Iscah Migration Newsletter

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Hey everyone,

Hope you had a super last month and are ready for your comprehensive update on Australia's latest visa news.
This newsletter is published free on the 3rd Monday of each month and sent out to around 4500 subscribers.

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The footy season is about to bounce down at last and supporters are pulling out their scarves.
Here's hoping for another finals campaign for the mighty Freo Dockers !

On to March's jam packed edition …

Contents

1) Senate Report on 457 visa

The Australian Senate's Education and Employment References Committee has released its 355 page report on the impact of Australia's temporary work visa holders on the Australian labour market and on temporary work visa holders. The report, entitled A National Disgrace: The Exploitation of Temporary Work Visa Holders, details unscrupulous and exploitative practices and makes 33 recommendations.

The recommendations cover a wide range of areas including the need for:

- better publicly available data

- a public register of labour agreements and any exemptions they contain

- TSMIT to be indexed to average full-time weekly earnings and indexed annually

- a reconstituted Ministerial Advisory Council on Skilled Migration (MACSM)

- the replacement of local workers by 457 workers to be prohibited

- the removal of labour market testing exemptions

- labour market testing to be required for labour agreements and DAMAs

- one-for-one 457 (professional)/Australian tertiary graduate employment

- 457 (trade) sponsor must have 25% (or at least 4) trade workforce apprentices

- training benchmarks to be replaced with training levy of $4000 per 457 worker paid into existing government programs that specifically support sectors experiencing labour shortages as well as apprenticeships and training programs

- full public data on temporary worker numbers and occupations in Australia

- temporary visa holders to be eligible for entitlements under the Fair Entitlements Guarantee

- adequate bridging arrangements for all temporary visa holders to pursue meritorious claims under workplace and occupational health and safety legislation.

- an audit of rehabilitation and compensation provisions for temporary migrant workers

- free vaccination to be extended to the babies and children of all temporary migrants

- visa breach to not necessarily void a contract of employment and that the standards under the Fair Work Act 2009 apply even when a person has breached their visa conditions or has performed work in the absence of a visa consistent with any other visa requirements.

- for government funding on a submission basis for non-governmental organisations, registered employer organisations, trade unions, and advocates to provide information and education aimed specifically at improving the protection of the workplace rights of temporary migrant workers

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- identities of migrant workers who report instances of exploitation to the Fair Work Ombudsman or to any other body to not be provided to the Department of Immigration and Border Protection

- the 'recklessness' defence in section 357(2) of the Fair Work Act 2009 to be replaced with a 'reasonableness' defence.

- Australia to ratify the International Convention on Protection of the Rights of All Migrant Workers and their Families.

- better proactive information campaigns for temporary visa workers around workplace rights.

- a licensing regime for labour hire contractors to be established with a requirement that a business can only use a licensed labour hire contractor to procure labour

The Report called for reviews of:

- the period of time to qualify for permanent visas

- Working Holiday Maker visa programs (417 and 462)

- the Seasonal Worker Program,

- the procedures used in cases involving severe worker exploitation

- visa cancellation provisions

- the responsibilities of franchisors and franchisees

- Section 116 of the Migration Act 1954 with a view to amendment such that visa cancellation based on noncompliance with a visa condition amounts to serious noncompliance the resources and powers of the Fair Work Ombudsman, and the penalty, accessory liability, and sham contracting provisions under the Fair Work Act 2009.

The full report is here http://www.mia.org.au/documents/item/877
(Source; MIA/DIBP)

2) ABC commentary on the 457 changes above

A recent senate report investigating reforms that would clamp down on foreign worker exploitation has been praised by a migration law expert, with caveats.

Dr Joanna Howe gave evidence to the Senate Education and Employment Reference Committee's year-long inquiry into temporary visas, and has suggested reforms to the system in the past.

The report's focus on reforming the Department of Immigration and Border Protection's complaint handling process and decoupling employment conditions and visa conditions will make speaking up about exploitation easier.

"A much needed reform that the report highlights is the need to decouple the investigative powers of the Fair Work ombudsman and the reporting lines to the Department of Immigration," Dr Howe said.

"Something that has come up time and time again is that temporary migrant workers are extremely vulnerable about complaining to the ombudsman about exploitation at work because they fear their details will be passed on to the Department of Immigration.

