

Iscah Migration Newsletter

Edition Number 214 | 18th April 2016

Hey everyone,

Hope the last month has been good to you. I have just got back from a few fantastic days away with my kids and am excited about the next few months as we hear more about what the government have planned for the 2016/2017 migration program.

A super important migration report has just been handed to the government and over the next month or two that will be presented to both houses of parliament which will give us a guide on where migration numbers and policies will head. Also with a Federal Election likely sometime in the next 5 months we will be able to see the contrast between the current Coalition conservative government and the opposition Labor party and their immigration policies.

Whatever happens Australia will continue to grow through a strong and transparent migration program and we will give you details as they become clear.

Anyhow on to this month's newsletter ..



Contents

- 1) 457 changes introduced
- 2) Student visa changes
- 3) Cannot have paid for your company sponsorship in last 3 years
- 4) Visa changes to attract more Chinese visitors
- 5) Possible changes to the Computing/It occupations on the skilled
- 6) CPA come out in favour of Accountant REMAINING on the skilled list
- 7) Migrant intake into Australia report given to government
- 8) Ministerial Appeals
- 9) Iscah Q&A video clips on YOUTUBE
- 10) Backpacker tax up for review before it even commences
- 11) Greens back refugee rise including new Skilled visa
- 12) Latest update on Student and 485 visa processing – statistics
- 13) Parent visa processing times
- 14) Skilled Select Results 23rd March 2016

1) 457 changes introduced

The Federal government have announced changes to the 457 visa from 19th April 2016. Below are the details from the explanatory statement that accompanied the changes:

Address inappropriate use of the Subclass 457 programme by imposing an obligation on standard business sponsors to require them not to engage in recruitment practices which discriminate against potential employees on the grounds of immigration status or citizenship;

The measure in Schedule 1 creates a new sponsor obligation in Division 2.19 of Part 2A of the Regulations to require standard business sponsors to refrain from engaging in discriminatory recruitment practices. 'Discriminatory recruitment practice' is defined to mean a recruitment practice that directly or indirectly discriminates against a person based on the immigration status or citizenship of the person, other than a practice engaged in to comply with a Commonwealth, State or Territory law. The new obligation seeks to address a community concern that some employers may be relying on the Subclass 457 programme to employ foreign workers without having regard to the availability of local labour. Related to the new sponsor obligation, the criteria for approval to become or remain a standard business sponsor (paragraphs 2.59(f) and 2.68(g)) have been amended to require a written declaration that the applicant will not engage in discriminatory recruitment practices. The provisions also retain the existing requirement for an attestation that the applicant has a strong record of, or a demonstrated commitment to, employing local labour.

- Streamline the processing of Subclass 457 visa applications by requiring visa applicants to enter details of a nomination by a sponsor or proposed sponsor when making internet visa applications;
- Remove visa criteria which require provision of evidence of English language proficiency by Subclass 457 visa applicants who are already required to demonstrate such proficiency to obtain occupational registration or licensing;

English language criteria

These amendments improve the flexibility and efficiency of the Subclass 457 programme, and simplify requirements for certain visa applicants, by amending the English language criteria for the Subclass 457 visa. Previously, applicants were required to provide evidence of English language proficiency to the Department, via specified test results, even if they were able to demonstrate English proficiency by test results, or by some other means, that was satisfactory to Australian occupational licensing or registration authorities. In circumstances where the registration and licensing authorities impose and assess English language requirements, it is duplication and 'red tape' for the Department to require the same or equivalent evidence via specified test results. The amendment repeals a criterion which imposed such a requirement (paragraph 457.223(4)(ea)). In addition, to give full effect to the policy of reliance on assessment by occupational licensing and registration authorities, it is necessary to amend the instrument under subclause 457.223(11) so that visa applicants are exempt from the Department's English language testing requirements if they have already met the same or higher English language requirements to gain an occupational registration or license. That instrument is amended with effect from the commencement date of this regulation. The changes do not adversely impact English proficiency levels in the 457 programme.

Iscah comment: In short they are not significant changes. An employer has to provide a written declaration that they did not purposely exclude Australian residents or citizens from the job search process. And the English language change makes the English language easier for some applicants.

