

Iscah Migration Newsletter

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Hiya Everyone,

Hope you have had a super few weeks and we have jam packed edition this month. Not all good news but hopefully you find it useful for your own circumstances.

This newsletter is sent out free on the third Monday of each month and contains any visa news we have come across over the last month. If you want to be on the permanent mailing list, wish to unsubscribe or have ANY questions drop us an email to newsletter@iscah.com

On to the latest ...



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1) Bad Bad news for priority 5 applicants

There are around 10,000 applicants in the DIBP created hole called Priority group 5. Through initial misrepresentations by educational institutions then successive mismanagement by government/immigration (Labor and Liberal) and now lack of empathy, compassion and guts by the Minister for Immigration, DIBP will consign the vast majority of these applicants to the scrap heap after years of them having their lives on hold and having put blind faith in our Immigration system.

DIBP have announced that they will only issue a handful of visas for the offshore subclass 175 (219 places), 176 (36 places) and 475 (29 places) visas this financial year. They will then deem ALL remaining applications to have never been made. Which basically mean that those offshore applicants in priority 5 who have waited years for a decision on their delayed applications will have them closed and presumably have their DIBP application fee refunded.

The governments explanatory statement is here

<https://www.comlaw.gov.au/Details/F2015L01455/Explanatory%20Statement/Text>

Surely all it needed was the government and opposition to agree to bring these people under one year's program as a special allocation without any political mud slinging given BOTH parties contributed towards the total unfair and unjust way these applicants have been treated.

(note this does not affect ANY other visa category except 175, 176 and 475 visas)

(Source: DIBP and Iscah comment)

2) Don't pay a company to sponsor you for a 457 visa

The Turnbull Government today introduced legislation to the Parliament to make it a criminal offence for a sponsor to be paid by a visa applicant in return for securing a migration outcome.

Assistant Minister for Immigration and Border Protection, Senator the Hon Michaelia Cash said on coming to Government, the Coalition commissioned a comprehensive, independent review of the integrity of the subclass 457 programme. The government provided its response to this review, Robust New Foundations, in March this year.

'The review recommended the introduction of a new penalty making it unlawful for sponsors to receive payment in return for sponsoring a 457 visa and we unreservedly supported this important integrity measure,' Minister Cash said.

'The Migration Amendment (Charging for a Migration Outcome) Bill 2015 implements this recommendation and expands the application beyond the 457 visa programme to other temporary and permanent work visas.'

'Unlawful arrangements whereby payment, inducements or other incentives are promised or exchanged to try and achieve a migration outcome will not be tolerated by this Government.'

The practice of giving or receiving a benefit in return for visa sponsorship can have serious detrimental effects including possible exploitation, undermining of Australian pay and conditions and can damage the integrity of Australia's migration programmes.

Minister Cash said the legislation introduced today sends a very clear message to those who are tempted to engage in this type of activity.

'Those who think they can get away with this kind of behaviour take note - we will target you and we will bring you to justice,' Minister Cash said.

There will be a framework for criminal, civil and administrative sanctions against sponsors who actively 'sell' sponsorships, or seek to obtain an undue advantage in return for sponsoring a person.

The Bill also introduces a new discretionary power to allow for cancellation of a visa where the visa holder has engaged in 'payment for visas' activity.

Minister Cash said the new penalties will further strengthen the integrity of Australia's migration programme, building on a number of initiatives announced over the past two years.

(Source: DIBP)

3) Accountants and External Auditors

The September round of Skill Select for the 189,190 and 489 visas showed that Accountants were only given an invite if they had reached 70 points (a rise from 65 points). Also that the 1000 places as expected for External Auditor have now all been filled and no more invites for that occupation under 189 are possible this program year (up to 30th June 2016).

(Source: DIBP)

4) NSW State Sponsorship Policy

We contacted the NSW government this week to clarify some information about their 190 invitation process.

They confirmed the following ...

