

# Iscah Migration Newsletter

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Hiya,

Welcome to our latest newsletter on all the visa news we have gathered over the last month.

This is emailed out on the 3rd Monday of each month and any suggestions, brickbats, bouquets or requests to be omitted from the mailing list can be sent to us direct at [newsletter@iscah.com](mailto:newsletter@iscah.com)

On to November's news...



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## 1) Changes to certification requirements coming soon

VETASSESS are pleased to announce that, following feedback from our stakeholders, we will be revising the requirements for documents submitted for Skills Assessment for General Professional Occupations to be certified. As of 1 December 2015, certification of documents will not be required.

(Source: Vetassess)

## 2) Minister - Visa changes to benefit northern economy

Working Holiday Maker (WHM) visa holders who secure work in certain high demand industries in northern Australia will be able to remain with their employer for up to 12 months from November 21. Under the change, both Working Holiday (Subclass 417) and Work and Holiday (Subclass 462) visa holders who undertake work in northern Australia will be able to apply to work for a single employer for up to 12 months, compared to the usual limit of six months.

The Minister for Immigration and Border Protection Peter Dutton said the changes - an initiative of the Government's recent White Paper on Developing Northern Australia - will be of significant benefit to the agriculture and tourism sectors in the north of the country.

"These industries are highly seasonal and rely on short term workers to provide labour flexibility in peak periods," Mr Dutton said.

The changes will also apply to work in northern Australia in aged and disability care, construction and mining.

Mr Dutton said the WHM visa programme provides a fabulous opportunity to experience life in Australia. This change will encourage young people to have the unique cultural experience of living and working in Australia's north.

"Beyond giving visa holders more options when visiting and working in Australia this will also support employers in the north seeking to attract and retain staff who are trained in their roles and keen to stay on for longer than six months."

Further changes will follow in 2016 which will allow Work and Holiday (Subclass 462) visa holders to extend their stay in Australia by a further 12 months if they work for at least three months in agriculture or tourism in northern Australia.

"These changes create a significant incentive for young travellers who wish to experience Australia to visit and work in northern Australia," Mr Dutton said.

"The changes, along with other initiatives in the White Paper, will help to unlock the immense potential of Australia's north and help facilitate strong economic growth."

Australia's WHM visa programme encourages youth mobility and tourism by allowing young adults aged 18-30 years to have an extended holiday in Australia, during which they can offset their travel costs by engaging in short term work.

A total of 226,812 visas were granted to participants in 2014-15.

(Source: DIBP)

### 3) Minister - Australia increasingly a destination of choice for international students

**Joint media release - The Hon Peter Dutton MP, Minister for Immigration and Border Protection and The Hon Senator Richard Colbeck, Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment.**

Australia is welcoming unprecedented numbers of international students in 2015. New statistics show continuing growth in the number of international students being granted student visas, indicating that we can expect even more international students in 2016. Almost 230,000 student visas were granted in 2014-15 – a 2.6 per cent increase on the previous year. The Minister for Immigration and Border Protection Peter Dutton said it was the fifth successive year of growth in student visa applications. “This growth is a great outcome for Australia given the importance of international students to the Australian economy,” Mr Dutton said.

Mr Dutton said the introduction of a new international student visa framework from next year will build further on the growth. “It will enhance both our competitiveness in the international education market and improve integrity in visa processing.”

The Minister for Tourism and International Education Senator Richard Colbeck also welcomed the new data which demonstrates Australia’s ongoing success in the very competitive global education market. “International education was worth over \$18 billion to the Australian economy in 2014-15, making it our fourth largest export earner by value and a major job creator,” Senator Colbeck said. “International students make a welcome contribution to the cultural richness of our education institutions and the wider Australian community.”

Both Ministers acknowledged the Australian Government’s commitment to enhancing Australia’s global reputation for delivering a high quality study and living experience. Australia’s first national strategy for international education is being developed to provide a ten year outlook for strengthening the sector further.

“The strategy puts student experience at the heart of all our efforts, to ensure our international education sector is adaptive, innovative and globally engaged, and highly attractive to modern learners,” Senator Colbeck said.

Of the total student visas granted in 2014-15, 21.9 per cent were granted to Chinese students while grants to students from India also remained high and the number of grants to students from South Korea, Brazil and Thailand also increased from previous years.