(Source: Federal Government and Iscah comment)

2) Student visa changes

The Federal government have announced changes to the student visa structure from 1st July 2016. Below are the details from the explanatory statement that accompanied the changes :

- Introduce a simplified international student visa framework which would:
 - o reduce the current eight student visa subclasses to two visa subclasses: Subclass 500 (Student) and Subclass 590 (Student Guardian);
 - o streamline application and processing requirements for student visa applicants, in particular by making criteria common to all applicants, including criteria relating to enrolment, English language requirements, financial capacity, and genuineness of application for entry and stay as a student;
 - o simplify a range of requirements including enrolment requirements, financial requirements, and requirements relating to visas previously held if the application is made in Australia;
 - o repeal the provisions relating to the current regulatory assessment level framework and streamlined processing provisions and introduce new requirements to strengthen the integrity of the programme by providing a larger range of factors for decision makers to assess genuineness and the need for individuals to provide evidence of financial and English proficiency;
 - o revise a condition placed on student visas to make it clear to visa holders what kinds of courses they are permitted to undertake while holding the particular visa and when a change of course would require them to apply for a new student visa; and
 - o make other amendments to repeal duplicate and redundant provisions and clarify the operation of the relevant provisions.

Full detail of each of these points are too much to copy into the newsletter but they can be seen all here in detail :

<https://www.legislation.gov.au/Details/F2016L00523/Explanatory%20Statement/Text>

(Source: Federal government)

3) Cannot have paid for your company sponsorship in last 3 years

DIBP in December 2015 introduced legislation to prevent visa applicants making payments towards being sponsored for company sponsored visas.

They have now extended this for those people who apply for 186/187 visas to say that you cannot have made such payments for the LAST THREE years. This will capture those visa applicants who may have made such payment in the past to obtain 457 sponsorship and then after 2 years were looking to apply for the 186/187 visa with its easier english requirements.

It is important to remember that this is unlikely to affect anyone who was granted a permanent visa before the legislation was introduced in December 2016

(Source DIBP and Iscah)

4) Visa changes to attract more Chinese visitors

Prime Minister Malcolm Turnbull has declared 2017 the year of Australian/Chinese tourism, launching new initiatives to entice more Chinese travellers.

Australia will be rolling out the red carpet for Chinese tourists with a string of initiatives to entice the nation's growing middle class to come spend their money Down Under.

Prime Minister Malcolm Turnbull has declared 2017 the year of Australian/Chinese tourism, with events and initiatives in both countries aimed at encouraging visitors at either end.

"The more Chinese come to Australia, Australians go to China, the closer we become together, the better we understand each other," he told reporters at Shanghai's Expo Centre on Thursday.

China is Australia's most valuable tourism market, contributing \$8.3 billion to the economy with more than one million visitors last year.

A \$6 million agreement focused on advertising and data sharing signed between Tourism Australia and Air China on Thursday morning aims to ensure they keep on coming in droves.

Australia will trial changes to visa applications in a bid to entice more travellers, including:

- * Reducing the number of visa categories from eight to two making it easier for Chinese students to study in Australia
- * 10-year validity visas
- * Visa applications in Mandarin (first time it's been in another language)

A new smartphone-friendly digital platform will focus on selling Australia to China's 700 million smartphone users.

"It makes Australia more accessible, more available, more compelling as a tourism destination," Mr Turnbull said.

(Source: AAP)

5) Possible changes to the Computing/It occupations on the skilled list from 1st July 2016

DIBP invite submissions from the assessing bodies as to which occupations may be on the skilled list for the 1st July each year.

The ACS have published their recommendations. Not all these will be added but it gives a good indication where DIBP may head with additions to the SOL.

The following list details the main occupations in demand over the medium to long-term for inclusion into the 2016-17 SOL:

- 262111 Database Administrator
- 262112 ICT Security Specialist
- 262113 Systems Administrator
- 263211 ICT Quality Assurance Engineer
- 263212 ICT Support Engineer
- 263213 ICT Systems Test Engineer
- 263299 ICT Support and Test Engineer NEC
- 261212 Web Developer
- 261211 Multimedia Specialist
- 261399 Software and Application Programmer

The following occupations are currently on the SOL and are deemed to be in demand over the medium to long-term and proposed to continue on the 2016-17 SOL

- 263111 Computer Network and Systems Engineer
- 261111 ICT Business Analysts
- 261112 Systems Analysts
- 261311 Analyst Programmer
- 261312 Developer Programmer
- 261313 Software Engineer

(Source: Australian government)

6) CPA come out in favour of Accountant REMAINING on the skilled list

DIBP invite submissions from the assessing bodies as to which occupations may be on the skilled list for the 1st July each year.

