

Iscah Migration Newsletter

16th February 2015 | Edition Number 200

Hiya guys and girls,

Welcome to edition 200 (trumpets, pop corn, fireworks woohoo !!!) of our monthly newsletter on all that we know about the latest visa news in Australia.

Getting ready for the footy season, there is the cricket world cup, Australian tennis open was on recently, my son's soccer about to start, good to be in Australia at the moment !!! 😊

Anyhow hope you enjoy what we have for you this month including a new section called Q&A. It is just a summary of some of the more simpler questions we have been asked in the last month. Most of our enquiries are full assessments but you may find these Q&As useful for you anyhow.

Ok on we roll with this month's newsletter



Contents

- 1) Certificate 4 win for student graduates and RSMS/187 visas
- 2) International Students bumper help to the economy
- 3 SIX Things that Student Graduates should be Ticking off
- 4) A useful link for Visa processing/service standard times for all categories
- 5) Western Australia's Medicare Reciprocal agreement policy for health coverage
- 6) Free Iscah LIVECHAT on Facebook
- 7) 457 visa DIBP blog ...
- 8) Student visa DIBP blog ...
- 9) NSW State Sponsorship
- 10) ACT Visa sponsorship
- 11) South Australian State sponsorship
- 12) Q&A at Iscah for the last month
- 13) Skill Select Invitation Round 23rd January 2015

1) Certificate 4 win for student graduates and RSMS/187 visas

A Certificate 4 in a Trade (with no work experience) is now OFFICIALLY accepted by DIBP for RSMS/187 applications.

Following recent Migration Review Tribunal decisions, DIBP have amended their Policy guidelines to state that JUST a certificate 4 is needed and NO additional two years of work experience is needed.

The Policy guideline reads :

30.2 AQF Certificate III, IV and Diploma qualifications

If the applicant relies on an Australian qualification, that qualification must be as specified within the ANZSCO framework for that occupation. For example, if the nominated position were that of a cook (ANZSCO 351411), the applicant must:

- hold a relevant AQF Certificate IV or
- hold a relevant AQF Certificate III including at least two years of on the job training or
- have at least 3 years of relevant experience.

(Source: DIBP)

2) International Students bumper help to the economy

INTERNATIONAL students contributed a record \$16.6 billion to the Australian economy in 2014, up from a high of \$16.1bn in 2009, with figures expected to continue growing as the lower Australian dollar and fast-tracked visas drag the sector from the doldrums.

Trade Minister Andrew Robb said the numbers underlined the importance of international education to the economy.

It is Australia's fourth-largest export industry behind iron ore, which contributed more than \$80bn to the economy in 2014, coal (\$40bn) and natural gas (\$20bn), according to the Australian Bureau of Statistics.

In 2014, there were nearly 600,000 students enrolled in Australian education institutions — mostly universities — generating about 100,000 jobs nationally.

"The economic benefits the sector generates speak for themselves, but the people-to-people linkages and opportunities these produce are not well understood," Mr Robb said.

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The sector started regaining ground in 2013 after it was hammered by a “perfect storm” of negative factors including a historically high dollar, complex and expensive visa arrangements, bashing of Indian students in Melbourne and Sydney, increased competition from the US, Britain and Canada and dodgy colleges going bust. Phil Honeywood, the executive director of the International Education Association of Australia, said the most recent figures pointed to much-improved visa processing, but may have been buoyed by a massive spike in students enrolling from India as unscrupulous agents falsely promised permanent residency as part of post-study work rights.

Some international students have the right to work here after graduation for two or more years.

“There is a ticking time bomb on post-study work rights visas, which are being seen as the route to a fast track to migration,” Mr Honeywood said. “Numbers out of India have doubled in the past 12 months. They are not rorting the system, but have the perception post-study work rights will lead to permanent residency, and that is totally wrong.”

China remains by far the biggest source of overseas students, with 153,000 in 2014 — almost one-third of all international students. Government data shows several countries in addition to India have seen big spikes in enrolments. They include Nepal, up 27 per cent on 2013, Pakistan, up 16 per cent, Hong Kong, up 22 per cent, The Philippines, up 21 per cent and Taiwan, up 24 per cent. Mr Honeywood said Australia was still in need of an overarching strategy and independent advisory council, much like Tourism Australia, as recommended in a 2012 review by Michael Chaney.

While the government said last year it had accepted all 35 recommendations of the review, no official response has been released and only seven recommendations have been implemented.