"Under the Migration Act, they can get automatically sent home and deported for breaching visa conditions, and that does happen and so it's a real fear and legitimate fear of migrant workers."

Disagreements over 457 visa reform
Dr Howes also highlighted recommendations aimed at strengthening labour market testing when employers hire skilled migrants on 457 visas.

The report recommendations Coalition senators on the committee didn't support:

- **Recommendation 13**: Employers who hire a 457 visa worker (professional) should also have to hire an Australian tertiary graduate, on a one-for-one basis.

Coalition senators disagreed, saying this would create an overly onerous regulatory burden on employers.

- **Recommendation 14**: Employers who hire a 457 visa worker (trade) should have to show at least a quarter of their workforce is Australian (if they hire 4 or more people)

Coalition senators disagreed, saying this would create an overly onerous regulatory burden on employers.

- **Recommendation 15**: A levy, of up to $4000 for each one, should be placed on 457 visa holders, with the monies raised going towards government programs that address worker shortages. The levy would replace existing training benchmarks.

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Coalition senators said this the $4000 value is not based on any evidence, and previous reviews have suggested a $400-800 limit.
But these recommendations were a source of disagreement between the committee's chairman, Labor Senator Sue Lines, and Coalition senators on the committee.

Victorian Nationals Senator Bridget McKenzie said Coalition senators objected to many of the recommendations about the 457 visa scheme, because they clashed with World Trade Organisation rules and recently signed free trade agreements.

"Because of those agreement and rules we are bound to include certain exemptions for certain workers," she said.

Senator McKenzie said Coalition senators pushed for consideration of the FTA rules, but they were not accepted.
"At the end of the day, Coalition senators were very concerned by the evidence we heard in the committee about the unscrupulous examples of employers who had exploited temporary work visa holders," she said.
"We condemn that illegal behaviour and want to strengthen the measures in our law right across the board to ensure that doesn't happen into the future."

The National Farmers Federation's general manager of workplace relations Sarah McKinnon said the peak body for farmers was not yet convinced the 33 recommendations would end illegal exploitation of workers by labour hire companies.
"There is recommendation for licensing of labour hire companies, and that's something that has been discussed for a while now," she said.
"We are proposing an approved contractors scheme, because if you are going to make a real difference you need a proper level of regulatory oversight."

Progress doubted

When Labor held government, it conducted two reviews into temporary work visas.
The Coalition Government, since coming to power, appointed Dr John Azarius to review the 457 work scheme.

Dr Howes expressed some pessimism about the likelihood of meaningful reform, questioning whether many of the recommendations will ever see the light of day.

"All of these reports have identified that it is rather shambolic to have all these different visas with separate work rights and there's coordination efforts," she said.
"And each of these reports recommended an independent labour market testing export commission, and this hasn't been implemented by the Coalition and it's a key reform that's on the table again because of this report and we need to seriously think about it."
But Ms McKenzie told ABC Rural the Government, through a multi-department taskforce, was already working reforming temporary visas before this report was released.

(Source: ABC)

3) Family Sponsor crackdown

The federal government is cracking down on the sponsors of family visa holders.

Legislation introduced to parliament on Wednesday means sponsors will be scrutinised before visas are issued and those who don't properly assist the new arrivals will be punished.
Immigration Minister Peter Dutton said little focus on character had led to people with a violent history, including against family members, being able to sponsor people.

While sponsors had to promise to support the people they were sponsoring for two years, there were no consequences if they reneged.
Mr Dutton said the measure would fix these shortcomings by requiring sponsors to be assessed and imposing penalties for breaches of obligations.

The Ministers's speech is here http://www.mia.org.au/documents/item/874

Iscah comment : Our understanding is this will affect many of the family visa categories including partner visas. And that a visa application will not be able to be lodged in these categories until a person has ALREADY been approved as a sponsor. Hence causing more paperwork and more time delays.

(Source: www.news.com.au)

4) Partner visas who apply unlawfully (without a substantive visa)

Great news for Partner applicants who applied as unlawful (without a substantive visa)...
Schedule 3 waiver policy overturned

The judgement in Waensila v Minister for Immigration and Border Protection [2016] FCAFC 32 (11 March 2016) handed down on Friday has overturned the Department's interpretation and enforcement of the Schedule 3 policy and the provision of waivers for partner applications.

