

Iscah Migration Newsletter

20th October 2014 | Edition Number 196

Hiya,

Welcome to yet another edition of Iscah's free monthly newsletter on the changes we have come across over the last month.

This newsletter goes out to approximately 4000 subscribers and back-copies are available on our homepage at www.iscah.com

Also rather than wait for the monthly newsletter you can obtain up to date news items on our home page anytime at www.iscah.com or on our facebook page at www.facebook.com/iscah.migration

On to October's highlights 😊



Contents

- 1) Article from DIBP blog about visa scams
- 2) Iscah SKYPE online consultations
- 3) Health industry skills assessments
- 4) Investor and 457 visa changes
- 5) Australian farmers push for changes to seasonal visa rules
- 6) Seven 7 things you must do for a 457 Application
- 7) Information about NSW October intake for the 190 visa
- 8) Tuition fees for 457s Dependent – WA
- 9) Victorian 190 State Nomination update
- 10) Re-opening of the Non-Contributory Parent and Other Family visas
- 11) SkillSelect - 13 October 2014 round results

1) Article from DIBP blog about visa scams

Over the next few weeks, this blog will host a series of fictional scenarios designed to help temporary skilled workers holding 457 visas and their sponsors to better understand their responsibilities and obligations. This series is also designed to assist you in avoiding visa scams and fraudulent activity. The department takes allegations of fraud very seriously. There are significant penalties if you are caught engaging in fraudulent activity.

Visa Scams

- Be suspicious of anyone offering to sell you a visa. No one should be charging you, in order to get sponsorship for a job and a subclass 457 visa.
- The department is not able to assist you in regaining money lost through your involvement in a visa scam.

If you have been approached by someone offering to sell you a visa or nomination, we want to know about it. Visa scams should be reported to the department through the Immigration dob-in line.

Please note: names of people and businesses in this story are fictional for the purposes of this case study.

Chang is a qualified chef. He wanted to find employment in Australia in his field. Chang thought he and his family might like living and working in Australia and they could consider applying for permanent residence.

A friend told Chang that he knew of someone who helped to find people jobs in Australia and could organise sponsorship under the subclass 457 visa programme. Chang's friend provided him with an email address to find out more.

Chang emailed the contact his friend had given him and received an immediate response from a person called Jo. Jo said that he could find a job for Chang as a chef with a good restaurant in Sydney and asked Chang to meet him at a local café to discuss the process further.

Chang met Jo at a local restaurant and Jo explained to him that in order to secure a job and visa sponsorship for Chang he would need to pay \$5000 now and then \$5000 once the job was secured. Chang thought this was a lot of money and asked if he could speak with the restaurant in Sydney first. Jo said that he would ask the restaurant manager to email Chang with more details.

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Chang received an email from Sam at Roasted Roo Bar and Bistro in Sydney. Sam said that they would like to offer him a chef position and emailed him a copy of an employment contract. Chang looked at Roasted Roo Bar and Bistro on the internet and thought it looked like a great place to work.

Chang organised another meeting with Jo. They met at the same restaurant and Chang gave Jo \$5000 to secure the job with Roasted Roo Bar and Bistro.

Later that day Chang received an email from Sam at Roasted Roo Bar and Bistro in Sydney with a formal job offer. The email also asked Chang to provide another \$5000 to Jo, so that all the paperwork could be lodged with the department. Chang made this payment to Jo.

Chang did not hear anything for a couple of weeks and sent many emails to Jo, but did not receive any response. Chang sent emails to Sam at Roasted Roo Bar and Bistro and did not receive any response. Chang contacted the department and was advised that no application had been lodged with the department. Chang became very worried and called Roasted Roo Bar and Bistro in Sydney to speak with Sam. Roasted Roo Bar and Bistro's manager said no-one called Sam worked there and they did not need any chefs. Chang explained that he had been in email contact with Sam and gave them Sam's email address. Roasted Roo Bar and Bistro's manager said the email address for Sam was not linked to their restaurant and that they had never heard of him.

Chang was really upset as he realised he had been the victim of a scam and had lost a lot of his hard-earned savings.

