

Iscah Migration Newsletter

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Hiya folks!

Welcome to the latest edition of everything we know about visa changes and visa news over the last month. We publish this on the third Monday of each month and backcopies are available at our website at www.iscah.com If you have any suggestions for content, or wish to subscribe or unsubscribe from the newsletter please email us at newsletter@iscah.com

Let's get cracking on the latest edition ...



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1) Some IT occupations now closed

DIBP announcement

As there are still high levels of interest from prospective skilled migrants in the following occupations, pro rata arrangements for these occupational groups will continue:

- Accountants
- Software and Applications Programmers

Please note that occupation ceiling for ICT Business and Systems Analysts (ANZSCO 2611) has been reached and no further invitations will be issued for this occupation for the Skilled – Independent (subclass 189) and Skilled – Regional provisional (subclass 489) until the next financial year

(Source: DIBP)

2) RPL can be used for the 2 year study rule

Properly registered RPL from overseas study can now be used for the 2 year study rule following this change in policy below...

8.2 RPL

In *Riaz v Minister for Immigration & Border Protection* [2013] FCCA 2244 (*Riaz*), the Full Federal Court found that regulation 1.15F(1)(c) 'simply required [an applicant] to show that he or she had completed a course or courses that were registered under s9 of the ECOS Act for a period of at least 92 weeks', and an applicant is not required to also show that he or she has completed 'the usual or normal or approved full time workload of a course or courses so registered'.

Following the Full Federal Court's decision in *Riaz*, an applicant can meet the 2 academic years requirement in regulation 1.15F(1)(c) on the basis of as much RPL as the educational institution conducting the course or courses registered under s9 of the ESOS Act allows. This could include study done previously overseas and/or in Australia.

(Source: DIBP)

3) Police Clearance for 485 visas

For the 485 visa applications - DIBP have announced that it is no longer a mandatory requirement to obtain overseas police clearances from all countries you have lived in for 12 months in the last 10 years.

Instead DIBP will advise if and when this is necessary.

(Source: DIBP)

4) Family Migration processing by DIBP

http://www.immi.gov.au/about/reports/annual/2013-14/performance/outcome_1/family_migration.htm

In Part...

The Family stream of the Migration Programme provides for the permanent migration of certain family members to Australia, in recognition of the social benefits associated with family unity. Australian citizens, Australian permanent residents and eligible New Zealand citizens are able to sponsor their family members through the Family stream, where priority is given to partners (including fiances) and dependent children.

On 2 June 2014 the non-contributory parent visas (subclasses 804 and 103) and other family visas including Carer (subclasses 836 and 116), Remaining Relative (subclasses 835 and 115) and Aged Dependent Relative (subclasses 838 and 114) visas, were repealed. Due to the high number of applications in comparison to the limited places available, these visas had extensive waiting periods and were ultimately unsustainable. The waiting times for the ongoing processing of applications received before the repeal is up to 30 years for a non-contributory parent visa, six years for Carer visas, and 25 years for Aged Dependent Relative and Remaining Relative visas.

The changes are in line with the government's commitment to a Migration Programme that meets the needs of a modern Australia, balancing the important economic and social contribution of migrants with the desire for family reunion. A person applying for a permanent skilled visa can include their partner, dependent children and dependent parent in the same application. Where a parent is not dependent they can subsequently be sponsored under the contributory parent visa category.

(Source: DIBP)

5) Collection of some brief Q&A's asked to Iscah this month

How long will it take for my application to be processed?

Processing times vary. Average processing times may be found here;
<http://www.immi.gov.au/About/Pages/service-standards/visa-processing-service-standards.aspx>

I want to include my partner in my RSMS or skilled visa but I am onshore and my partner is offshore. Can I do this?

Yes, your partner may be included and the visa can be granted whilst they are either onshore or offshore. If lodging an onshore visa application, the Department of Immigration automatically issue you a bridging visa. Please note the event though granted, the bridging visa doesn't actually come into effect until your current visa ceases.

For a skilled visa, how many places are left for my occupation for this migration year?

Occupation Ceilings may be found here;
<http://www.immi.gov.au/Work/Pages/SkillSelect/SkillSelect.aspx>

How do I get a free email assessment?

Please email your current CV to migration@iscah.com

6) Summary of English Language scores needed by DIBP

Vocational, Competent, Proficient or Superior. A summary of test score equivalencies for all English language tests accepted by the department from November 2014 is provided below.

Later this year we will publish the Cambridge English: Advanced (CAE) test score equivalencies that the department will accept from early 2015.