Many DIBP officers have been taking a hard line in these cases, particularly where the applicant has been unlawful, refusing waivers of Schedule 3 and forcing applicants to go offshore to make their applications.

The current policy has been interpreted as limiting the circumstances that can be taken into account when considering a waiver to have occurred before the application was made.

This judgement adopted the precedent of the High Court decision in Berenguel in finding that the Minister's discretion to waive the Schedule 3 requirements is not limited to circumstances before the application was made, but rather '... if and when compelling circumstances arise'.

The judgement states that ... the introduction of a waiver provision recognises the hardship that can result if an unlawful non-citizen wishing to remain in Australia on spouse grounds is obliged to leave Australia and apply from overseas' and there is '... no reason to limit the circumstances, whether they favour the visa applicant or not, to the position at a time before, and often substantially before, the Minister considers the exercise of that discretion'.

As with Berenguel, this judgement will have far reaching effects and go some way to alleviate the hardship that has been borne since the current policy interpretation was adopted.

(Source: MIA)

5) DIBP's Work policy for Students applying for PR

This is DIBP's "work" policy for students who wish to apply for a permanent visa in Australia whilst on a student visa...

Student visa holders in Australia and permanent visa applications - Compliance with 8202

If a student visa holder completes their course of study and applies in Australia for a permanent visa, they will be granted a Bridging A visa (BVA) in association with the application. The BVA, however, will not come into effect until the student visa ceases. Therefore, the applicant remains subject to student visa conditions until such a time as their visa ceases, or they are granted the permanent visa.

The following guidelines provide advice for officers in relation to dealing with students who remain on a student visa while awaiting an outcome of a migration application.
The general principle is that:
students who complete the full course of study for which they were granted a student visa should be allowed to remain on a student visa
visa cancellation and subsequent bridging visa applications should be considered for students who do not complete the full course of studies for which they were visaed.

The following 2 scenarios illustrate the policy approach:

Scenario 1
If the student finishes the principal course for which they were visaed as scheduled or earlier than planned:
the student to be allowed to remain on student visa, even if not intending to undertake any further studies if an SCV (Student Course Variation) is issued for early completion, the visa should not be cancelled.

Scenario 2
If the student does not attempt the principal course, but makes an application for a permanent visa after only completing a preliminary course, once the SCV brings the student to notice:
if the student intends continuing studies, they can be allowed to remain on their student visa. if the student does not continue studies, the student visa may be cancelled as the student no longer continues to be a person who would satisfy the grant of a student visa (condition 8516) - refer to PAM3: Act – Visa cancellation - General visa cancellation powers (s109, s116, s128, s134B and s140). In this instance, the student and dependants can apply for a Bridging E visa (BVE).

(Source: DIBP)

6) Migration Program reviews for 2016

In April 2016 there is scheduled to be the publishing of the future direction of the migration program. Migrant place allocation (2016/2017) for various visa categories will be announced in the May 2016 budget

Below are some items from the November 2015 Draft report was published in November 2015 relating to the Skilled (points Test) categories.
They are important in that they give some guidance into how DIBP will structure their new points test which is expected later in 2016 ...

Comments from the Report
There is a case for adjusting the selection of skilled immigrants across the skill stream as a whole, immigrants' skill levels are broadly similar to those of the Australian born population. However, within the skill stream there is significant variation. The relatively poor labour market outcomes of onshore independent skilled immigrants suggest that there is scope to improve the labour market outcomes of the skilled immigration stream overall by adjusting the eligibility criteria for this visa subclass.

One option would be to radically change the approach to selection of all skilled immigrants, such as by imposing a points test on all applicants, similar to the Canadian system. However, this would not address the most problematic subclass the onshore independent subclass which is already subject to a points test. It would add extra administration to employer nominated skilled immigration (which performs well).

On balance it is unlikely that imposing extra bureaucracy to the entire skilled immigration program to address deficiencies in one visa subclass would improve skilled immigrants' labour market outcomes significantly. An alternative would be to make targeted adjustments to the eligibility criteria, including:

• increasing the points granted for superior English language skills (currently superior English attracts 20 points)
• granting more points to graduates who have studied in fields which are under supplied (or penalising graduates in over-supplied fields)
• granting more points to applicants who have achieved better academic results (currently points are granted based on the award of a degree from a recognised institution; academic success is not taken into account) for example those with a distinction or high distinction average, honours and higher degrees
• reducing the occupational ceilings for over-supplied fields
• capping the onshore independent visa subclass (which would implicitly increase the points test pass mark for the subclass each year).