CPA Australia's submission calls for the retention of the accounting and finance occupational codes on the Skilled Occupation List (SOL) in 2016-17 and beyond. Further we urge that a more predictable approach to independent skilled migration be adopted.

CPA Australia recommends that the following accounting codes are retained on the SOL:

- 221111 Accountant (General)
- 221112 Management Accountant
- 221113 Taxation Accountant
- 221212 Corporate Treasurer
- 221213 External Auditor
- 132211 Finance Manager

In the immediate term, while the review of skilled and temporary migration progresses, the occupational ceiling for Accountants is increased, the flag removed and this outcome is shared early.

Within 2016 a new approach to independent skilled migration is ushered in whereby the flow of migrants for each occupation is governed by adjusting a points threshold up or down based on labour market and other relevant considerations

(Source: Australian government)

7) Migrant intake into Australia report given to government

The inquiry report has been handed to the Australian Government on 15 April 2016.

The release of the final report by the Government is the final step in the process. Under the Productivity Commission Act 1998, the Government is required to table the report in each House of the Parliament within 25 sitting days of receipt.

In undertaking this inquiry, the Commission used evidence from Australia and overseas to report on and make recommendations about the following:

The benefits and costs of permanent migration.

The scope to use alternative methods for determining the intake of permanent migrants and the effects these would have. This should include examination of a specific scenario in which entry charges for migrants are the primary basis for the selection of migrants.

The benefits and costs of temporary migration with an examination of the use of charges as the primary basis for regulating the level and composition of this migration.

Mechanisms for achieving an optimal interaction between temporary and permanent migration.

The draft report from November 2015 is here -

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

(Source: Productivity Commission)

8) Ministerial Appeals

A visa applicant after being refused by DIBP and the AAT may decide to lodge an appeal to the minister for immigration.

The minister has last month released new guidelines as to which cases should NOT be referred to him. Of most interest is the addition of the following 2 ...

- the person's visa has been cancelled because they breached their visa conditions - the person has had a visa refused because they did not comply with the conditions of a previous visa

The full list is here below :

the request is made by a person who is not the subject of the request or their authorised representative the person is in the community and:

is an unlawful non-citizen and remains an unlawful non-citizen throughout the course of their Ministerial intervention request; and/or

does not cooperate in ensuring that a valid travel document is available (or has not satisfied the Department that they are stateless)

the person has been found not to satisfy a fraud-related Public Interest Criterion for the grant of a visa

the person's visa has been cancelled because they breached their visa conditions

the person has had a visa refused because they did not comply with the conditions of a previous visa

the person has been refused a visa or has had a visa cancelled on character grounds

ASIO has determined that the person is a direct or indirect risk to national security through issuing the person with an Adverse Security Assessment (ASA) which remains in effect

the person could apply for a Partner visa onshore but is subject to an 8503 condition (which specifies that after entering Australia, the person cannot be granted another substantive visa other than a protection visa while they remain in Australia) and a request for a waiver of that condition has not been sought or decided

the person may be able to apply for a Partner visa onshore, as prescribed under regulation 2.12(1) of the Migration Regulations 1994 (the Regulations)

the person's application for a Partner visa onshore, as prescribed under regulation 2.12(1) of the Regulations, has been refused and the person is now barred from applying for a Partner visa onshore

the person has left Australia

the person has an ongoing application for a substantive visa (either onshore or offshore) with my Department

the person has an ongoing application for merits review of a visa decision with a relevant review tribunal

the person has had a remittal or a set aside decision from a relevant review tribunal or a court

the person's review tribunal decision was in relation to the refusal or cancellation of a Bridging visa E

the person has an ongoing Ministerial intervention request under any of the powers covered by these guidelines

a Notice of intention to remove has been issued to the person, and the Ministerial intervention request has not been initiated by the Department

the person holds a Bridging visa E with visa condition 8512, which specifies that the person must leave Australia by a specified date the request raises claims only in relation to Australia's non refolement obligations.

(Source: DIBP)

9) Iscah Q&A video clips on YOUTUBE

Iscah Q&A video clips on Youtube

As an additional way to get top quality migration advice out there we have started to produce short Q&A videos on various visa topics.