Mr Honeywood said there was little or no co-ordination between the various ministries with responsibility for the sector: education, trade, foreign affairs and immigration. “We have this constant issue of federal government departments in splendid isolation making decisions that impact the sector without adequate consultation,” he said.

A spokesman for Education Minister Christopher Pyne said a draft national strategy was due for release this year. “The government is also planning a number of ministerial roundtables,” he said.

(Source: The Australian newspaper)

3) SIX Things that Student Graduates should be Ticking off

Nail good IELTS scores – You need to obtain in most cases marks of 5+, 6+ or 7+ in each component of the English test for most skilled visas depending on your occupation and visa category. Remember to that alternatives to the IELTS test now exist as well. See here http://www.iscah.com/wp_files/wp-content/uploads/2014/09/IELTS2.png

Check what is required for a skills assessment – If you are going to apply for a points based visa or some of the company sponsored visas you will need to obtain a FULL skills assessment in your occupation. It is important that you plan and achieve what is required for YOUR occupation in terms of work, study and English language scores.

Keep watching for changes in the visa laws – DIBP are always changing the requirements for visa categories. There are currently review processes being undertaken for the 457, Skilled migration and Business skills migration categories. Changes to all these visa classes will be expected over the 2015 calendar year. Remember that all significant changes will be announced on our website (www.iscah.com) through our daily news feed, monthly newsletter or from our Facebook page.

Find a company to sponsor you – DIBP have a strong desire to see a greater percentage of the annual migration program be taken up by skilled migrants who ALREADY have an offer of fulltime employment. As a result many of the visa classes require fulltime job offers, and this can also lead to extra points from various State government sponsorships.

Think about studying or working in a REGIONAL area – DIBP have set the visa criteria easier if you receive a job offer in what is termed a regional area. For example WA, SA, Tasmania, NT, ACT and country areas of other states. Also DIBP will provide extra points for study in areas of low population growth in the skilled points test

Don't Let your visa run out or give False information – The criteria for all visas becomes much more difficult if you let your visa run out whilst you are in Australia. You usually need to show that the visa ran out because of factors beyond your control and that there are compelling reasons to still grant you a visa despite this error. Also there can be visa refusals/cancellation and exclusions from Australia for 3 years for anybody giving false information. It's just not worth it... Remember jump on to our website at www.iscah.com to get our FREE monthly newsletter and become a "friend" on our facebook page here www.facebook.com/iscah.migration to get daily updates.

(Source: Iscah)

4) A useful link for Visa processing/service standard times for all categories

<http://www.immi.gov.au/About/Pages/service-standards/visa-processing-service-standards.aspx>

5) Western Australia's Medicare Reciprocal agreement policy for health coverage

http://www.health.wa.gov.au/CircularsNew/circular.cfm?Circ_ID=13120

6) Free Iscah LIVECHAT on Facebook

Heyyy, Iscah's next free LIVECHAT will be on Wednesday 18th February from 10am to 11am (Perth time).

Get your best visa questions ready and see if you can stump us !

<https://www.facebook.com/iscah.migration>

7) 457 Sponsors obligations DIBP blog ...

Know your sponsor's obligations

This post is the final part of a series of fictional scenarios designed to help temporary skilled workers holding 457 visas and their sponsors to better understand their responsibilities and obligations. It 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.

Your sponsor has a number of obligations they must follow; otherwise they can face some serious penalties and fines. Your sponsor cannot ask you to repay specific costs, such as the costs associated with your sponsorship and nomination. Visa holders need to be aware of their sponsor's obligations. Everyone working in Australia is entitled to basic rights and protections in the workplace. To learn your workplace rights you can go to <http://www.fairwork.gov.au/find-h.../visa-holders-and-migrants>. If you are a visa holder and believe that your sponsor is not meeting their sponsorship obligations you can report them anonymously at <http://www.immi.gov.au/.../P.../immigration-dob-in-service.aspx...> If your sponsor is making you work excessive hours or your rights are not being met in the workplace you can contact the Fair Work Ombudsman. The Fair Work Ombudsman can help settle workplace disputes and can be contacted here <http://www.fairwork.gov.au/Contact-us/email-us>

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

Sasha had been working as an electrician and had been sponsored by Down Thunder Electrical Pty Ltd. When she agreed to work for Down Thunder Electrical Pty Ltd she was promised that after two years they would sponsor her for permanent residence. She was to work 38 hours and be paid \$1037 a week. She was enjoying her time working and living in Australia.