(Source: DIBP)

2) Iscah SKYPE online consultations



Hey don't forget if you want a full consultation with Iscah about your visa issues and prospects after hours we offer - SKYPE assessments online.

It involves us sharing a screen with you on SKYPE as we go through your visa situation, all visa options and issues and then you get emailed a copy of the notes afterwards.

To take part you just need to phone our office (08-93533344) or email (migration@iscah.com) to book a time and pay our normal consultation fee. We are available after hours at 6pm, 7pm and 8pm most week nights

3) Health industry skills assessments

AHPRA is now calling for online applications for registration from students who are in their final year of an approved program of study.

Students due to complete study at the end of 2014 are urged to apply for registration four to six weeks before completing their course. Fourth-year psychology students can also apply.

Students are encouraged to apply online, however some applicants may be required to complete a paper application form. All applicants must provide some supporting documents to AHPRA to complete their application.

Students are encouraged to read the information under Graduate applications, including FAQ.

Profession-specific information, including whether final-year students must apply for provisional or general registration, is available on the National Board websites:

- Aboriginal and Torres Strait Islander Health Practice Board of Australia
- Chinese Medicine Board of Australia
- Chiropractic Board of Australia
- Dental Board of Australia
- Medical Board of Australia
- Medical Radiation Practice Board of Australia
- Nursing and Midwifery Board of Australia
- Occupational Therapy Board of Australia
- Optometry Board of Australia
- Osteopathy Board of Australia
- Pharmacy Board of Australia
- Physiotherapy Board of Australia
- Podiatry Board of Australia
- Psychology Board of Australia

4) Investor and 457 visa changes

The Government will reform the 457 visa programme for skilled migrants, while maintaining strong safeguards against abuse.

The 457 programme must be a means of filling genuine skills gaps in the local labour market while not placing unnecessary administrative burdens on business.

An effectively managed skilled migration programme ensures foreign workers supplement rather than substitute Australian workers. A business that is forced to close because it is unable to access the labour that it requires employs no-one. That is a lose-lose situation for both employers and employees.

Following an independent review of the 457 programme, the Government will:

- streamline the processing of sponsorship, nomination and visa applications to reward low risk applicants and refocus compliance and monitoring activities on high risk applicants;
- increase the sponsorship approval period from 12 to 18 months for start-up businesses, to give start-ups more time to make their businesses sustainable;
- provide greater flexibility in relation to English language testing and skill requirements for 457 applicants, to ensure that the standards required are appropriate for the industries and occupations being sought; and
- retain the Temporary Skilled Migration Income Threshold at \$53 900, ahead of a review within the next two years.

Safeguards will remain in place to ensure that the 457 visa programme is not rorted. It will continue to be a requirement that a foreign worker receives at least the same market rates and conditions that are paid to an Australian doing the same job in the same workplace.

The Government will also expand and improve the Significant Investor Visa programme.

At present, SIVs are available for applicants having an eligible investment in Australia of A\$5 million, for a minimum of four years.

The Government will reform the programme to encourage more high net worth individuals to make Australia home and to leverage and better direct additional foreign investment, while maintaining safeguards to ensure the migration programme is not misused.

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Changes will include:

- Streamlining and speeding up visa processing, further promoting the programme globally and strengthening integrity measures, to increase the attractiveness of investing and settling in Australia while ensuring Australia's interests are protected;
- aligning the criteria for eligible investments with the Government's national investment priorities. The investment eligibility criteria will be determined by Austrade in consultation with key economic and industry portfolios;
- introducing a Premium Investor Visa (PIV), offering a more expeditious, 12 month pathway to permanent residency than the SIV, for those meeting a \$15 million threshold; and
- tasking Austrade to become a nominating entity for the SIV (complementing the current State and Territory governments' role as nominators) and to be the sole nominating entity for the PIV.

The changes to the SIV will take effect during 2014-15, with the Premium Investor Visa to be introduced from 1 July 2015.

The Government will soon make further announcements on the recommendations of reviews into both the 457 and SIV programmes

(Source: DIBP)

5) Australian farmers push for changes to seasonal visa rules

Farmers in Western Australia want the country's visa system to be changed to allow them to repeat hire overseas workers on a seasonal basis.