The first 6 titles produced are below :

Accountants (March 2016)

RSMS (March 2016)

Points (April 2016)

Skilled Visas (April 2016)

More Skilled, RSMS and 457 visa questions (April 2016)

Skill Assessments Q&A (April 2016)

And they are all linked to here

https://m.youtube.com/channel/UCG7m_j4lrmoEh2n7G4xEsHg

(Source: Iscah)

10) Backpacker tax up for review before it even commences

Federal Government to review controversial backpacker tax; concedes it could hurt agriculture
The Federal Government has conceded its own proposed foreign backpacker tax could damage Australian agriculture and tourism.

The change will see foreigners on working holiday visas taxed 32.5 cents from the first dollar they earn, and a scrapping of the \$18,200 tax-free threshold.

Tourism Minister Senator Richard Colbeck told the ABC he would head a cross-departmental review of the tax.

"Legitimate concerns have been raised about the impact the so called backpacker tax would have on our global competitiveness as a backpacker destination," Senator Colbeck said.

"The backpacker workforce is vital to two of our key super growth sectors — agriculture and tourism.

"We have therefore decided that the proposed tax arrangements require further discussions to ensure Australia does not lose market share in backpacker visitation.

"We will work to prepare a revenue neutral proposal in consultation with Employment, Immigration, Agriculture and Industry Ministers that can be presented to the Treasurer for consideration by Cabinet in relation to the measure."

He said backpackers would still be taxed but the committee would look at other measures to ensure there was no negative impact.

"The key issue is to ensure we have a balanced and equitable approach to the tax status for workers here on visas," Senator Colbeck said.

Last month the ABC revealed that moves were underway within the Federal Coalition to find a compromise on the tax, amid concerns about the impact it would have on the agriculture industry.

Some rural MPs, including Liberal Member for Murray Sharman Stone, questioned whether the proposed tax would generate the full \$540 million forecast by Treasury over the next three years.

"It is the harvest-dependent international backpacker scene that we want to see continue and not suddenly disappear," Dr Stone said in February.

"We've looked at what the tax take might be as a contribution to the budget, but if we have fewer backpackers arriving that tax take is a lot less when calculated."

Farmers also expressed concerns about the tax, warning crops would be left to rot if their backpacker workforce dried up.

(Source: ABC)

11) Greens back refugee rise including new Skilled visa

Australia's refugee intake would increase to 50,000 a year, including 10,000 via a new "skilled refugee" category, under a policy to be announced by the Greens.

The policy would provide a "dignity package" for asylum seekers waiting for their claims to be processed in Indonesia and Malaysia to discourage them from attempting to come to Australia by boat.

It would also shut down the offshore detention centres on Manus Island and Nauru, saving an estimated \$2.9 billion over four years, most of which would be re-invested into "a fairer system that helps more people".

Sarah Hanson-Young: "If we give people a viable alternative, they will take it."

The policy will be launched in the usually safe Labor seat of Batman in Melbourne on Saturday by Greens leader Richard Di Natale, the party's immigration spokeswoman, Sarah Hanson-Young, and its candidate for the seat, social worker Alex Bhathal.

The Greens are targeting Batman as a potential gain in the double dissolution election that is expected on July 2.

Senator Hanson-Young rejected the expected criticism from the Coalition and Labor that the policy will encourage people smugglers to resume their trade between Indonesia and Christmas Island.

"This policy gives people a viable alternative," she said. "If we give people a viable alternative, they will take it. They don't want to have to pay people smugglers. They would prefer to work directly with the Australian authorities."

The Greens would also push for a royal commission on children in detention, abolish the Australian Border Force and restore the former role of the Immigration Department, and abolish temporary protection visas.

(Source: www.watoday.com)

12) Latest update on Student and 485 visa processing - statistics

- Between July and December 2015, total student visa applications lodged increased by 3.1 per cent compared with the same period in 2014. This was driven by an increase in lodgements of Vocational Education and Training (VET) Sector (subclass 572) and Non-Award Sector (subclass 575) visas.
- Student visa grants to applicants outside Australia increased in the six month period to 31 December 2015 by 6.0 per cent with increases to visa grants for the nationals of China, Brazil and United States of America. More Higher Education Sector subclass 573) visas were granted to applicants outside Australia compared to the same period in the previous year.
- In the six months to 31 December 2015, applications lodged by the nationals of India, Nepal and Pakistan decreased by 8.2 per cent, 7.4 per cent and 11.2 per cent respectively compared to the same six month period to 31 December 2014.
- As at 31 December 2015 there were 328,131 student visa holders in Australia which is the highest recorded number of student visa holders in Australia on 31 December. Over one third of students in Australia at 31 December 2015 were from China (20.2 per cent) or India (14.8 per cent).
- As expected, lodgements for the Temporary Graduate (subclass 485) visa increased in the six month period to 31 December 2015 when compared to the same period in the previous year as a greater number of students in Australia become eligible to meet the requirements for the Post-Study Work