After three months of working she was approached by her employer who demanded she pay back money for visa costs. Overall, he demanded she pay back \$12,000. If she failed to pay-back this money the sponsor threatened to cancel her visa and not sponsor her for permanent residence. Sasha was very concerned as her new life in Australia was in jeopardy.

Over the next few weeks, with Sasha's reluctant agreement, her employer withheld \$150 from her pay every week to pay back the visa costs. The sponsor also started demanding that she work longer hours and to work on her days off. Sasha was exhausted and struggling to pay rent and bills due to the deductions to her pay. Sasha did not know what to do. She thought that if she stopped paying the sponsor and working the longer hours her visa would be cancelled. Sasha spoke to her co-workers and discovered that they too were paying back large sums of money to the employer and working longer hours. It appeared to her that she was not the only employee being exploited.

Sasha's friend noticed that she was worried about work and stressed about her visa. She told Sasha that she could report her employer to the Department of Immigration and Border Protection. Her friend told her that her employer did not have the power to cancel her visa – as only the department could do that. Her friend also informed her that she could look for another job and seek sponsorship with another company.

Sasha took her friend's advice and anonymously reported her sponsor to the Department of Immigration and Border Protection through the dob-in line on the website.

Departmental officers visited Sasha's workplace and discovered that employees were paying visa costs back to the sponsor. The sponsor was barred from further sponsorships and referred to the Fair Work Ombudsman for investigation because of the excessive hours Sasha and her colleagues were being forced to work, and the deductions held from her wages.

Shortly after the Fair Work Ombudsman finalised their investigation. They found that the employees of the business had been underpaid and that the employer was in breach of the Fair Work Act. As a result the company was required to pay Sasha and her co-workers for all the overtime worked for which they had not been paid.

Meanwhile, Sasha was able to find a new sponsor who met their obligations and she was eventually sponsored for permanent residence. The Fair Work Ombudsman was able to assist Sasha in obtaining the money that was owed to her.

(Source: DIBP)

8) Student visa DIBP blog ...

Working while on your Student visa

The work conditions offered as part of a student visa provide an opportunity for international students to gain cultural experience during their stay in Australia, and can also help them improve their English language skills. However it is important to recognise that international students should not rely on work in Australia to pay for the costs of their studies and living expenses. Most international students are restricted to a maximum of 40 hours work per fortnight while their course is in session and may only work unlimited hours during scheduled course breaks. These conditions protect students from the pressures of excessive work commitments which might mean that they are unable to finish their course successfully. Working While on Your Student Visa

The below examples illustrate how work conditions on a student visa operate:

Sally arrives in Australia three weeks before her Certificate III in Hospitality starts. Within one week, she finds a job as waitress. She begins working two-weeks after her arrival. Sally is in breach of her work conditions as she is working before her course has commenced.

Abu came to Australia with his wife Jane on a Higher Education Sector (subclass 573) visa. Jane is studying a bachelor degree at university. Abu decides to take on a full time job with a local accounting firm. He is in breach of his visa conditions. This is because Subclass 573 dependants are not allowed to work more than 40 hours a fortnight unless the student is studying a masters or doctorate degree .

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Fatima is studying commercial cookery in Australia on a Vocational Education and Training sector (subclass 572) visa and is offered some work experience during the holidays. She works 75 hours a fortnight. Fatima is not breaching her work conditions as she is allowed to work unlimited hours while her course is not in session.

Sajeed is working while studying in Australia on a Vocational Education and Training (subclass 572) visa. His roster for the next month looks like this:

Week one Week two Week three Week four
30 hours 10 hours 35 hours 5 hours

Sajeed is in breach of his visa conditions. This is because he will work more than 40 hours in week two and week three (he will work 45 hours). Sajeed should discuss this with his employer and ask to have his roster updated. For more information on the 40 hour a fortnight work condition, please visit our website.

Ellen is studying her PhD. She is also tutoring at the university for about 50 hours a fortnight. Ellen is not breaching her student visa conditions. This is because the Postgraduate Research Sector visa (subclass 574) does not have a restriction on the number of hours a student can work. Ellen will still have to be careful to ensure she is achieving satisfactory progress on her PhD.

(Source: DIBP)

9) NSW State Sponsorship

NSW have released two new lists for their 190 and 489 visa state sponsorship programs.