They have 4000 places throughout the program year

These are allocated continuously throughout the year (so not just every 3 months)

Places are allocated to each occupation

Selection then within that occupation is based on (in order) points total, english language points, years of relevant work experience

If DIBP use up all places for an occupation, NSW can still nominate people in that occupation for the 190 visa.

(Source: NSW state government)

5) Simplified Student Visa Framework

Recent newspaper article:

It is our largest services export and a key pillar of the country's economic growth and future prosperity. International students bring many benefits to Australia, economically and culturally, and will always be welcome in our country.

Since coming to office the government has made it a priority to rebuild the international education sector and undo the damage caused by Labor when the export value of the sector fell by \$1.8 billion during the three-year period to 2012-13. Under the Coalition the sector has rebounded strongly and, based on preliminary figures from the Australian Bureau of Statistics, grown by \$3.5bn to a record high of \$18.1bn in 2014-15.

This strong performance is just the beginning. In April, Education Minister Christopher Pyne released Australia's first draft national strategy for international education.

The strategy sets an ambitious whole-of-government agenda for the sustainable growth of Australia's international education sector.

Student visa settings are an important component of Australia's international education strategy. It is vital that visa settings are competitive and that the process of obtaining a visa is as simple as possible for genuine students.

It is also highly important that the visa program maintains high levels of immigration integrity.

To this end, on June 16 the government announced the introduction of a simplified student visa framework, to start mid next year.

Key reforms under the SSVF include a reduction in the number of student visa subclasses from eight to two — one student visa and a student guardian visa — and the introduction of a simplified single immigration risk framework for all international students.

The SSVF will mean a broader, simpler, fairer framework for international students and Australian education providers.

It will benefit Australia's international education sector through reduced red tape, a visa framework that is simpler to navigate and a more targeted approach to immigration integrity.

Under the SSVF students no longer will be subject to the complexity of the present process, which requires them to determine the correct visa subclass to apply for and which risk framework — either the assessment level framework or streamlined visa processing — they will be assessed against.

Instead, students will apply for a single student visa subclass and be assessed under a single immigration risk framework.

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The single immigration risk framework will guide a student's financial and English language evidentiary requirements based on the immigration risk outcomes of their country of citizenship and intended education provider.

Where the combination of these factors indicates lower risk, the student will have "streamlined evidentiary requirements" and generally will not need to provide evidence of financial and English language capacity with their visa application.

Based on modelling from 2013-14, about 85 per cent of students would have streamlined evidentiary requirements under the SSVF. Importantly, these efficiencies will be achieved without compromising the integrity of the student visa program.

The SSVF also will benefit education providers considerably.

Although the existing student visa program arrangements have contributed to strong levels of growth, these arrangements also have created perceived market inequalities and high levels of red tape.

The SSVF will address these issues by creating a more level playing field for education providers and by unwinding many of the burdensome requirements imposed on providers by SVP.

The SSVF represents an exciting opportunity to build on Australia's international competitiveness and the government is working closely with the international education sector to ensure that it is implemented effectively.

A strong international education sector means more Australian jobs and broader benefits for the community.

The SSVF will have a key role to play in the future success of this important sector.

(Source: The Australian newspaper)

6) Australian needs more IT professionals

The man behind one of Australia's most successful hi-tech firms says the nation risks becoming a technology backwater within 20 years unless the government puts in place "smart policies" to allow local companies to import "masses" of the best workers from Silicon Valley.

Atlassian co-founder Mike Cannon-Brookes, who has been a vocal critic of government policies in the technology sector, said Australia had no alternative but to import huge volumes of offshore talent to help nurture successful entrepreneurs and generate world-class, locally made ideas. "You can't generate experience," he told The Australian in an interview for the Cracking the Code series, in partnership with GE.

"I can't take a super-smart engineer out of a computer science program in university here and say, 'Great, go to Silicon Valley for 10 years, learn it, school of hard knocks, get all the scars and come back and figure out how to run a 100-person engineering group, or a product team, or whatever'. We don't have that in this country and so we need to import it, there's no other way to get it."

