessments

For those graduates who want to know which qualifications and work experience are relevant for a VETASSESS skills assessment, there is a very useful link here that lays out the specs for some of their more popular occupations...

http://www.vetassess.com.au/Portals/0/Downloads/qualification_assessment/VETASSESS-General-Occupation-List.pdf?vid=100

(Source: Vetassess)

5) TRA information for Plumbers

Trades Recognition Australia is now providing detailed information for plumbing licensing and gap training in all Australian States and Territories. The migrant plumber page will provide:

- information about gap training in each Australian State and Territory
- contact details for each Australian State and Territory licensing authority
- links to each State and Territories information for overseas trained applicants.

In Australia, each State and Territory administers its own plumbing licences, gap training and the issuing of the Australian qualification (Certificate III in Plumbing)

<http://www.tradesrecognitionaustralia.gov.au/Programs/Pages/Plumbing-Provisional-Licensing.aspx>

(Source: TRA)

6) Heads UP on two new Iscah services for 2016

We are currently developing a Q&A forum that will allow us to answer your questions much more easily and will be full of reeeeeally useful resources for your visa processing.

And after much deliberation and requests from clients we will be offering course enrollment and student visa management services.

Details of both should be available in Jan/Feb 2016

7) New Entrepreneur/Innovation Visa

Innovators and entrepreneurs will be encouraged to bring their ideas to Australia with visa reforms to attract talented and highly educated people under the Coalition Government's National Innovation and Science Agenda. A new Entrepreneur Visa will be introduced to attract innovative talent and changes will be made to retain high achieving foreign students in Australia.

The Minister for Immigration and Border Protection Peter Dutton said ideas, skills and talent were essential to a high performing economy.

"The National Innovation and Science Agenda will change the way Australians work together to shape the nation," Mr Dutton said.

"The Agenda includes initiatives to foster new startups, help businesses to grow, and prepare young Australians for the opportunities of the future.

"The visa system is a key enabler of Australia's ability to attract and capitalise on the expertise and ideas of foreign innovators within a global marketplace.

"We also have a strong interest in retaining highly educated individuals to contribute to a thriving knowledge economy."

Mr Dutton said the new Entrepreneur Visa would attract individuals with unique skillsets, ideas and the entrepreneurial talent to Australia.

"It will be available for emerging entrepreneurs with innovative ideas and financial backing to develop their ideas in Australia.

"Australia's overseas networks will be leveraged to actively encourage entrepreneurial and innovative talent to come to Australia.

"We also want to retain highly educated, talented people whose knowledge base has been developed in Australia.

"We will make changes to facilitate a pathway to permanent residence for foreign students who are recent graduates from Australian institutions with specialised doctorate-level and Masters-by-research qualifications," Mr Dutton said.

The changes would assist graduates in STEM subjects - science, technology, engineering and mathematics or specified ICT and related fields.

"Innovation is an important building block for our nation's growth and through these reforms we will ensure Australia can benefit from the expertise of the global marketplace," Mr Dutton said.

"These changes remove impediments in the visa system to facilitate entry and retention of highly talented people."

More information is here :

<http://www.innovation.gov.au/system/files/case-study/Factsheet%2021%20-%20Supporting%20innovation%20through%20visas.pdf>

Implementation is expected in December 2016 !!

(Source: DIBP)

8) 457 Self Sponsorships hit a hurdle

DIBP have published policy for their 457 program that suggests any visa applicants who purchase a company and have that company sponsor them will likely be refused.

The legislation does not support this refusal and so applicants may find they have to lodge an appeal to the AAT for the chance of a more favorable decision.

This is the new 457 policy below ...

Position created to secure a migration outcome Overview The intent of the 457 program is to enable Australian businesses to temporarily fill short term skill shortages with overseas workers when they cannot find a suitably qualified or experienced Australian citizen or permanent resident to fill the position. The program is not intended to be used for non-citizens to establish a business in Australia and self-sponsor themselves; there are other visa pathways available for such purposes. Assessing In assessing whether the position associated with the nominated occupation is genuine, consideration should be given as to whether the position has been created to facilitate the entry to, or stay in Australia, of the nominee or any of their family members.

Six examples of factors that may indicate that the position has been created to facilitate the entry or stay of the nominee as the primary objective of the application are:

- the nominee is a relative or personal associate of an officer of the sponsoring business
- the nominee is a director or owner of the sponsoring business
- the nominee is currently in Australia as the holder of a 417 visa
- the salary level is inconsistent with other workers in the occupation (for example, if the nominated salary is significantly lower than industry standards for the nominated occupation)
- the business has indicated on the application form that they have received a payment from the nominee for lodging the nomination
- the nominee has indicated on their visa application form that they have made a payment (or entered into an arrangement to make a payment) to the proposed employer for nominating them. Officers should check departmental records for details of the sponsorship application and ascertain whether there is a direct or indirect relationship between the nominee and any owner / officer of the sponsoring business.