Of these options, the Commission favours the first three. Increasing the points granted to applicants who have desirable human capital characteristics (English language skills and high marks in fields that are not over supplied) would be consistent with the objective of identifying immigrants who are likely to meet Australia's longer term labour market needs.

Reducing the occupational ceilings for over supplied fields would be a less targeted approach, particularly if applications are processed in the order they are lodged.

(Source: DIBP)

7) New Pearson/PTE English tests in Perth

Good news for those in Perth wanting to undertake the PTE/Pearson english test. A second testing centre will open up in March/April 2016 that will have testing available 5 days every week.

The marks required for various levels for Immigration purposes are listed here
www.iscah.com/wp_files/wp-content/uploads/2015/05/2015Englishmarks.pdf

8) ACT/Canberra changes to 489/190 Sponsorship criteria

ACT/Canberra have issued a new Skilled Occupation List
www.canberrayourfuture.com.au/portal/migrating/article/act-occupation-list/

Generally you need to have lived (and sometimes worked) in the ACT for 3 or 6 months if you are in Australia. If you are applying from overseas there is different criteria depending if you have lived in Australia previously.

The full criteria is here
::www.canberrayourfuture.com.au/workspace/uploads/documents/190-skilled-nominated-guidelines-feb-16.pdf

Then promptly closed their process to all applicants currently living overseas having met their target for 2015/2016 (see below) :

The Australian Capital Territory is pleased to announce that program targets for ACT nomination of a Skilled Nominated (subclass 190) visa have been met for the 2015/16 financial year.
Effective 18 March 2016 at 4:00pm AEST, applications for ACT nomination from overseas residents will not be accepted. If you are living overseas you are not able to apply for ACT nomination of a Skilled Nominated (subclass 190) visa until the program reopens in July 2016.

Applications for ACT nomination already submitted before 4:00pm 18 March 2016 will be processed in queue order.

Canberra Residents
This action does not affect Canberra-based applicants. If you are living in Canberra and working in a skilled occupation, the program is open. You are still able to apply for ACT nomination of the Skilled Nominated (subclass 190) visa if you meet the current nomination criteria for Canberra residents.

(Source: ACT Government)

9) Hungary added to Work and Holiday visa program

Hungary has become the latest country to sign a reciprocal arrangement with Australia, allowing young people from both countries to visit each other's nations under the Australian Government's work and holiday arrangements.
The arrangement was signed today at Parliament House between the Minister for Immigration and Border Protection Peter Dutton and Hungarian Ambassador to Australia, His Excellency Dr Attila Laszlo Gruber.

Mr Dutton said this was a great development as it would encourage young people to add Australia or Hungary as another holiday destination when going abroad to travel, work and study for a short term.
"Under the arrangement, people aged 18 to 30 years will be able to travel to each other's country for one year and undertake short-term work and study under the Work and Holiday subclass 462 visa," Mr Dutton said.
"We will be working closely with our Hungarian counterparts to establish a mutually agreed start date for this arrangement as soon as possible.
"Once the arrangement has commenced, eligible young people from Hungary and Australia will be able to apply for this visa programme."

The arrangement will be capped at 200 places each year.

The commencement date will be announced on the Department's website:
http://www.border.gov.au/Trav/Visa-1/462- and on the Australian Embassy in Germany's website:
http://germany.embassy.gov.au/

(Source: DIBP)

10) PR Pathway for "non-protected" Special Category Visa holders (ie Kiwis)

Options for permanent residence for 'non-protected' SCV holders
In acknowledgment of our special bilateral relationship, the Australian Government will provide an additional pathway to permanent residence, and therefore citizenship, for New Zealand Special Category visa (SCV) holders who arrived after 26 February 2001, who have lived in Australia for the last five years and shown a commitment and contribution to Australia.

This additional visa pathway will be available from 1 July 2017, for New Zealand citizens who arrived post 26 February 2001, but on or before, the date of the announcement, 19 February 2016.

How this pathway will work
The Department of Immigration and Border Protection will have responsibility for implementing the pathway.
The pathway will be made available within the Skilled Independent category of the General Skilled Migration (GSM) stream of Australia's annual Migration Programme.