The full report is here

<http://www.border.gov.au/ReportsandPublications/Documents/statistics/student-visa-2015-16-to-2015-12-31.pdf>

(Source: DIBP)

13) Parent visa processing times

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 27 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 06 November 2014

We are currently assessing for finalization applications with a queue date up to April 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 applications lodged up to 6 May 2014 (NO CHANGE FROM LAST WEEK)

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 applications lodged up to 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 applications lodged up to 19/10/2015.

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

CONTINUED ON NEXT PAGE

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 06 November 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)

14) Skilled Select Results 23rd March 2016

The table below shows the number of invitations issued in the SkillSelect invitation round on 23 March 2016.

Invitations issued on 23 March 2016

Visa subclass	Number
Skilled - Independent (subclass 189)	1,300
Skilled - Regional Provisional (subclass 489)	5

During 2015-16 the following numbers of invitations have been issued:

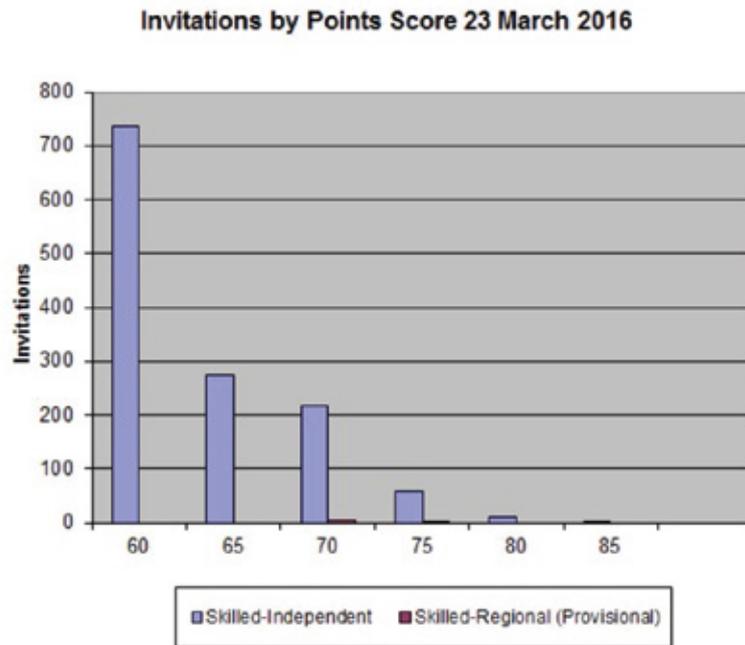
Invitations issued on 23 March 2016

Visa subclass	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Skilled - Independent (subclass 189)	2,300	2,300	2,300	2,300	2,300	1,400	4,800	3,200	2,600	23,200
Skilled - Independent (subclass 189)	80	80	80	40	40	10	10	10	10	360
Total	2,380	2,380	2,380	2,040	2,340	1,410	4,810	3,210	2,610	23,560

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.

23 March 2016 results

The following graph shows the points for clients who were invited to apply in the 23 March 2016 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	Points score	Visa date of effect
Skilled - Independent (subclass 189)	60	14 March 2016 1.22 am
Skilled - Regional Provisional (subclass 489)	70	15 March 2016 10.41 am

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 23 March 2016 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 23 March 2016 invitation round.

Points	Description	Points score	Visa date of effect
2211	Accountants	70	15 March 2016 11.28 am
2611	ICT Business and System Analysts	70	12 March 2016 10.45 pm
2613	Software and Applications Programmers	65	8 March 2016 7.11 pm

Note: the following occupation groups have reached their ceilings and no more invitations will be issue during the 2015-16 programme year:

2212 – Auditors, Company Secretaries and Corporate Treasures
2339 – Other Engineering Professionals

Okay all done for another month. See you all on Monday 16th May. (By which time hopefully the Dockers have won a game ha)

Cheers



Steven O'Neill

 iscah.migration

 iscahmigration

 iscah.com

 Phone: 08 9353 3344

 Fax: 61-8-9353 3350

 E-mail: 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