

Iscah Migration Newsletter

20th April 2015 | Edition Number 202

Hey Everyone,

Welcome to April's edition of our visa news. A collection of all that we have heard about over the last 4 weeks.

This publication is free and if you want to jump on to the mailing list then please email us to newsletter@iscah.com

Also if you have any visa queries be sure to visit our website at www.iscah.com, email us at migration@iscah.com, or check our facebook updates here www.facebook.com/iscah.migration

Well what a huge start to the footy season !!! The mighty Freo Dockers have rolled out 3 wins straight and where as some of us (dunno who ha) thought we had an aging squad, the proof is in the results. September action looks on again.

Oh and my 9 year old's soccer team won 10-zip first game. Been a goooooood month ha

On to this month's news ...



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1) Changes to minimum English language test scores for subclasses 476 and 485

From 18 April 2015, minimum English language test scores for the Skilled – Recognised Graduate (subclass 476) and Temporary Graduate (subclass 485) visas will change.

If you lodge an application for either of these visas on or after 18 April, you must provide evidence of having achieved one of the following in a test taken in the three years immediately prior to lodging your visa application:

- an overall score of at least 6, with nothing below 5 in each of the four test components (speaking, reading, listening and writing) in an International English Language Testing System (IELTS) test
- a score of at least 'B' in each of the four test components (speaking, reading, listening and writing) of an Occupational English Test (OET)
- a total score of at least 64, with nothing below 4 for listening, 4 for reading, 14 for writing and 14 for speaking, in a Test of English as a Foreign Language internet-based test (TOEFL iBT)
- an overall score of at least 50 with nothing below 36 in each of the four test components (listening, reading, writing and speaking) in a Pearson Test of English Academic
- an overall score of at least 169 with nothing below 154 in each of the four test components (listening, reading, writing and speaking) in a Cambridge English: Advanced (CAE) test taken on or after 1 January 2015.

This change means the 'competent English' requirement no longer applies to subclasses 476 and 485.

Only minimum English test scores will change. Applicants will still meet the English requirement if they hold a valid passport issued by the United Kingdom, the United States of America, Canada, New Zealand or the Republic of Ireland.

www.immi.gov.au/News/Pages/el-change.aspx

(Source: DIBP)

2) New visa arrangements for people working in Australia's offshore oil and gas industry

From 31 March 2015, new visa arrangements came into effect for non-citizens other than permanent residents intending to work in Australia's offshore oil and gas industry.

People intending to work on resources installations should hold either a Subclass 457 Temporary Work (Skilled) visa or a Subclass 400 Temporary Work (Short Stay Activity) visa.

People who are participating in, or supporting, an offshore resources activity from a vessel will be granted the Special Purpose Visa by operation of law.

For more information see www.immi.gov.au/Work/Pages/offshore-resources-activities.aspx

(Source: DIBP)

3) 457 Sponsors now have longer period to notify DIBP of changes

DIBP have changed legislation from 18th April 2015 that extends notification of changes to circumstances from 10 days to 28 days for a number of events as follows ...

Changes or events that all sponsors must notify within 28 calendar days

You must notify us within 28 calendar days if:

- the sponsored visa holder's employment ends, or is expected to end (the sponsor must tell us if the end date changes)
- there are changes to the work duties carried out by the sponsored visa holder
- you are a standard business sponsor and there is a change to the information in the sponsorship application or the application to vary a term of sponsorship approval relating to the training requirement and the sponsor's address and contact details
- if you are a party to a work agreement and there is a change to the address and contact details or the training information provided in the work agreement
- you have paid the return travel costs of a sponsored visa holder or any of their family members in accordance with the obligation to pay return travel costs

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- you have become insolvent within the meaning of subsections 5 (2) and (3) of the Bankruptcy Act 1966 and section 95A of the Corporations Act 2001
- your business ceases to exist as a legal entity.