English Language proficiency level	Test component	IELTS	TOEFL iBT	PTE Academic	OET
Functional	Average across test components only	4.5	32	30	n/a
	Vocational				
Competent	Listening	5.0	4	36	B
	Reading	5.0	4	36	B
	Writing	5.0	14	36	B
	Speaking	5.0	14	36	B
	Listening	6.0	12	50	B
	Reading	6.0	13	50	B
	Writing	6.0	21	50	B
	Speaking	6.0	18	50	B
Proficient (for points tested Skilled visas)	Listening	7.0	24	65	B
	Reading	7.0	24	65	B
	Writing	7.0	27	65	B
	Speaking	7.0	23	65	B
Superior (for points tested Skilled visas)	Listening	8.0	28	79	A
	Reading	8.0	29	79	A
	Writing	8.0	30	79	A
	Speaking	8.0	26	79	A

Note: Cambridge English: Advanced (CAE) test score equivalencies will be available from Jan 2015

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Cambridge (CAE) Scores

Functional - A Cambridge English: Advanced (CAE) test result of an overall band score of at least 147 based on the four test components of speaking, reading, writing and listening and the test must have been taken on or after 1 January 2015. Your test must have been completed within 12 months of visa application lodgement or can be completed during visa application processing.

Competent - You have achieved a test score of at least 169 in each of the four test components (speaking, reading, listening and writing) in a Cambridge English: Advanced (CAE) test that has been undertaken on or after 1 January 2015 and prior to lodging the visa application.

Proficient - You have achieved a test score of at least 185 in each of the four test components (speaking, reading, listening and writing) in a Cambridge English: Advanced (CAE) test that has been undertaken on or after 1 January 2015 and prior to lodging the visa application.

Superior - You have achieved a test score of at least 200 in each of the four test components (speaking, reading, listening and writing) in a Cambridge English: Advanced (CAE) test that has been undertaken on or after 1 January 2015 and prior to lodging the visa application

7) Summary of the English Tests

Here is a brief summary of existing and new english language options now accepted by DIBP (details as at September 2014)

IELTS – General or Academic

The International English Language Testing System (IELTS) assesses the English language proficiency of people who want to study or work where English is used as the language of communication. IELTS tests are held in over 900 locations across the world with tests up to four times a month ...

Website: <http://www.ielts.org/default.aspx>

Test structure: IELTS tests all four language skills – listening, reading, writing and speaking. The IELTS Speaking test is a face-to-face interview with a certified Examiner. IELTS test takers can choose between two versions of the test – Academic or General Training – depending on their academic or professional aims, or visa requirements. All candidates take the same Listening and Speaking components but different Reading and Writing components...

Cost: \$330

Duration: The Listening, Reading and Writing components of the test are always completed immediately after each other and with no break. Depending on the test centre, the Speaking test may be taken up to 7 days either before or after the test date.

Dates/Locations: <http://www.ielts.org/default.aspx>

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OET

OET is an international English language test that assesses the language and communication skills of healthcare professionals who seek to register and practise in an English-speaking environment.

Website: <http://www.occupationalenglishtest.org/>

Test structure: It provides a valid and reliable assessment of all four language skills – listening, reading, writing and speaking – with an emphasis on communication in medical and health professional settings.

OET tests international health practitioners in the following 12 professions:

- Dentistry • Pharmacy
- Dietetics • Physiotherapy
- Medicine • Podiatry
- Nursing • Radiography
- Occupational Therapy • Speech Pathology
- Optometry • Veterinary Science

Dates/Locations: <http://www.occupationalenglishtest.org/Display.aspx?tabid=2566>

Cost: \$580

TOEFL iBT – Academic

The TOEFL iBT® test, administered via the Internet, is an important part of your journey to study in an English-speaking country. In addition to the test, the ETS TOEFL Program provides tools and guides to help you prepare for the test and improve your English-language skills.

Website: <http://www.ets.org/toefl/ibt/about>

Test structure: The TOEFL iBT® test is given in English and administered via the Internet. There are four sections (listening, reading, speaking and writing)

Cost: <http://www.ets.org/toefl/ibt/about/fees/>

Duration: About four and a half hours

Dates/Locations: http://www.ets.org/toefl/ibt/about/resource_centers/

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PTE – ACADEMIC

Website: <http://pearsonpte.com/pteacademic/pages/home.aspx>

Test structure: PTE Academic measures your English ability by testing your level of English through tasks which reflect real-life settings.

Cost: \$330

Duration: PTE Academic is 3 hours long and is split into timed parts. When the time is up on the section, the test will move on automatically.

There are 20 different types of task. Some tasks will test integrated skills (e.g. reading AND speaking).

1. Introduction: untimed

We ask you to introduce yourself. This section is not assessed.

2. Speaking and writing: 77 – 93 minutes

3. Reading: 32 – 41 minutes

4. Break: 10 minutes

The break is optional.

5. Listening: 45 – 57 minutes

The timings shown are variable. The test will always last 3 hours in total.