Every year the farmers need seasonal staff to work during busy periods such as seed time and harvest but finding local people for short term work can be difficult.

UKfarmland

Under the current arrangement, farmers can't rehire the same seasonal workers

Under the current visa arrangements it is often not possible to hire the same people on a seasonal basis despite the farmers wanting experienced and good workers and workers wanting to come back.

They have been lobbying assistant immigration minister Michaelia Cash who has said that she is not totally against the plan. The problem with the 457 visa, the most popular visa for temporary overseas workers, is that holders need to work on a full time basis and not seasonally.

This means that every year farmers have to look for new staff and are finding it increasingly hard to fill in the gaps.

On top of this Western Australian farms are more geographically isolated than anywhere in the country and farmer say it is unrealistic to expect farmers to pay for full time workers when they weren't needed.

They want the system changed to suit modern day requirements, with allowance for Australian travellers to return to overseas seasonal working situations such as in the snow fields in Canada.

Meanwhile, the Department of Immigration and Border Control (DIBP) has confirmed that six Western Australian businesses are being investigated as a part of a nationwide crack-down on 457 visa scheme fraud.

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Cash said she believed that only a small number of visa sponsors were doing the wrong thing but that any illegal activity would not be tolerated.

Under the Migration Act it is an offence for employers to charge employees any cost related to their employment yet there are reports of visa holders being charged up to \$50,000.

Sponsors can be hit with heavy fines, as well as having their sponsorship rights revoked if they are found to be doing so.

(Source: australiaforum.com)

6) Seven things you must do for a 457 Application

Find a company that wants to sponsor you

Obvious of course but there is no point taking up a position on one of the various working visas hoping that your employer may sponsor you down the track if they NEVER have an intention to consider that.

Make sure that the position you will be sponsored for is a highly skilled one

DIBP have an approved list of occupations that can be used for the 457 visa (called the CSOL). 95% of those occupations have the skill level of a diploma, trade certificate or higher. If DIBP look at all the duties of the position and think the occupation is not highly skilled you are making it very easy for them to refuse the company nomination, and hence your visa application.

You must have the required skills for that occupation

DIBP will have different criteria for each occupation and sometimes this will change depending on which country you are from and where you obtained your qualifications. It is important not just that your employer thinks you have the skills, but that DIBP do to ! This will often require very detailed work references listing all your past duties and/or transcripts of studies showing any related units to this occupation.

The company must pay you the market rate for your occupation

DIBP are very strict in making sure that you are not underpaid. You must be paid at least \$53,900 per year, as well you must be paid higher than this if someone else doing that same job would normally be paid higher.

You need to have the required English language skills for the visa

Currently this is at least 5,5,5,5 in the IELTS although there is a proposal to bring this down to a 5 'average'. There are a number of concessions to this for some passport holders, those with 5 years of consecutive schooling in English and on salary

The company must have a good record of training Australians

Normally this means that whatever they pay in total for their whole staff for a full year, they pay at least 1% of this amount to training their Australian staff. If they have not paid this 1% then they have the choice of either

- Making a 2% donation to a registered training fund OR
- Making a 1% payment before lodging their sponsorship to a proper training organisation (even if the training does not take place immediately this is the best and cheapest option)

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Obey your 457 and previous visa conditions

Don't break your work restrictions conditions before and whilst on the 457 visa and don't provide any false information in your application. Sounds obvious but that creates a hole sometimes that is too big to dig yourselves out of.

Finally if you need any further information you are always welcome to email us directly at migration@iscah.com or check out all our latest news from our website (www.iscah.com) or FB pages.

(Source: Iscah Facebook page)

7) Information about NSW October intake for the 190 visa

Important Information: Opening date and time for October 2014 intake NSW Skilled - Nominated (subclass 190) program and updated NSW State Skilled Occupation List - Skilled Migration

NSW is pleased to announce that the October 2014 intake for the Skilled - Nominated (subclass 190) program will open on 22 October, 10:00 AEDT (UTC+11 hours). This intake will be open for 1,000 applications.

When the intake opens the link to the application form will appear on this page.