If your business is a company

A company must also notify us of the following changes or events within 28 calendar days if:

- a new director is appointed
- an administrator is appointed for the company under Part 5.3A of the Corporations Act 2001
- the company resolves by special resolution to be wound up voluntarily under subsection 491(1) of the Corporations Act 2001
- a court has ordered that the company be wound up in insolvency under Part 5.4, or on other grounds under Part 5.4A, of the Corporations Act 2001
- a court has appointed an official liquidator to be the provisional liquidator of the company under Part 5.4B of the Corporations Act 2001
- a court has approved a compromise or arrangement proposed by the company under Part 5.1 of the Corporations Act 2001
- the property of the company becomes subject to a receiver or other controller under Part 5.2 of the Corporations Act 2001
- procedures are initiated for the deregistration of the company under Part 5A.1 of the Corporations Act 2001.

If you are an individual

If you operate your business as an individual, you must also notify us of the following changes or events within 28 calendar days:

- you enter into a personal insolvency agreement under Part X of the Bankruptcy Act 1966
- you enter into a debt agreement under Part IX of the Bankruptcy Act 1966
- a sequestration order is made against your estate under Part IV of the Bankruptcy Act 1966
- you become a bankrupt by virtue of the presentation of a debtor's petition under Part IV of the Bankruptcy Act 1966
- you present a declaration of intention to present a debtor's petition under Part IV of the Bankruptcy Act 1966
- a composition or scheme of arrangement is presented in relation to you in accordance with Division 6 of Part IV of the Bankruptcy Act 1966.

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If your business is a partnership

You must also notify us of the following changes or events within 28 calendar days:

- a new partner joins the partnership
- any of the events listed for an individual or a company occurs.

If your business is an unincorporated association

An unincorporated association must also notify us within 28 calendar days if:

- a new member is appointed to the managing committee of the association
- any of the events listed for an individual or a company occurs

(Source: DIBP)

4) DIBP Form changes for April

www.immi.gov.au/forms/Pages/forms-summary-changes.aspx

5) South Australian skilled list expanded for 489/190 sponsorship

The South Australian state nominated occupation lists are divided into two separate lists; the State Occupation List and the Supplementary Skilled List. The State Occupation List is a list of occupations considered to be in demand in South Australia. There are currently 171 occupations on the State Occupation List.

The Supplementary Skilled List replaces the former South Australian Graduate List. This list offers all the remaining occupations on the Department of Immigration and Border Protection's Consolidated Sponsored Occupations List (CSOL) that are not on the South Australian State Occupation List. There are 480 occupations on the Supplementary Skilled List.

These additional occupations will give an opportunity to more skilled workers who meet the requirements in one of the three categories below (many of whom are already employed in a skilled occupation in South Australia):

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- International graduate of South Australia
- Worked in a skilled occupation in South Australia for the last 12 months
- Immediate family member permanently residing in South Australia for 12 months or more.

Applicants applying for Supplementary Skilled List occupations need to research employment opportunities and requirements in their occupation thoroughly as there may be limited openings or specific requirements that need to be met before a person can obtain work in their field in South Australia (such as further training, registration, licensing, residency or other requirements).

<http://www.migration.sa.gov.au/news-events/news-releases/supplementary-skilled-list-to-replace-the-south-australian-graduate-list>

6) English language scores for 457 visa changed

DIBP have now changed their English language requirements from 18th April for 457 visas as follows

- an International English Language Testing System (IELTS) overall test score of at least 5.0 with a score of at least 4.5 in each of the four test components
- an Occupational English Test (OET) score of at least 'B' in each of the four components
- a Test of English as a Foreign Language internet-based test (TOEFL iBT) total score of at least 36 with a score of at least 3 for each of the test components of listening and reading, and a score of at least 12 for each of the test components of writing and speaking
- a Pearson Test of English (PTE) Academic overall test score of at least 36 with a score of at least 30 in each of the four test components
- a Cambridge English: Advanced (CAE) overall test score of at least 154 with a score of at least 147 in each of the four test components.