Details are here

<http://www.trade.nsw.gov.au/live-and-work-in-nsw/visas-and-immigration/nsw-skilled-occupations-list>

NSW nomination process in 2015

NSW is introducing a selection-based invitation process in 2015. This will be implemented from February 2015 onwards.

Under the selection and invitation process for the 190 program, prospective candidates can only apply for NSW nomination if they have been selected from SkillSelect and invited by NSW Trade & Investment.

NSW will be sourcing and selecting candidates who have submitted an Expression of Interest (EOI) in SkillSelect and indicated that they wish to be considered for NSW nomination for a 190 visa.

The selection process will be competitive. NSW will rank candidates based on core criteria which is: firstly, a candidate's DIBP points score, then their English ability, and then their skilled employment. Where candidates score the same on these core criteria at time of selection, they will be further ranked based on the date and time that their EOI was submitted in SkillSelect.

The top-ranking candidates will be the first to be invited to apply and NSW will determine how many invitations are issued on an ongoing basis.

Visit NSW Skilled Occupation Lists for occupations that are eligible for NSW nomination.

Key steps for candidates

To be considered for selection for NSW nomination, candidates simply need to submit an EOI in SkillSelect choosing NSW for 190 nomination. Between February and June 2015, NSW Trade & Investment will be selecting and inviting candidates to apply.

Candidates who are invited to apply for NSW nomination will receive an invitation by email and will have 14 days to apply for nomination.

- 1 Submit an Expression of Interest (EOI)- Ensure that you meet 190 visa criteria
 - Submit an EOI in SkillSelect
 - Indicate interest for NSW nomination for a 190 visa
- 2 If selected, you will receive a NSW invitation to apply for nomination
 - Invitations will be sent by email
 - Candidates must submit an online application within 14 days of receiving the invitation to apply
- 3 Apply for NSW nomination and wait for the outcome
 - NSW nomination applications usually take 12 weeks to process
- 4 If nominated, you will receive a SkillSelect invitation to apply for the 190 visa
- 5 Apply for the 190 visa to Department of Immigration and Border Protection (DIBP)
 - Lodge a visa application within 60 days of being nominated by NSW
- 6 DIBP will advise you of the decision on your visa application
- 7 If your visa is granted, move to NSW and commence your two year commitment to live and work in NSW

<http://www.trade.nsw.gov.au/live-and-work-in-nsw/visas-and-immigration/skilled-nominated-migration-190/nsw-nomination-process-in-2015>

(Source: NSW State government)

10) ACT Visa sponsorship

Dear Agents

Greetings from Canberra.

Please find attached the ACT Occupation List, effective 10 February 2015.

Our website has been updated.

Applications submitted by 10/02/15 will be assessed against the October 2014 Occupation List. While the number of open occupations has decreased, there is a slight variation in the skill type and industry sector of the occupations that are currently in demand. By way of example:

The status of the following occupations changed to **closed**:

- All medical specialists (except general practitioners)
- surveyors
- engineers
- complimentary health therapists
- optometrists

The status of the following occupations changed to **open**:

- mechanics
- welfare workers
- building associates
- plumbers

The open status of the following occupations remains **unchanged**:

- child care centre managers
- general practitioners
- retail pharmacist
- early childhood teachers
- architects
- medical imaging
- registered nurses
- panel beaters
- psychologists

The ACT 190 nomination guidelines have also been updated, effective 10/02/15, with formatting changes only.

In summary, the ACT Skilled Migration Program will give preference to Canberra residents, or their immediate family living overseas who can demonstrate good employment prospects. For example: Canberra residents / graduates may apply for ACT nomination if they are employed in a skilled occupation regardless of whether the occupation is open or closed.

Interstate graduates are required to be working in Canberra in their nominated occupation for at least 6 months before they can apply.

Overseas applicants may only apply for ACT nomination if their occupation is open and they can demonstrate employability. If their occupation is closed, they must either have a job offer or have immediate family members living in Canberra and demonstrated employability.

(Source:MIA)

11) South Australian State sponsorship

As you know, migrants play an integral part in growing South Australia's economy, by boosting productivity and strengthening our skills base.

To help ensure continued improvement in the assessment of applications, Immigration SA will introduce application fees later this year for both skilled and business nomination applications. We believe the introduction of fees will reduce the number of non-genuine applications, including duplications which slow processing times.

Immigration SA encourages prospective migrants to submit applications before application fees are introduced sometime after 15 March 2015.

The actual implementation date will be confirmed as soon as possible.