Dates/Locations: <http://pearsonpte.com/TestMe/Taking/Pages/TestCentersandFees.aspx>

*The department expects to also receive test scores from the Cambridge English: Advanced (CAE) test across visa programmes from early 2015

8) Australia's latest Intergenerational Report

This is a report by the Federal government every 5 years or so that tries to plan our direction up to 2050.

It has significant commentary on Australia's migration program which is copied below :
Net overseas migration has a significant impact on population projections. Net overseas migration is mainly comprised of permanent migration (including skilled and family) and temporary migration (including temporary skilled and students). The central assumption of this report is that net overseas migration will be 215,000 people a year beyond the current forward estimates, which is based on current permanent migration intake settings.

The permanent migration intake, which was increased significantly during the mining boom, is reviewed each year in the context of the budget to reflect evolving economic and social circumstances. Temporary migration (including temporary skilled and students) has also been an important driver of increases in net overseas migration over the past decade.

Migration

Net overseas migration is the net gain or loss of population through immigration to Australia and emigration from Australia. For the central scenario presented in this report, net overseas migration is assumed to be 215,000 per annum from 2018-19, consistent with the assumption used in the 2014-15 Mid-Year Economic and Fiscal Outlook (MYEFO).

Net overseas migration has varied substantially over recent decades. During the decade to 2005, it averaged around 105,000 per annum. Over the period since 2005, net overseas migration was much more rapid, averaging around 220,000 per annum, and reaching a peak of 300,000 in 2008-09.

Consistent with this, there has been significant variation in the levels of net overseas migration underpinning population projections across the series of intergenerational reports. In the 2002 report, the long-term net overseas migration assumption was 90,000 persons per annum. In the 2007 report, the assumption was 110,000 persons per annum, and in the 2010 report, the assumption was 180,000 persons per annum.

Variation in net migration outcomes reflects changes in both out-migration, influenced by economic circumstances domestically and overseas, and in government policy regarding immigration into Australia. Australia's permanent migration intake is determined by government policy (including the mix between skilled and family reunion places) and is subject to review each year as part of the Budget process to reflect evolving economic and social circumstances.

As such, actual population outcomes over coming decades will depend upon the future immigration policy settings of successive governments, as well as Australia's relative economic performance. By way of illustration, if net overseas migration were instead to average 180,000 per annum over coming decades, the projected population in 2054-55 would be 37.9 million, while an average net overseas migration of 140,000 per annum would see a projected population of 35.7 million in 40 years' time. Lower levels of net overseas migration would lead to lower population growth rates over time and, therefore, lower economic growth.

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Historically, immigration has been an important source of labour supply for Australia. Since at least the 1980s, immigration has made the largest contribution to growth in Australia's working age population (aged 15 years and over). As permanent migration has increased since the mid-1990s greater emphasis has been placed on skilled migration and the choice of skills has been made largely demand-driven by employers, supporting economic growth.

Migration also has an impact on the age distribution of the population. Migrants, on average, are younger than the resident population. Migration reduces the average age of the population and slows the rate of population ageing. This increases the proportion of the population that are of working age and raises aggregate workforce participation, increasing economic growth. This trend has been relatively stable over time. In 2013-14, around 88 per cent of migrants were aged under 40 years. In comparison, at 30 June 2014, around 54 per cent of the resident Australian population was aged under 40. Around 54 per cent of migrants were aged from 15 to 29 years. The share of the resident Australian population aged from 15 to 29 years at 30 June 2014 was 21 per cent.

Under the central scenario, net overseas migration is projected to fall as a percentage of the resident population over the next 40 years, to just over 0.5 per cent per annum, which would bring it back in line with the average of 0.5 per cent observed between 1973 and 2006

(Source: Federal Government)

9) Employers checking work rights

DIBP have recently updated their website with really useful summaries and examples for companies to better understand their obligations when employing workers. Here are 3 scenarios published as well as the link to DIBPs new information on this important subject.

Scenario 1 - Australian citizen, permanent resident, NZ citizen

Sally, who works in the recruitment area of a large company, is recruiting a new staff member and has interviewed several people. She has offered the position to the successful applicant. Sally believes the new staff member is an Australian citizen. She would not need to conduct any checks on the staff member if:

- The person has worked in Australia for five or more years (and she has no reason to believe this person is a foreign national)
- The person states that they were born in Australia and lived in Australia until at least 10 years old (and she has no reason to believe this is not true)
- The person provided information that their primary and further education was in Australia (and she has no reason to believe this person is a foreign national)
- The employer has personal knowledge that the person has lived in Australia for ten years or more (and she has no reason to believe this person is a foreign national).

If Sally is not confident that the new staff member fits into any of these categories, she can ask the new staff member to provide documentation showing that person is an Australian citizen, permanent resident or New Zealand citizen.