NSW is a highly attractive and competitive destination for skilled migrants. In 2014, NSW implemented a number of measures to maximise the 190 program's effectiveness, flexibility and responsiveness to the needs of the NSW economy. This includes staggered application intakes and regular revision of the NSW State Skilled Occupation List - Skilled Migration

NSW has modified the occupations eligible for nomination in the October 2014 intake. This is to ensure that the Skilled – Nominated program is a balanced intake of skilled migrants from a range of occupational groups that will meet NSW medium and long term skills needs.

Occupations listed below will not be considered for the October 2014 round of applications.

Occupations temporarily suspended from the NSW State Skilled Occupation List - Skilled Migration for October 2014 intake

ANZSCO code	Occupation	Occupation group
221111	Accountant (General)	Business & Finance
221112	Management Accountant	Business & Finance
221113	Taxation Accountant	Business & Finance
261111	ICT Business Analyst	ICT
261112	Systems Analyst	ICT
261311	Analyst Programmer	ICT
261312	Developer Programmer	ICT
261313	Software Engineer	ICT
262113	Systems Administrator	ICT
263111	Computer Network & Systems Engineer	ICT
263311	Telecommunications Engineer	ICT
263312	Telecommunications Network Engineer	ICT

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Frequently Asked Questions - October 2014 intake

When will the October 2014 intake open and close?

The October 2014 intake for NSW nomination program for the 190 visa will open on Wednesday 22 October, 10:00 AEDT (UTC+11 hours).

The intake will close when the number of applications received reaches 1,000.

How can I lodge a nomination application for the October 2014 intake?

A link will be made available on this webpage on 22 October 2014. Applicants will be able to access the online application system and lodge their nomination applications electronically. For detailed information about lodging the online nomination application, please refer to How to apply.

The application link will remain active until the number of applications received reaches 1,000. NSW may limit the number of applications from certain occupations in each round in order to ensure a fair and balanced program. This may be decided during the course of each intake as applications are received;

Why is my occupation not on the NSW State Skilled Occupation List - Skilled Migration for the October 2014 intake?

NSW Trade & Investment has removed a number of occupations from the NSW State Skilled Occupation List - Skilled Migration for the October intake (identified in table above).

The adjustments were made in response to over-subscription of nomination applications received in the July 2014 intake from applicants in Accounting and Information, Communication and Technology (ICT) occupational categories. More than 75 per cent of the 1,000 nominations offered for the July 2014 intake were to applicants in these groups. Prospective applicants qualified in these occupations may be eligible for NSW nomination in future intakes. Decisions on eligible occupations are made on an ongoing basis as part of NSW regular review of skills needs in the state. Information about eligibility will always be published on this website prior to each application intake.

What should I do if my occupation is not on the NSW State Skilled Occupation List - Skilled Migration for the October 2014 intake?

NSW Trade & Investment will continue to closely monitor the nomination program, and may decide to further adjust the nomination requirements for future intakes as appropriate. This may include, for example, giving consideration to adding new occupations, and/or occupations that have been removed for the October 2014 intake, to the NSW State Skilled Occupation List - Skilled Migration.

In addition to the proposed 2,000 nominations between July-December 2014, NSW anticipates nominating another 2,000 applicants in intakes run from January-June 2015. Details about the nomination requirements for these intakes will be made available on this website closer to the time.

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Applicants should be reminded that decisions about nomination requirements are made on the basis of the needs of the NSW economy at the relevant time, and that there is no guarantee that:

- a certain occupation will be added to the NSW State Skilled Occupation List - Skilled Migration for future intakes; or
- an occupation on the current NSW State Skilled Occupation List - Skilled Migration will remain on the list for future intakes.

Applicants should not make any arrangements on the assumption that they will meet NSW's nomination requirements for the 190 visa in future intakes, and are advised to actively consider all of their other visa options, such as NSW's regional nomination program which applicants can read more about on the NSW Skilled regional nominated migration page. Applicants can also access information about other visas on the DIBP website.

I have already prepared all my documents only to find out that I will not be eligible, what should I do?