(Source: DIBP)

7) Medicals for a 485 visa

From 18th April 2015 there is no longer a requirement to have booked or undertaken medicals for the 485 visa

(Source: DIBP)

8) Skilled Nominated visas almost used up

Skilled Nomination 190 and maybe 489 (not clear if they mean these as well) visas almost used for the program year (which goes until 30th June 2015).

DIBP have written to the migration industry with the following information ..

We are writing to you regarding the planning levels for points tested visas in the Skilled Nominated category.

As you know, the Migration Programme determines the maximum number of visas that can be granted in each visa category. Applications for this visa are processed in line with Migration Programme planning levels. These planning levels have precedence over indicative client service standard timeframes.

The Migration Programme planning level for the Skilled Nominated category now has limited number of places left for the 2014-15 programme year. This means processing times will be longer and that once the remaining places are used, the Department cannot grant further visas in this category during this programme year.

We wish to advise you that processing of these applications will continue although it may still be some time before a final decision is made.

Should the need arise, you might wish to inform applicants and your members that they can check the Department's website for any updates regarding application processing or changes to the Skilled Migration Programme.

(Source: MIA)

9) Changes to the 457 visa program (MIA summary)

457 Review - Government Response

The Government has today released its response to the Independent Review into the Integrity of the 457 visa programme report: Robust New Foundations - A Streamlined, Transparent and Responsive System for the 457 Programme.

Click here for the Government response - <http://www.immi.gov.au/pub-res/Pages/reviews-and-inquiries/government-response.aspx>

Items identified as 'supported in principle' are already in the process of being implemented.

The Government has supported the majority of the recommendations that were made by the Review Committee in the Report. The Government notes the importance of the 457 programme in supplementing the Australian workforce while protecting Australian jobs. The overriding aim of the Government in accepting these recommendations was to ensure the integrity of the programme, while facilitating sponsorship of overseas workers and streamlining 457 processes for trusted and low risk business sponsors.

While full details of the implementation of the recommendations are not yet available, the following information on some of the recommendations has been supplied by the Department for MIA Member information:

- Training Benchmarks A and B will be replaced with an annual training fund contribution based on the number of 457 sponsored and with the contributions scaled according to the size of the sponsoring organisation (6.1) These contributions will be made to the Department of Industry and directed to areas of identified training need (6.2/3). The Government will undertake further consultation with stakeholders on how this will be implemented. It is believed that this will increase the integrity of the way these funds are used and remove the payment of commissions. Training expenditure cost may decrease for sponsors under this new arrangement.
- It will be made unlawful for a sponsor to be paid by a visa holder to be sponsored and a strong penalty and conviction will be applied
- Labour market testing will not be abolished, however, the Department will examine ways to reduce the burden to employers and red tape in this process
- The English language level will be altered to an IELTS average of 5 overall, with no less than 4.5 in any band
- Alternate English language test providers are likely to be announced next month
- The exemption for demonstrating English language competency will not be extended to further countries, although the current exemption for 5 years continuous study in English will be changed to 5 years cumulative study

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- SBS approvals will be extended from 3 to 5 years and from 12 to 18 months for start up businesses. These new approval time frames will commence from the time of renewal or new applications for SBS. Current approvals will not be extended to these time frames
- The ATO and the Department have signed an MOU which allows information to be shared on 457 visa holder salaries. The MOU allows the Department to request salary compliance checks across a broader range of the sponsored employees and businesses, without increasing the number of work site visits
- Visa charges are being reviewed as part of the Joint Review of Border Fees, Charges and Taxes
- The age limitations and the TRT time frames for transition to ENS are being reviewed as part of the Skilled Migration and 400 Visa Series Review, but the recommendations on these from the 457 review are supported (15.1/2)

The Department advises that most of the changes arising out of these recommendations will occur over the next six months and some such as additional English language providers are already in progress. Those recommendations that require consultation with stakeholders may not come into force until 2016.