Sally can sight one of the following documents to confirm Australian or New Zealand citizenship:

- Australian or New Zealand passport
- Australian birth certificate and a form of photo identification
- Evidence of Australian citizenship and form of photo identification
- Certificate of Status for New Zealand citizens in Australia and a form of photo identification.

She can also sight one of the following documents to confirm permanent resident status:

- Certificate of permanent resident status and a form of photo identification
- A passport issued by the government of another country along with a check using Visa Entitlement Verification Online (VEVO)

Sally should take copies of any documents she sights and keep them to show she took steps to make sure the company was not hiring an illegal worker.

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Scenario 2 – non-citizen

Michelle runs a business and is looking to hire a new staff member. She believes the person she offers the job to is a foreign national as this person states they are in Australia on a visa. To make sure the new staff member has permission to work in Australia, Michelle registers for VEVO and with the new staff member's permission, checks their visa details.

In this scenario, Michelle can also ask the new staff member to conduct the VEVO check and email the results directly to Michelle. She can then keep this on file to show she took steps to make sure she wasn't hiring an illegal worker.

Note: VEVO will only state if the non-citizen does not have permission to work or has work restrictions.

The VEVO result shows no record of work restrictions so Michelle is confident that this person has unlimited permission to work in Australia and is a legal worker.

For more examples of steps an employer can take to check a non-citizen's permission to work, see our guide for employers.

Scenario 3 – contractor

Rocco is a farmer who brings in large number of workers through a contractor or labour supply company. Some of these workers are believed to be foreign nationals. Rocco, as the employer, is responsible for checking that his workers have permission to work. However, he can avoid being penalised by including a clause to his contract with the contractor / labour supply company stating that they must confirm that the workers they supply have permission to work. We have examples of contractual clauses that employers can use.

Rocco could also ask the contractor / labour supply company to enter into an exchange of letters to confirm that any non-citizens supplied have permission to work.

Alternatively, Rocco could formally contract a third party to verify that his workers have permission to work in Australia.

<http://www.immi.gov.au/About/Pages/managing-australias-borders/employing-legal-workers-examples.aspx>

10) Skill Select Invitation Round 27th February 2015

The table below shows the number of invitations issued in the SkillSelect invitation round on 27 February 2015.

Visa subclass	Number
Skilled - Independent (subclass 189)	1200
Skilled - Regional Provisional (subclass 489)	200

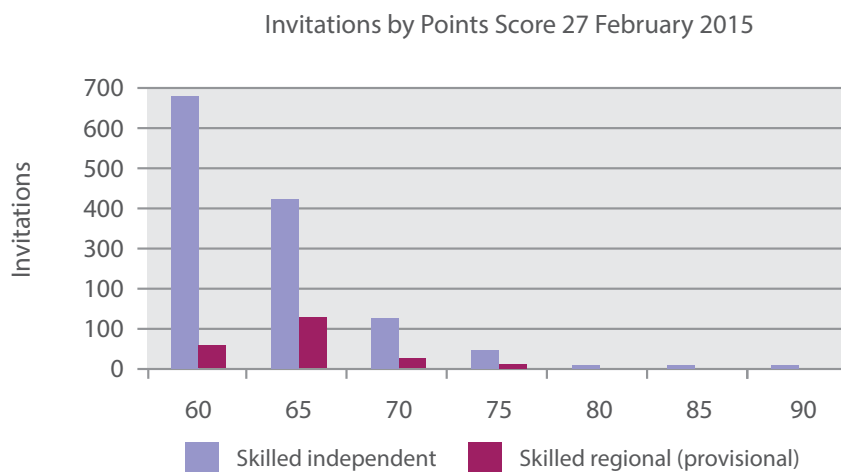
During 2014-15 the following number of invitations have been issued:

Visa subclass	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total
Skilled - Independent (subclass 189)	2500	2500	2547	2430	2800	1983	2770	2400	19930
Skilled - Regional Provisional (subclass 489)	20	110	100	100	100	200	830	700	1530
Total	2520	2610	2647	2530	2900	2183	2970	3100	21460

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.

27 February 2015 results

The following graph shows the points for clients who were invited to apply in the 27 February 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	8 February 2015 7:31pm
Skilled - Regional Provisional (subclass 489)	60	17 June 2014 2:43pm

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:

- Accountants
- Software and Applications Programmers

The points score and the visa date of effect cut-off for the pro-rata occupations in the 27 February 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	8 February 2015 3:18pm
2611	ICT Business and Systems Analysts	60	8 February 2015 3:18pm
2613	Software and Applications Programmers	60	8 February 2015 4:35am

*Please note that ICT Business and Systems Analysts has reached the occupation ceiling for this financial year and no further invitations will be issued for the year 2014-2015.

Okay folks, game set and match, all over for another month and see you all on Monday 20th April 2015, Cheers




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