Atlassian, which makes software development and collaboration tools targeted at developers, has been one of the few Australian technology success stories on the global stage and is now worth about \$US3

billion (\$4.3bn).

Mr Cannon-Brookes's comments come amid a fierce debate over the future of the 457 visa scheme, which is already being used to bring foreign workers from the information and communications technology sectors into Australia.

Labor has also aired concerns about aspects of the China-Australia free-trade agreement, claiming that it lacks critical safeguards to protect Australian jobs from imported workers, particularly on major projects. Asked about the political implications of bringing in more foreign technology workers, Mr Cannon-Brookes said: "Well, how are we going to solve this problem?"

"Technology is the largest industry in the world now. It's only opening up a bigger and bigger gap on No 2, which is finance. And it's becoming more a part of every single company's competitiveness. "Therefore, if you look forward 20 years, it's going to become a bigger and bigger part of the entire economy's competitiveness for Australia.

"And we're already seeing ourselves going backwards down all the various league tables because we're not investing enough in technology as an economy.

"If we're just consuming technology as an economy, we're stuffed in 20 years' time. We need to be producing our own IP (intellectual property) in technology as a country."

Mr Cannon-Brookes's comments were backed by local technology investor Tony Faure, the former managing director of Yahoo in Australia and New Zealand and former chief executive of nineMSN. Mr Faure slammed the lack of government action on implementing a meaningful innovation system that could be used to encourage and foster start-up talent in Australia.

Speaking as part of a panel of entrepreneurs, investors and engineers, Mr Faure said it was twice as hard for Australians to succeed as technology entrepreneurs as it was for their counterparts in the US and Israel.

The panel for the Cracking the Code series also lamented the severe shortage of engineers and software developers in Australia, saying the education system's failure to educate students in science, technology, engineering and maths (STEM) was holding back the nation from becoming a serious player on the global technology stage.

Google's engineering director, Alan Noble, said Australia was failing to produce enough STEM and computer science graduates to compete with its global competitors.

"We know there's a strong correlation between those technical disciplines and start-up formation rates down the track," he said. "These are the types of graduates that will create those types of companies, and we're way, way, way behind most of our competitive countries."

(Source: The Australian newspaper)

7) Points Test to change from 1st July 2016

DIBP are now in the 3rd and final stage of developing a new Points test for skilled migration. It is to quote DIBP "likely that a new visa framework will be implemented from 1 July 2016." They have offered the following reassurance ..

"If you have already been granted a skilled migration or temporary activity visa, there is no change to your existing visa grant arrangements, conditions and/or obligations. All undecided visa applications for a skilled migration or temporary activity visa will be processed under existing processing arrangements."

The Proposal Paper is here

http://www.border.gov.au/ReportsandPublications/Documents/discussion-papers/proposal_paper_dec14.pdf

(Source: DIBP)

8) South Australian government increase their – High Point

Due to high demand, Immigration SA will be raising the requirement for the high point category from 80 points to 85 points. This change is to still allow an avenue for high point scoring applicants. This policy will come into effect on the 22 September 2015 and all high point applications submitted from this date will need to meet the new requirement. Please check the web page for more detailed information on the day. You will be able to access additional occupations (special conditions and Supplementary Skilled List) if you have 85 points in SkillSelect (including state nomination points). Should you require 10 points for state nomination in order to reach 85 points on the DIBP points test, please ensure that you are aware of the conditions of the provisional 489 visa. There are individual occupation quotas for high point nomination. To date, Marketing Specialist and Human Resources Advisor are both now closed off for high point nomination. There is also an overall quota for the high point category. Once this is reached, the high point category will be closed off for the remainder of the program year.

(Source: South Australian state government)

9) Changes to Working Holiday Programme

DIBP Blog :

Australia's Working Holiday Maker visa programme is a great way for young people aged 18-30 to have an extended holiday in Australia and earn money through short-term employment. There are two types of Working Holiday Maker visas: Working Holiday visa (subclass 417) and Work and Holiday visa (subclass 462). The visa you should apply for depends on your country of citizenship. These types of visas allow you to stay and work in Australia for up to 12 months.