(Source: MIA/DIBP)

10) Temporary suspension of SIV nominations from 24 April 2015 to 30 June 2015

The Significant Investor visa (SIV) programme is designed to provide a boost to the national economy through an increased inflow of investment and to enable Australia to compete effectively for high net worth individuals seeking investment immigration.

Following a review of the SIV in 2014, changes designed to see the full potential of the government's investor visa scheme realised will come into force on 1 July 2015. This will include a new complying investment framework, which will target investments which can deliver even more economic benefit to Australia.

To ensure clarity for prospective applicants about the investment framework that will apply to them, and to ensure the programme continues to offer the best balance between investment migration and economic benefit, the Australian Government has decided to temporarily suspend all new nominations to apply for a SIV. This suspension will commence on 24 April 2015, with nominations reopening on 1 July 2015 to coincide with the introduction of the new framework through associated amendments to the Migration Regulations 1994. The suspension is a temporary measure and the Australian Government is committed to ensuring the SIV programme remains available for investment migration to support the national economy.

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During the suspension of nominations, prospective SIV applicants will still be able to lodge an Expression of Interest (EOI) to be nominated for the programme. Anyone who has an EOI current at 1 July 2015 will be able to be nominated from 1 July 2015 onwards, and will be subject to the new complying investment framework. This suspension will not impact existing SIV applicants, or those who have already been invited to apply for a SIV. Any existing SIV applications and those who have already been invited to apply prior to the suspension will continue to be processed under the current regulations.

(Source: DIBP)

11) Skilled Migration – Category 5 applicants – Media Article

The federal government has put thousands of valid applications for permanent residency visas on indefinite hold, writes Peter Mares. Migrants already living and working here are finding it impossible to plan for the future.

www.insidestory.org.au/living-at-the-wrong-end-of-the-queue

10) Skill Select Invitation Round 10th April 2015

The table below shows the number of invitations issued in the SkillSelect invitation round on 10 April 2015.

Visa subclass	Number
Skilled - Independent (subclass 189)	1000
Skilled - Regional Provisional (subclass 489)	100

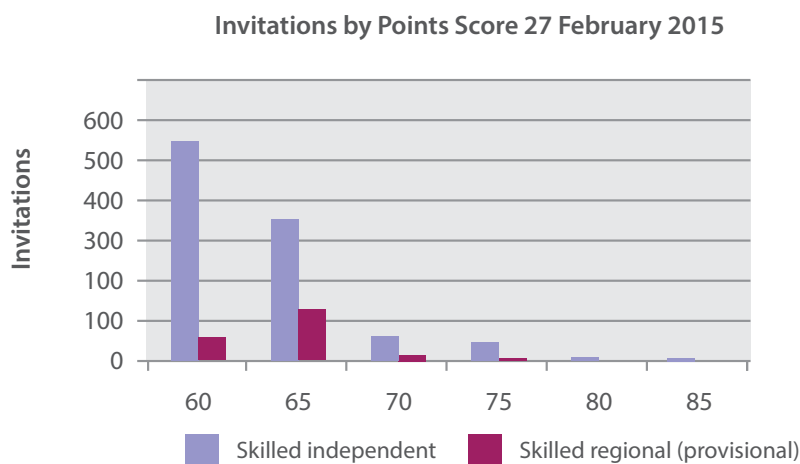
During 2014-15 the following number of invitations have been issued:

Visa subclass	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	Total
Skilled - Independent (subclass 189)	2500	2500	2547	2430	2800	1983	2770	2400	2200	1000	23130
Skilled - Regional Provisional (subclass 489)	20	110	100	100	100	200	830	700	300	100	1930
Total	2520	2610	2647	2530	2900	2183	2970	3100	2500	1100	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.

10 April 2015 results

The following graph shows the points for clients who were invited to apply in the 10 April 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	12 March 2015 4.52pm
Skilled - Regional Provisional (subclass 489)	60	26 January 2015 12.17am

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 10 April 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	12 March 2015 4.51pm
2613	Software and Applications Programmers	60	12 March 2015 4.18pm

*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
Have a great month and see you
all on Monday 18th May
Cheers




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