The NSW skilled nomination program is designed to address the medium to long term skill needs of the NSW economy, which are affected by many factors and can change from time to time. For this reason, NSW Trade & Investment closely monitors the nomination program, and makes adjustments to relevant nomination requirements where appropriate, to ensure that the program aligns with the interest of NSW.

The decision to adjust the nomination requirements for the October 2014 intake was made following careful analysis of the outcome of the July 2014 intake.

Applicants should be reminded that there is no guarantee that an applicant who meets the nomination requirements as they currently stand will continue to be eligible for nomination in the future, and applicants should not make any arrangements on such an assumption. NSW Trade & Investment recognises the significant demand for nomination by NSW for skilled migration visas. We also recognise that the current "first in, first served" application system may need to be revised, and are working towards developing a more effective and transparent system to:

- provide all prospective applicants with an opportunity to be considered for nomination on the basis of merit; and
- allow NSW to select and nominate the most suitably skilled candidates, rather than in the order of receipt of applications, to maximise the benefit of the nomination program to the NSW economy.

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Why are Accountancy and ICT occupations excluded from the October intake?

People with Accountancy and ICT occupations took up 75% of the places offered in July 2014. Excluding those occupations for the October intake will allow applications from other occupations needed to support the NSW economy.

Will Accountancy and ICT occupations be able to apply in future intakes?

In addition to the proposed 2,000 nominations between July-December 2014, NSW anticipates nominating another 2,000 applicants in intakes run from January-June 2015. If Accountancy and ICT occupations need to be filled, consideration will be given to allowing people from those occupations to apply. It should be noted that the decision to accept applications from any occupational group is based on what the NSW economy needs.

When will that decision be made?

NSW Trade & Investment is working on a methodology to move away from "first in, first served" basis. The aim is that the methodology will be rolled out from 1 January 2015. Decisions about which occupations are available and what other conditions apply to future intakes will be made available closer to opening times. Details will be published on the NSW Trade & Investment website.

(Source: NSW government)

8) Tuition fees for 457s Dependent – WA

INFORMATION FOR PARENTS

Why do I have to pay when I did not before?

The Western Australian Government has, to date, provided free public education to dependents of 457 Visa holders although the conditions of this visa give no such entitlement. From 2015, the Government has decided that all 457 Visa holders will contribute to the cost of educating their children in public schools. The average estimated cost of educating a student in a public primary school in 2014-15 is \$14,833 and \$19,363 in a public secondary school.

Is the fee for each child or is it a family fee?

The fee is an annual contribution of \$4,000 per family.

From 2015 a tuition fee of \$4 000 per annum will apply for the first child attending a public school. There will be no fee payable for second or subsequent children from the same family.

What's the fee for?

The fee is a contribution to the cost of educating dependents of 457 Visa holders. It does not cover the total cost of educating a student in a public school.

Will the school collect the fee?

No. The fee will be collected by Education and Training International, the State Government agency that is responsible for overseas fee-paying students attending Western Australian public schools.

Will anything else change about the enrolment of my children?

No. The Government will progress Legislative change to ensure that these students will continue to be allowed to enrol at their local schools and have access to education support and English as an additional language/dialect (EAL/D) support.

When do I have to start paying?

The tuition fee will come into effect for current and new enrolments from January 2015. Your school principal will keep you informed as further details are available.

Can my employer pay the fee?

There are no restrictions on who pays the fee.

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What will happen if I am not able to pay this fee?

The fee of \$4,000 per annum for the first child only, irrespective of the number of children enrolled in the public school system, is intended to alleviate hardship for large families. Beyond this any family still experiencing financial hardship due to exceptional circumstances will be able to apply for special consideration. The arrangements for this, to be applied on a case by case basis, are under development. This information will be made publicly available in the near future.

I used to be on a 457 Visa but I am a permanent resident. Do I have to pay the tuition fee?

No, but you need to notify your school that your visa conditions have changed. You will need to provide appropriate documentary evidence.

I used to be on a 457 Visa but I am now on a Bridging Visa. Do I have to pay the tuition fee?

Yes. If you hold a Bridging Visa, you revert to the conditions and entitlements of your previous substantive visa. If your previous substantive visa was a 457, then you need to pay the tuition fee.