Generally, you can only ever get a Working Holiday Maker visa once – it's a once in a lifetime experience! The second Working Holiday (Subclass 417) visa initiative is the exception – if you do 88 days specified work in regional Australia, you are eligible to apply for a second visa. You can read all the details about what 'regional Australia' is and what 'specified work' is on the visa applicants tab of the Working Holiday visa page.

The second Working Holiday visa initiative helps encourage Working Holiday visa holders to get out of the big cities and spend some time working in other parts of Australia. It also helps businesses that are making an important contribution to the Australian economy to have the workers they need to run their business, particularly in seasonal peaks.

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So what's changing?

The second Working Holiday visa initiative has proven popular with businesses and visa holders over the years, but unfortunately some people haven't been doing the right thing. Some visa holders are claiming for work that was never done, and some employers aren't paying their employees a lawful wage for their work.

That's why if you're doing specified work after 31 August, you'll need to make sure you have pay slips that cover each day of work when you submit your application for a second Working Holiday visa.

Electronic copies of applicants pay slips can be uploaded as attachments to your online second Working Holiday visa application, or hardcopies can be provided with a paper application.

What if I'm not given pay slips from my employer?

Don't be afraid to ask your employer for pay slips – it's your legal right, and they have to contain certain information. For more information about pay slips, go to:

<http://www.fairwork.gov.au/pay/pay-slips-and-record-keeping/pay-slips>

How do I know if I've been paid the right amount?

In some cases, your pay rate will be set by the national minimum wage, which is currently \$17.29 per hour (before tax). You may be entitled to a higher rate if you are covered by an award, enterprise agreement or other registered agreement. For more information about pay, and to use the 'Pay Calculator', go to: <http://calculate.fairwork.gov.au/findyouraward>

What about volunteer work?

We know that some groups, like Willing Workers on Organic Farms, promote themselves to Working Holiday visa holders.

If you'd like to volunteer some of your time to help out doing activities that count as specified work, you can, but you won't be able to count it towards your 88 days specified work if you start the volunteer work after 31 August 2015.

If you started the volunteer work before 31 August, you will be able to count all days worked on the placement, even if you finish up after 31 August.

If you finished volunteer work before 31 August that counts as specified work, you can include these days towards your 88 days specified work if you apply for a second Working Holiday visa.

(Source: DIBP)

10) Partner Migration caseload size

DIBP recently provided the following information at a meeting with migration agents :

The application rate in the Temporary Partner Programme is approximately 23,000. This means we have increasing pipelines, approximately 30,000, and 12 to 18 month processing times.

At the permanent stage we have approximately 25,000 to 27,000 to finalise. The processing time for permanent partner visas is between six to nine months.

Schedule 3 cases are prioritised intentionally because trends suggest most are not genuine applications. The processing time for Schedule 3 applications is about six months

11) Useful information about 457 processing Partner Migration caseload size

Here is a copy of DIBPs latest guidance on the following topics

1. Processing Status Requests
2. Current Allocation/Processing Times
3. Request for Urgent Assistance or Priority Allocation
4. Pre-lodgement Enquiries
5. Current Issues
6. Lodgement of Applications
7. Assessment Ready Applications
8. Submitting Supporting Documents
9. Updating your Passport or Personal Details
10. Relationship Breakdown
11. Bridging Visas
12. Babies Born in Australia
13. Lodging Assessment Ready Applications –The Health Requirement
14. Retrieval of TRN
15. Cessation of Work
16. Superannuation and Voluntary Cancellation
17. Condition 8547 Waiver Requests
18. Withdrawal of Applications

Details are listed at this link as there is too much to publish in the newsletter : www.iscah.com/wp_files/wp-content/uploads/2015/09/2015.457-FAQs.pdf

(Source: DIBP)