This pathway will allow SCV holders who have been living in Australia for the past five years, and have earned income at or above the Temporary Skilled Migration Income Threshold (TSMIT) as evidenced by their Australian Taxation Office Notice of Assessment throughout their qualifying residence period, to apply for permanent residency and thereafter citizenship.

The pathway requirements
Requirements for this visa pathway will include mandatory residence, contribution and community protection criteria. This includes:
have been resident in Australia for the five years immediately prior to visa application
contributed to Australia, demonstrated through income tax returns (Notice of Assessment) for the period of residence evidencing taxable income at or above the Temporary Skilled Migration Income Threshold (TSMIT)
mandatory health, character, and security checks.

Eligible applicants not in Australia the day of the announcement
If an applicant meets all relevant criteria and can demonstrate they were resident on the date of announcement, they will be eligible.

Estimated number of eligible applicants
Approximately 60,000 – 70,000 of the 140,000 post 2001 SCV holders who have been in Australia for at least five years are expected to be eligible.

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Temporary Skilled Migration Income Threshold (TSMIT) and eligibility
The Temporary Skilled Migration Income Threshold (TSMIT) is a salary threshold used by the 457 programme as an indicator that an occupation is skilled and to ensure that a visa holder has reasonable means of support whilst in Australia. It is currently set at AUD53,900.
Setting the eligibility threshold at the TSMIT ensures we are providing a pathway to prospective citizens who can make a strong contribution to Australia's future.

This is consistent with the economic objectives of Australia's Migration Programme, as it takes into account a level of contribution based on income tax returns.

Enabling Special Category visa holders to supply evidence from tax returns provides a concession to requirements relative to citizens of other countries, as it does not duplicate existing government requirements and is not onerous, but provides clear evidence of contribution.
This represents a clear concession over existing migration pathways. It reflects the ease of mobility under the Trans-Tasman Travel Arrangement (TTTA), while retaining a focus on skilled migration through a demonstrated contribution to Australia's income tax system.

Exemptions to the income test
Limited exemptions to the income test requirement will be considered for particularly vulnerable New Zealand citizens. The mandatory residence criterion, including all other relevant criteria, will still need to be met before a visa could be granted.
Details of how applications for exemptions to the income test will be assessed will be determined between the Minister for Immigration and Border Protection and the Minister for Social Services.

Who will be considered a vulnerable individual
This level of detail will be determined between the Minister for Immigration and Border Protection and the Minister for Social Services. The mandatory residence criterion would still apply in these circumstances.
As an example, possible vulnerable individuals may include the primary carer of children who, for reasons of a court order are unable to return to New Zealand with their children, and who as an SCV holder is unable to access working age payments.

Will an applicant who has been on maternity/paternity leave during the qualifying period be ineligible if their income fell below the required threshold during that period?
If the applicant continued to be employed during that period, DIBP may take that into account and have the capacity to consider other proof of income, for example, a statement from the applicant's employer covering the period in question.
This level of detail will be worked through by DIBP during implementation of the measure, noting that there is no intention to disadvantage applicants with a consistent record of income and employment but who have taken periods of parental leave.

11) High performing student graduates in South Australia

Immigration SA is making it easier for talented international graduates of South Australian public universities to qualify for state nomination through the "high performing graduate" category.

Immigration SA offers state nomination to international graduates of South Australia who meet state and federal government requirements for a 190 or 489 General Skilled Migration visa.

Benefits of the 'high performing graduate' category include:

Access to a more extensive list of occupations on either the State Occupation List or the Supplementary Skilled List.

Waivers to Immigration SA's work experience and English language requirements.

You will still need to meet the English and work experience required for your skills assessment and registration (if your occupation requires registration).

High Performing Graduate
To qualify as a high performing graduate, you will need to be currently residing in South Australia and have completed one of the following qualifications from a South Australian public university (in the last two years) with the required Grade Point Average (GPA) listed below:

- PhD or Masters by Research.
- GPA of 6.0 or above in a Masters by Coursework degree (following completion of a Bachelor degree in South Australia).
- First Class Honours in a dedicated Honours year (following completion of a Bachelor degree in South Australia).
- PA of 6.0 or above in a Bachelor degree.

If you are a high performing graduate from a private university or higher education provider in South Australia, view our website for further information.