If I am no longer eligible to pay the fee but have already done so, do I get a refund?

Yes. This will be arranged through Education and Training International.

Where can I get more information?

Your school principal is the best person to contact as they will have the latest information and be familiar with your particular circumstances.

(Source: WA State Government)

9) Victorian 190 State Nomination update

Due to the large volume of applications received, applications for Victorian State nomination for ICT occupations will not be accepted from 1 October 2014 to 5 January 2015. This temporary closure will allow the Victorian Government to process all outstanding applications and to reduce delays for future applicants.

The occupations affected by this pause are:

- 135112 ICT Project Manager
- 261111 ICT Business Analyst
- 261112 Systems Analyst
- 261311 Analyst Programmer
- 261312 Developer Programmer
- 261313 Software Engineer
- 261314 Software Tester
- 261399 Software and Applications Programmers nec
- 262111 Database Administrator
- 262112 ICT Security Specialist
- 263111 Computer Network and Systems Engineer.

It is anticipated this closure will be for three months, however further updates will be provided if required.

Applicants applying under the streamlined PhD and 457 pathways are not affected by the closure and may continue to apply under these ICT occupations during the temporary closure.

All applications currently in process, and received prior to this date, will be assessed against current guidelines and an outcome will be provided in due course. Applications for all other occupations eligible for Victorian Government nomination remain open.

For information about occupations eligible for Victorian visa nomination visit liveinvictoria.vic.gov.au/skillsindemand

(Source: Victorian State Government)

10) Re-opening of the Non-Contributory Parent and Other Family visas

From 25 September 2014, the following visa subclasses in the Family Stream of the Migration Programme are open to new applications:

- Parent visa (subclass 103)
- Aged Parent visa (subclass 804)
- Aged Dependent Relative visa (subclass 114)
- Aged Dependent Relative visa (subclass 838)
- Remaining Relative visa (subclass 115)
- Remaining Relative visa (subclass 835)
- Carer visa (subclass 116)
- Carer visa (subclass 836)

Only new applications will be accepted for these visa subclasses.

If you lodged an application for one of these visas after 2 June 2014 and before 25 September 2014 this application is still invalid and cannot be accepted by the department. You will need to re-lodge your application.

Fuller details are available here

<http://www.immi.gov.au/Live/Pages/non-contributory-parent-family-visas.aspx>

(Source: DIBP)

11) SkillSelect - 13 October 2014 round results

The table below shows the number of invitations issued in the SkillSelect invitation round on 13 October 2014.

Visa subclass	Number
Skilled - Independent (subclass 189)	1400
Skilled - Regional Provisional (subclass 489)	50

During 2014-15 the following number of invitations have been issued:

Visa subclass	July	Aug	Sep	Oct	Total
Skilled - Independent (subclass 189)	250	250	254	140	8947
Skilled - Regional Provisional (subclass 489)	20	110	110	50	280
Total	252	261	264	145	9227

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.

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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.

Invitation process and cut off date by point score

Visa subclass	Points score	Visa date of effect
Skilled - Independent (subclass 189)	60	4/09/2014 3:05AM
Skilled - Regional Provisional (subclass 489)	65	9/10/2014 11:49AM

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 twice monthly invitation round over the 2014-15 programme year. These arrangements are subject to change throughout the programme year. Please also note that SkillSelect first allocates available places to Skilled – Independent (Subclass 189) visas and then remaining to Skilled – Regional (Subclass 489) (Provisional – Family Sponsored) visas. If all places are taken up by Subclass 189 visas then there will be no invitations issued for Subclass 489 visas 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 occupation of ICT Business and System Analysts in the 13 October 2014 invitation round is as follows:

Note: Below points score and visa date of effect is for Skilled Independent (subclass 189).

Occupation ID	Description	Points score	Visa date of effect
2211	Accountants	60	2/10/2014 10:11PM
2611	ICT Business and Systems Analysts	65	3/10/2014 4:17PM
2613	Software and Applications Programmers	60	20/09/2014 7:58AM

(Source: DIBP)

Okay folks, all over for another month.
Have a great time and see you on
Monday 17th November.



Steven O'Neill

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