If the business is a company and an ASIC historical extract has not been provided the business should be requested to provide one if necessary to ascertain whether the nominee is an owner or director or shareholder. The size of the business, length of operation and the number of Australian employees should also be taken into consideration when determining whether the position associated with the nominated occupation is genuine. Nominations lodged by overseas businesses who have been approved to establish a branch of their business in Australia should be scrutinised to ensure that the nominee is not self-sponsoring and the 457 program is not being used to circumvent the requirements of, or undermine any other visa program such as the Business Innovation and Investment visa

(Source: DIBP and Iscah comments)

9) Orana (NSW) re open for 489 State Sponsorship

On the 18th of November 2015 Regional Development Australia Orana (RDAO) temporarily shut its doors to any new applications for nomination for sponsorship under the Skilled Regional (Provisional) visa (subclass 489) stream. RDAO is very close to nearing its cap for nominations under the programme, which is governed by the NSW Department of Industry and Federal Department of Immigration and Border Protection.

As of the 20th of November RDAO will again open for applications however, the Regional Skilled Occupation List and application process have changed.

From today, all new applicants must be invited to apply.

To register interest in the Orana region, an applicant/agent must email a certified copy of the applicant's skills assessment, along with their name and birthdate, to migration@rdaorana.org.au. RDAO will only invite applications from individuals whose skills match the current Orana Skilled Occupation List. Once invited, the applicant/agent will have two weeks to submit their application online.

RDAO will only accept applications from people who have been invited to apply. Additionally, RDAO will only accept applications submitted online.

Once invited, the process for using the online application portal and all other application requirements has not changed.

RDAO expects that all applicants who are invited are ready to apply as soon as practical after being invited. Please note, the online system is designed to prevent you progressing if you do not have the evidence required to support your application.

All Finance roles have now been suspended. RDAO will no longer accept applications for the following occupations:

- 221112 – Management Accountant (SUSPENDED 20/11/2015)
- 221113 – Taxation Accountant (SUSPENDED 20/11/2015)
- 221213 – External Auditor (SUSPENDED 20/11/2015)

(Source; NSW State Government)

10) Course progress/attendance for Student visa holders

This fact sheet sets out information about maintaining satisfactory course progress and/or attendance to meet your student visa conditions and avoid being reported to the Department of Immigration and Border Protection (DIBP).

This includes your right to appeal to the Overseas Students Ombudsman (OSO) if you are studying with a private registered education provider.

http://www.oso.gov.au/docs/os_fact_sheet1.pdf

11) Migration Program Review

The Federal Government is undertaking a review of the Migrant intake into Australia and has delivered a draft report here for those interested.

<http://www.pc.gov.au/inquiries/current/migrant-intake/draft/migrant-intake-draft.pdf>

There is not a lot of detail in it and changes to the points test will be in a separate report nearer to July 2016.

(Source: Australian government)

12) Changes to Health Criteria

From 20th November DIBPs health Matrix changed which indicates which visa applicants from which countries need to undertake a medical and/or xray as part of their application.

The latest health matrix is here and applicants will fall into Schedule 1 (listed countries) or Schedule 2 (the rest)

https://business.facebook.com/iscah.migration/?business_id=348381545370781

13) Licenced Occupations under 457 visa

Some occupations require mandatory licensing or registration in order to perform that work in Australia. For THOSE occupations DIBP have just introduced new legislation tightening what is required in order to abide my visa condition 8107...

The purpose of the amendment is to expand and clarify these requirements. Prior to amendment, the condition required the visa holder to hold the relevant licence, registration or membership, and comply with each condition or requirement to which the licence, registration or membership is subject. As amended, the clause provides that the holder:

- must hold the licence, registration or membership while the holder is performing the occupation; and
- must hold the licence, registration or membership within 90 days of arrival in Australia, if the visa holder was outside Australia when the visa was granted, or 90 days of visa grant if the holder was in Australia when the visa was granted; and
- must notify the Department in writing, as soon as practicable if an application for the licence, registration or membership is refused; and
- must comply with each condition or requirement to which the licence, registration or membership is subject; and
- must not engage in work that is inconsistent with the licence, registration or membership, including any conditions or requirements to which the licence, registration or membership is subject; and
- must notify the Department in writing, as soon as practicable if the licence, registration or membership ceases to be in force or is revoked or cancelled

(Source: DIBP)

14) Skill Select results 4th December 2015

The table below shows the number of invitations issued in the SkillSelect invitation round on 4 December 2015.