12) Iscah's famous Q&A session

Here is a selection of questions and answers we received and provided over the last 4 weeks :
(All names are removed and Remember that these should only be treated as a guide given individual circumstances can be different)

Q I got(TRA) provisional skill assessment only and if I want to do job ready program now do I need 6 each in ielts to start process because last one has been expired also as I already completed one year full time experience in 457 will they (TRA)count this or I need to do another year thanks

A There is nothing we can see on their website that requires an IELTS results. The requirement for IELTS for the provisional assessment was also removed in January 2015. Our understanding is that they will only count work that takes place after the JRP has been signed up for and commenced.

Q One of my friend complete diploma in computer science and scored 6 in ielts But academic is not from Australia. Some says he can process for pr from that degree and some says he cant Can you please tell in details whether he can apply from that diploma certificate or he has to complete course here in Australia.

A You say that it is a diploma (not a degree). As such he would need at least 5 years of IT work experience then hope to meet the points test after that. ACS criteria may be found here https://www.acs.org.au/__data/assets/pdf_file/0016/7324/Summary-of-Criteria-2014.pdf

Q I came under svp but due to some reason my COE was cancelled and then I enrolled with another non svp institute. Now i have doubt that if i complete my degree within my granted visa can i apply for 485 or 457 visa. A As long as the Professional Accounting course is of at least 92 weeks on your COE then you will meet the two year study rule to apply for a 485 visa. You still need to also obtain an average of 6 IELTS with at least 5 in each band (or equivalent in a different English test).

Q I want to know about RSMS visa. Actually I have already applied for nomination and it's nearly 3 months now. My question is how long it will take nomination process to visa grant?

A Currently bout 4-6months to process.

Q One of employer going to sponsor me under 187 visa so Rsms nomination approval and visa refused for other people and i m going to apply same position so my question is does my company need to apply again nomination ? My employer toll me just transfer your name you have to apply just visa application is right?

A Yes a new nomination for each application.

Q Hi I just wanted to know that if there is any visa for parents we can apply for. My mother in law as she has no one to look after her, she has two daughters living here and one overseas

A There is a parent visa for parents whom have 50% or more of their children as Australian Citizens/PR or more in Australian than any other country. There is also an extended tourist visa for up to 3 years for parents of Australian PR/Citizen children.

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Q Currently I am studying diploma in cookery and I am working in restaurant and my boss want to sponsored to me. Can I apply RSMS after finished certificate 4 or I have to finished diploma of cookery to apply RSMS.

A As a Cook you need Cert IV and 6666 on each band of the IELTS for RSMS. As Restaurant Manager you will require a related Diploma.

Q I just saw your post about the new point test from 2016. Are they likely going to minimize the IELTS requirement? What other changes are they going to make.

A Any changes are "proposed" . We don't know of the exact changes at this stage. We will update our FB page when details are revealed.

Q I applied EOI in Apr 2015 with 60 points and still not received the invitation. I will turned 33 in October 2015. After that I will loose 5 points according to current rules. My questions are what will happen after 20/10/215, if I not invited and is there any other options available me to keep EOI alive.

A Correct you will lose 5 points if not invited before your 33rd birthday. To keep that EOI active you need to gain extra points to get back to 60 or more. Maybe improved english marks.

Q Hi I got my 489 refused and I'm still in Australia. How can I appeal again for this visa and what are the process

A When you were refused you should have been given details of how to lodge an appeal to the AAT , and how long you have to do that. <http://www.aat.gov.au/>

Q I'm 43 years old have 10 years experience as a metal fabricator including 5 years here in Australia. I just want to ask if there any chance to get PR without any taking IELTS and not expecting employer sponsorship .

A If you apply on skilled grounds and your salary is under \$180,000 per annum then you must meet an English language requirement for a skilled permanent visa of any kind.

Q What should be the company's turnover to sponsor some on 457 Visa?