(Source: South Australian government)

12) Visa Scam uncovered in Melbourne

A Melbourne man who ran a fake immigration training program that promised clients permanent residency will be fined more than a million dollars.

Clinica Internationale Pty Ltd and its managing director Radovan Laski were found to have engaged in false, misleading and unconscionable conduct by the Federal Court on Tuesday.
The Australia Competition and Consumer Commission said at least 97 people participated in the Clinica program between August 2012 and July 2013, paying the company in excess of $800,000.

Clinica claimed it would provide clients with Certificate III cleaning training that would lead to a job in regional Australia and qualify them for a permanent residence visa.
Clinica also said it would liaise with migration officers to help clients apply for the 187 visa.

The Federal Court heard the company's ads promised permanent residency in nine months, promoting the program as "The Quick and Easy Way to get PR".
"What happened bore little or no resemblance to what clients had been promised, and what they had paid for," Federal Court Judge Debra Mortimer said.
Only 10 people who participated in the program were offered employment.

The jobs were offered at an abattoir and did not qualify the Clinica clients for the permanent residency visa.

One client, pastry chef Sourab Uppal, told the court he paid $2000 to enrol in the asset management course and be placed in a cleaning job - only to be put in an abattoir.
"To my horror, the work did not involve cleaning, but rather cutting off the legs of dead goats and sheep," Mr Uppal said.
"I am a Hindu and have been a vegetarian all my life. My experience at (the abattoir) was scary and I was very emotional and upset."

Another former client, Rajesh Azad, who has a Masters of Commerce, asked for a refund when Clinica did not find him a job.
He gave evidence he was told he would be entitled to a 60 per cent refund if Clinica did not find him employment, but when he requested his money back Clinica filed a complaint against him seeking payment of $11,150.

Witness Lauris Fahey said she had heard Mr Laski bragging about how he took advantage of migrants looking for jobs.
He said some former clients had sued him in VCAT and he was using delay tactics so their visas would run out and they would have to leave Australia before they could finalise their claims, Ms Fahey said.
Mr Laski denied this.

Formal orders are yet to be made, but Justice Mortimer indicated she would order the contracts between Clinica and its clients be voided and refunds issued.
She said she will impose total penalties of $700,000 on Clinica and $325,000 on Mr Laski.

(Source: www.sbs.com.au)

13) Chinese nationals to be able to pay for quicker visitor visas

This is recent legislation introduced to Parliament

The purpose of the Regulation is to amend the Migration Regulations to create a priority consideration of visa application service (priority service) for specified kinds of visas and specified kinds of passport holders.

The Government's White Paper on Developing Northern Australia (the White Paper) recommended a number of key visa initiatives including a trial of a priority service for eligible Chinese nationals seeking to visit Australia.

It is expected that the White Paper initiatives, including a trial of the priority service for Chinese nationals in the People's Republic of China, will make Australia a more attractive visitor destination and will help grow the tourist economy, including in northern Australia. These measures will help Australia capitalise on the increased affluence of Asia and the northern Australia's proximity to the region.

The Department of Immigration and Border Protection will trial a priority service for processing Subclass 600 (Visitor) visa applications in both the Tourist and the Business Visitor streams, for certain visa applicants who are Chinese nationals. It is expected this trial may appeal to affluent individuals who may wish to travel to Australia at short notice.

The priority service may be requested by a visa applicant for a fee of AUD1,000, charged in addition to the existing visa application charge. The priority service provides priority consideration of a visa application, however there is no regulatory requirement that the application be decided by a particular timeframe. While the Department will endeavour to make a decision on a priority service visa application within a shortened timeframe, applicants will be informed in advance that there is no guarantee of a faster outcome, as issues such as character and health matters may delay processing. No refund will be available unless the visa application charge is being refunded. Invalid requests for this priority service, for example applicants holding passports not specified under the Regulation, would receive full repayment of the AUD1,000 fee. Processing times for Visitor visas, more generally, will not be affected by this service.
(Source: DIBP/APH)

14) All ideas start somewhere … Commonwealth countries want visa free access

Commonwealth 'visa-free' idea popular
New Zealanders, Australians, Canadians and Britons would like the right to live and work in each other's nations without the need for a visa, a poll suggests.
The proposal was least popular in Britain, where only 58 percent of those surveyed backed the idea.
The survey, carried out by The Royal Commonwealth Society, shows significant levels of support for a European Union-style system of free movement between the four nations.
Support for the idea was strongest among New Zealanders with 82 percent of those surveyed in favour of the idea.
There was also strong support among Canadians (75 percent), Australians (70 percent) and people under the age of 35.