Invitations issued on 4 December 2015

Visa Subclass	Number
Skilled - Independent (subclass 189)	700
Skilled - Regional Provisional (subclass 489)	5

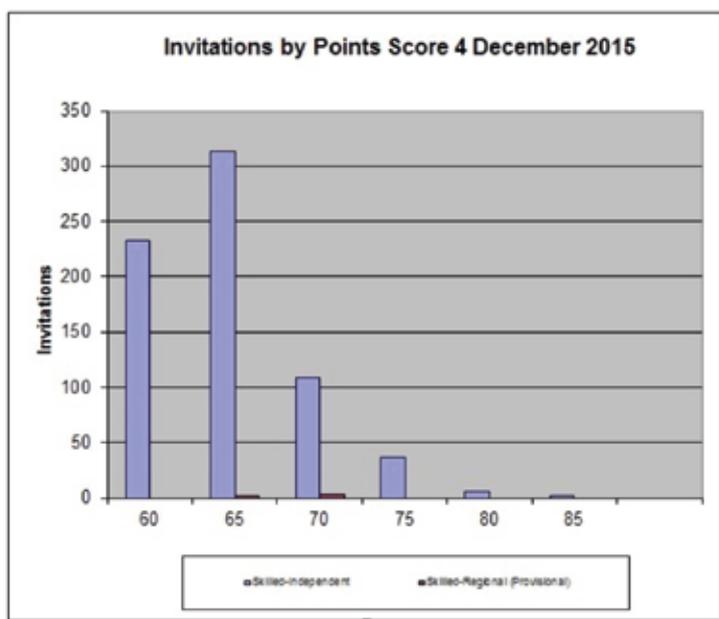
During 2015-16 the following number of invitations have been issued:
Invitations issued during 2015-16

Visa Subclass	July	Aug	Sep	Oct	Nov	Dec	Total
Skilled - Independent (subclass 189)	2300	2300	2300	2000	2300	700	11900
Skilled - Regional Provisional (subclass 489)	80	80	80	40	40	5	325
TOTAL	2380	2380	2380	2040	2340	705	12225

The above figures do not include invitations issued for State and Territory Government nominated visa subclasses. State and Territory Governments nominate throughout the month for specific points tested skilled migration and business innovation and investment visas. Separate results for these visa subclasses are provided monthly.

4 December 2015 results

The following graph shows the points for clients who were invited to apply in the 23 October round.



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.

Visa Subclass	Number	Visa date of effect
Skilled - Independent (subclass 189)	60	8/10/2015 9.55 pm
Skilled - Regional Provisional (subclass 489)	65	10/10/2015 12.35 pm

Due to the continuing high numbers of EOIs received for the below occupations, invitations for these occupations will be issued on a pro rata basis in each monthly invitation round over the 2015-16 programme year. These arrangements are subject to change throughout the programme year. 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 in these occupations:

- ICT Business and Systems Analysts
- Accountants
- Software and Applications Programmers.

The points score and the visa date of effect cut-off for the above occupations in the 7 September 2015 invitation round is as follows. Below points score and visa date of effect is for Skilled Independent (subclass 189).

Points scores and the visa dates of effect cut off for the above occupations in the 7 September 2015 invitation round

Points	Description	Points score	Visa date of effect
2211	Accountants	70	21/09/2015 5.25 pm
2611	ICT Business and System Analysts	65	12/09/2015 2.57 am
2613	Software and Applications Programmers	60	12/06/2015 3.41 pm

Note: the following occupation group has reached its ceiling and no more invitations will be issue during the 2015-16 programme year:

- 2212 – Auditors, Company Secretaries and Corporate Treasures

Iscah Note:

- Only 5 invitations were offered for the relative sponsored 489 visa. - Accountants continue to be invited at a rate much less than the pro rata 210 that would see them meet the annual target.

(Source: DIBP)

15) Delays in Skill Select results possible over the next month

DIBP Announcement

Due to a number of public holidays and staff absences during the period 21 December 2015 to 21 January 2016 the results from invitation rounds and responses to SkillSelect Technical Support Helpdesk enquiries may be delayed. Apologies for any inconvenience this may cause.

(Source: DIBP)

Well that's me all wrapped up for 2015!
Hope you have enjoyed the updates, have a terrific
time with your family and friends and see you all
hopefully raring to go on Monday the 18th January
2016.

Cheers



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