A There just needs to be enough turn over to show they can pay for the position and that the business is large enough to need a full time worker in that position

Q Hi, I have just completed my Masters in Business Administration and specialized in HR. Can u please suggest what job i should apply for? Also i have my sister who is a citizen of Australia, so what are my options for getting my PR?

A HR Manager Human Resource Adviser Recruitment Consultant Workplace Relations Adviser. Your sister does not help you though as these occupations are not on the skilled list(SOL). You need to have a company offer you fulltime work in one of these occupations then sponsor you for a 457 or 187 visa.

Q Hello I have visa 573 but doing diploma of nursing that's under 572 so can you please help me in taking admission in any uni

A Sorry we only help with visa processing, not enrolments.

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Q Is it true that by 2016 July for IT pass point test would increase to 65?

A DIBP have not made any decision on the pass mark or points test from 1st July 2016 yet. When we hear anything new about the new requirements we will put them up on our newsletter/facebook pages.

Q I am going to apply my wife visa as she is in overseas. Currently i am on 485 skilled visa. Can u please send me the link and also just tell me little bit about checklist.

A Your family can also apply to join you in Australia after the visa is granted. They cannot apply online, but must use Form 1409 Application for a Temporary Graduate visa

Q I understand accounting is flagged for next year and other close accounting professions. However, I do not see external auditor in flagged occupations list. Does that mean there are very few chances of external auditor being removed from SOL list?

A Correct, this occupation is not flagged.

Q Do Engineers Australia accept PTE?

A No, only IELTS at this stage.

Q Is TOEFL valid for nurse registration

A No ANMAC only accept OET and IELTS Academic

Q I am in student visa now. I got certificate IV in commercial cookery through RPL. Is it possible to get RSMS visa?

A A cert 4 through RPL in Australia that is cooking based is acceptable as the skill level for a 187 visa

(Source: Iscah)

13) SkillSelect – 7 September 2015 round results

The table below shows the number of invitations issued in the SkillSelect invitation round on 7 September 2015.

Invitations issued on 7 September 2015

Visa Subclass	Number
Skilled - Independent (subclass 189)	2300
Skilled - Regional Provisional (subclass 489)	80

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

Invitations issued during 2015-16

Visa Subclass	July	August	September	Total
Skilled - Independent (subclass 189)	2300	2300	2300	6900
Skilled - Regional Provisional (subclass 489)	80	80	80	240
TOTAL	2380	2380	2380	7140

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.

Visa Subclass	Number	Visa date of effect
Skilled - Independent (subclass 189)	60	27 July 2015 9.22 am
Skilled - Regional Provisional (subclass 489)	60	17 June 2015 3.37 pm

Due to the continuing high numbers of EOIs received for the below occupations, invitations for these occupations will be issued on a pro rata basis in each monthly invitation round over the 2015-16 programme year. These arrangements are subject to change throughout the programme year. SkillSelect first allocates available places to Skilled – Independent (subclass 189) visas and then remaining to Skilled – Regional (subclass 489) (Provisional – Family Sponsored) visas. If all places are taken up by subclass 189 visas then there will be no invitations issued for subclass 489 visas in these occupations:

- ICT Business and Systems Analysts
- Accountants
- Software and Applications Programmers.

The points score and the visa date of effect cut-off for the above occupations in the 7 September 2015 invitation round is as follows. Below points score and visa date of effect is for Skilled Independent (subclass 189).

Points scores and the visa dates of effect cut off for the above occupations in the 7 September 2015 invitation round

Points	Description	Points score	Visa date of effect
2211	Accountants	70	6 August 2015 11.13 am
2611	ICT Business and System Analysts	65	16 July 2015 3.28 am
2613	Software and Applications Programmers	60	9 May 2015 7.16 pm

Note: the following occupation group has reached its ceiling and no more invitations will be issue during the 2015-16 programme year:

- 2212 – Auditors, Company Secretaries and Corporate Treasures

(Source: DIBP)

Ok hope you enjoyed all that, see you
all on Monday 19th October 2015

Cheers



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