The policy proposal was least popular in Britain, where 58 percent of those surveyed backed it, but one in five did not think it was a good idea.
"I think it could work," said Lord Howell of Guilford, president of the Royal Commonwealth Society.
"We need to welcome our friends with open arms when they visit us, and, in doing so, work to ensure as much free mobility as possible."
Perhaps unsurprisingly, the idea seemed incredibly popular among young Commonwealth nationals in some of London's pubs.
"Well I think if you observe history it seems only fair," said Jo McGregor, a barwoman from London.
"Why should people from Australia or New Zealand have a harder time [working in Britain] than people from Europe? We've got the same Queen, we fought the same wars, we have the same language and similar culture."

However, former Australian foreign minister and now High Commissioner to the UK Alexander Downer immediately poured cold water on the proposal.
He suggested exempting countries from visas could be bad for Australia's border security.
"If we had exemptions ... we wouldn't know who was coming in from that country in advance," Mr Downer said.
"We have to manage our borders in a coherent, sensible way. We're not about to change those arrangements for anybody."

Mr Downer said there was a sense of disappointment among Australians that it was not as easy to get a visa to work in the UK as it once was.
Britain was trying to reduce migration by restricting the numbers of those coming from outside the European Union.
From 6 April, Australians and New Zealanders staying longer than six months in the UK would have to pay £200 ($NZ419) for the "free" National Health Service (NHS).
Those who wanted permanent residency in the country would also have to be earning a minimum of £35,000 ($NZ73,430) to be permitted to stay.

Officials and members of British Prime Minister David Cameron's Conservative Party had warned the tighter, more expensive visa regulations could have a long-term impact on the UK's relationship with Australia.
"If the British want Australian companies to continue to invest very strongly in the UK they should think about making sure their visa arrangements are liberal enough that Australian investors are able to bring Australians over to help run those businesses," Mr Downer said.

(Source: www.radionz.co.nz)

15) Entrepreneur Visa – more details released

The Australian Government announced the National Innovation and Science Agenda (NISA) on 7 December 2015. NISA includes a range of initiatives to drive prosperity by putting innovation and science at the centre of the Government's economic narrative. Investment will be made in the key enablers of innovation, including science, research, education and infrastructure.

Under the NISA, a new Entrepreneur visa will be established for entrepreneurs with innovative ideas and financial backing from a third party. This visa will:

- be a provisional visa for individuals who have obtained capital backing from a third party (details of appropriate third parties will be informed through consultation) to develop entrepreneurial ideas in Australia

- be established as a new stream within the existing Business Innovation and Investment (Provisional) visa (subclass 188) and the Business Innovation and Investment (Permanent) visa (subclass 888)

- be introduced in November 2016.

Eligibility criteria will be determined based on consultation with key federal, state and territory government and industry stakeholders. Consideration will be given to the desirable level of financial backing and how to target entrepreneurs with innovative ideas in specific sectors.
Consultation questions

- Should the entrepreneur require nomination from a state or territory government in order to apply for the Entrepreneur visa, consistent with the other streams of the Business Innovation and Investment Programme (BIIP)?

- Is four years an appropriate period for the provisional visa to enable the entrepreneur to develop and commercialise their innovative idea in Australia?

- Should an extension of the provisional visa be permitted for individuals who have not established a successful and innovative venture in the relevant time period, to allow them additional time to do so?

- How would success of a venture be measured to enable the entrepreneur to progress to permanent residency, and is there an appropriate form of third party verification that could be used to verify the success of the business venture? For example, should measures include a specific level of business turnover, number of Australian employees et cetera?

- Should grant of permanent residence be contingent on success of the original idea put forward for development or would other successful business ventures in the timeframe also be considered? If so, how could this be defined?

- Are there particular sectors that should be targeted (or limited to) which demonstrate a high level of innovation and provide significant benefit to Australia such as Science, Technology, Engineering and Mathematics (STEM) and Information Communications Technology (ICT) sectors? Are there particular sectors which should be excluded, such as residential real estate development or residential real estate schemes?