The proposed fee structure is as follows:

	Application Type	SA
Skilled migrants	State nominated skilled – 190 permanent	\$200
	State nominated skilled – 489 regional provisional	\$200
Business migrants	Business 188 provisional	\$500
	Business permanent 888/892/893	\$750
	Business 132 permanent	\$750
	Business retiree 405	\$500
SA Employers	State nominated skilled – 190 permanent	Nil

The fees listed are GST exclusive, whether GST applies will be confirmed before fee introduction.

The introduction of fees will enable Immigration SA to continue to provide services for applicants who are looking to settle in South Australia.

No fee will be charged for local South Australian employer sponsored applications.

Immigration SA looks forward to working with you in 2015 to help contribute to South Australia's social and economic growth.

(Source: South Australian State government)

12) Q&A at Iscah for the last month

I have 60points but do not have a skill assessment. Can I lodge an EOI for a 189/190/489 and add the Skill Assessment later?

No, you must have a full (not provisional) and valid skill assessment at the time you apply for your EOI.

My partner is offshore and we are planning on getting married. Can we apply for the Partner visa now?

Yes, you may lodge the offshore 309/100 visa from offshore but you must be married by the time the case officer is allocated. You can't do this for the onshore 820/801 partner visa though (unless you can evidence a de facto relationship for at least 12months)

TRA no longer require 6666 on each band of the IELTS for their skill assessments, do the Department of Immigration still require this for skilled visa's?

Yes, 6666 on IELTS (or other equivalent English tests) is still the minimum English criteria for skilled visa's.

I've got overall 6 on IELTS, can I apply for RSMS Direct Stream?

No, you must have 6666 on each band of the IELTS

I am holding an RSMS visa but I want to leave my employer before my 2yrs is up. What will happen to my visa if I quit?

There is the provision for cancellation of your RSMS if you don't stay with the employer for 2yrs from the time the visa is granted. You may need to evidence that you did everything in your power to stay with the employer for the required period.

Can I be state and relative sponsored for a skilled visa?

No, you can only be relative sponsored for a temporary 489 visa if your occupation is on the SOL. You may be state sponsored for a 190 visa. You can't be state and relative sponsored

I have lived for 4years in Australia, can I apply for Australian Citizenship now?

You must have lived in Australia for 4years and have held permanent residency for at least 12months immediately before your Citizenship application

Where are you located?

Our offices are at 14/133 Kewdale Road, Kewdale, Perth, Western Australia

You can contact us on (08) 9353 3344

13) Skill Select Invitation Round 23rd January 2015

The table below shows the number of invitations issued in the SkillSelect invitation round on 23 January 2015.

Visa subclass	Number
Skilled - Independent (subclass 189)	2770
Skilled - Regional Provisional (subclass 489)	200

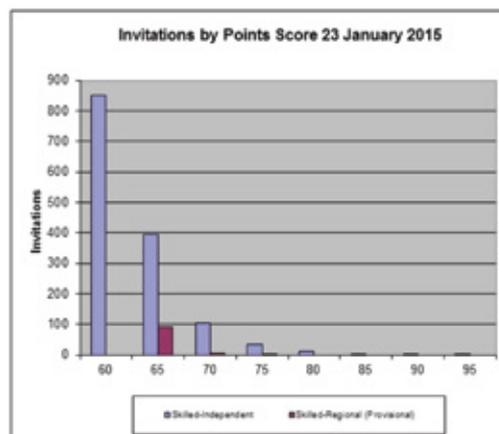
During 2014-15 the following number of invitations have been issued:

Visa subclass	July	Aug	Sep	Oct	Nov	Dec	Jan	Total
Skilled - Independent (subclass 189)	2500	2500	2547	2430	2800	1983	2770	17530
Skilled - Regional Provisional (subclass 489)	20	110	100	100	100	200	830	830
Total	2520	2610	2647	2530	2900	2183	2970	18360

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 January 2015 results

The following graph shows the points for clients who were invited to apply in the 23 January 2015 round.



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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.

Visa subclass	Points score	Visa date of effect
Skilled - Independent (subclass 189)	60	22 January 2015 10:50pm
Skilled - Regional Provisional (subclass 489)	65	16 January 2015 7:52pm

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 23 January 2015 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	04/12/2014 5:13PM
2611	ICT Business and Systems Analysts	65	27/11/2014 4:08PM
2613	Software and Applications Programmers	60	07/12/2014 10:54PM

Okay folks, all done for another month.
Have a great few weeks and see you all
on Monday 16th March 2015.



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