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- What third party backing should be acceptable to ensure a robust process of assessment and investment has taken place? For example, some BIIP visa pathways require third party funding to come from members of Australian Private Equity and Venture Capital Association Limited.

- What is the most desirable third party capital investment threshold to balance the attractiveness of the visa to genuine entrepreneurs, while promoting a high general standard of applicants?
- Are there any specific integrity measures that should be considered being built into the initial visa assessment criteria, ongoing visa conditions, and criteria for permanent residence?

- Would the Business Talent (Permanent) (subclass 132) Venture Capital Entrepreneur visa stream still be required as a visa option once the Entrepreneur visa is implemented?

(Source: DIBP)

16) Parent visa processing times update

ONSHORE APPLICANTS (Subclass 804)
Once your application is allocated to a case officer (which may take up to 12 months) you or your authorised contact will be contacted and asked to provide more documents including police certificates and health clearances to complete your application. As soon as you are assessed as meeting all requirements your application will be placed in a queue and assigned a queue date to wait for a visa place.

We are currently assessing for a queue date applications lodged up to 20 March 2015
We are currently assessing for finalization applications with a queue date up to July 2009

OFFSHORE APPLICANTS (Subclass 103)
Once your application is allocated to a case officer (which may take up to 17 months) your eligibility for a visa will be assessed and if you are found to meet eligibility requirements your application will be placed in a queue and assigned a queue date to wait for a visa place.

We are currently assessing for a queue date applications lodged up to 31 October 2014
We are currently assessing for finalization applications with a queue date up to March 2009

OFFSHORE APPLICANTS (subclass 143/173)
In the 2015-16 Migration Programme year, 7 175 Contributory Parent visa places are available for applicants applying from in and outside Australia.

When your application is allocated to a case officer, which may take up to 23 months, you or your authorised contact will be asked to provide more documents including but not limited to Assurance of Support (subclass 143 only), police certificates and health clearances to finalise your application.

We are currently assessing for finalization applications lodged up to 10 April 2014.

ONSHORE APPLICANTS (subclass 864 and 884)
When your application is allocated to a case officer, which may take up to 9 months, you or your authorised contact will be asked to provide more documents including but not limited to Assurance of Support (subclass 864 only), police certificates and health clearances to finalise your application.

We are currently assessing for finalization applications lodged on 30 June 2015.

TEMPORARY TO PERMANENT (subclass 173 to 143 and 884 to 864)
When your application is allocated to a case officer, which may take up to 6 months, you or your authorised contact will be asked to provide more documents including but not limited to Assurance of Support, police certificates and health clearances to finalise your application.

We are currently assessing for finalization applications lodged on 27 August 2015.

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QUEUE for subclass 103 and 804
As visa places are very restricted (currently 1500 per year) your application may spend as much as 30 years in the queue. This waiting time is expected to become longer. The time spent depends on the Government releasing visa places. Partners, children and skilled migrants are given priority.

If you require more explanation of the Government's capping and queuing process please see our website at http://www.immi.gov.au/migrants/family/capping-and-queuing.htm

You may find that you are eligible for an alternative parent visa, the Contributory Parent visa. This has significantly higher application charges, but no queue and is therefore a much quicker pathway to permanent residence. Please see our website at: http://www.border.gov.au/Trav/Visa-1/143-

We are currently assessing for a queue date subclass 103 applications lodged up to 31 October 2014.

ORDER OF PROCESS FOR NON-CONTRIBUTORY APPLICATIONS
All applications are initially assessed in order of date of lodgement until they are queued or refused. The order of queuing may be influenced if you respond to requests for documents or other actions quickly.

Once queued, the queue dates cannot be changed even if compelling or compassionate circumstances exist as all cases are considered equally deserving. Please do not ask for your application to be prioritized or expedited. Applications are released from the queue in queue date order. To do otherwise could disadvantage someone else with equally compelling or compassionate circumstances .

Currently we are processing offshore applications that were queued in 2009 and onshore applications that were queued in 2009. Changes in numbers in the queue depend on how many visas may be granted each year, fluctuations due to grants, refusals, withdrawals and successful review cases. The queue calculator for non-contributory parent visas can be found at
https://www.ecom.immi.gov.au/qcalc/QDateAnswer.do

Please do not ask for your application to be prioritized or expedited

(Source: DIBP)

Okay folks, all over until Monday 18th April 2016.

Be good and see you all then.

Steven O'Neill

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