(Source: DIBP)

## 4) Workers discrimination

Did you know:

It is illegal for an employer to treat you any differently to other workers based on your gender, religion, culture or nationality?

you may be entitled to higher pay for working at night, on the weekend or during a public holiday?

your employer cannot dismiss you if you are away from work temporarily due to illness?

The Fair Work Ombudsman provides a free service to all people working in Australia. They have a range of information available on their website to help you understand your rights at work.

[www.fairwork.gov.au/find-help-for/visa-holders-and-migrants](http://www.fairwork.gov.au/find-help-for/visa-holders-and-migrants)

(Source: Fairwork/Government)

## 5) Engineers English language options

### English Language Test: TOEFL iBT®

From the 1st January 2016, Engineers Australia will be accepting the TOEFL iBT® as an alternative English Language Test to address the English language competency element of the Migration Skills Assessment.

Applicants submitting their application on or after the 1st January 2016 will be able to provide either an IELTS test result form with a score of 6 or more in each of the 4 modules, or a TOEFL iBT® result with the following minimal scores for each module:

**Listening: 12**

**Reading: 13**

**Writing: 21**

**Speaking: 18**

Applicants will need to upload the test results, as well as write their registration number. TOEFL iBT® results will be accepted up to 2 years after the test date.

(Source: Engineers Australia)

## 6) Retirement – 410 visa holders

This visa closed many years ago for new applicants. There is a very impressive lobby group (BEIRA) who are trying to obtain permanent residence for the 410 visa holders and they have emailed the following update on their progress.

*Hi Everyone,*

*We apologise for the pause in updating you on activity regarding our lobby for permanent residence. The team has, however, been active and we were hoping to provide some feedback from that activity. Although positive feedback has yet to emerge, we do feel that some progress has been made.*

*Following the change in leadership, BERIA wrote to the new PM and copied the letter and its enclosures to every member of the new cabinet. The letter was brief but covered a number of issues including a request that our case should now be brought forward for consideration by "the whole of government". BERIA, the JSC on Migration, the House Petitions Committee, the PM's office and numerous individual MPs and Senators have all been advised that this (PR for holders of the subclass 410 visa) is a matter for consideration by the whole of government. We want them to get on with it!*

*The letter also asked how the government's estimated cost of the additional 12,000 refugees was reported as \$700 million when the AGA report, published in 2010, costed 6,493 self funded, home owning and privately health insured retirees who have lived in Australia for over 10 years at over \$1 billion. I should stress that our comments were solely targeted at the evident discrepancy in reported costings and not the policy principle of support for refugees.*

*The enclosures included a transcript of the Liberal inspired Senate vote from 2008 which agreed to call upon the then Rudd Labor government to create a pathway to permanent residence for those 410 visa holders who wanted it, a copy of the recent Adelaide Daily Mail article describing the "over a billion" cost as plainly ridiculous, and a selection of positive comments volunteered by Australians who have signed the on-line petition (which, by the way, is still open for those of you who have yet to sign!).*

*Following a tip-off from a member in Adelaide, I managed to raise a question during an ABC radio programme Q and A with the Minister for Immigration. I asked him if the government would show the same compassion as that displayed by its reaction to the Syrian refugee crisis to about 2,000 long term, home owning, self funded and privately health insured residents of Australia who hold the subclass 410 retirement visa. His answer was that he was unfamiliar with this visa but would investigate further and get back to me. The Department rang me later the same day and we had a good conversation with members of the Special Visa section who were well briefed about the retirement visas and the concerns that we have been expressing over almost ten years.*

*Since then, we have written separately to Minister Dutton, with the PM's letter and its enclosures, asking him to bring this matter forward for discussion at cabinet.*

*Something is stirring because I have since (last week) had a further telephone call from the Special Visa section. They were keen to let us know that they were looking in detail at the circumstances of the visa with a view to making some recommendations. The conversation was positive and we were able to share the concerns which underlie our continued and "temporary" residence in the country.*

*We have, so far, had no written responses to any of our letters and no indication of what may happen next. We are however, aware that things move slowly - we have only this week received a reply to a letter written to Tony Abbot as PM back in August. Hopefully something positive may emerge from the Department's current deliberations. We think that they want to be help ful but we also recognise that others may not share that warm feeling!*

*Be assured that as soon as we receive any feedback we will report back to members.*

*With best regards*

*David Humphries and the team.*

(Source: BEIRA)

## 7) Review of Immigration System

The Federal governments Productivity Commission is currently reviewing the Immigration system and possible introduction of a price based system. Their draft report has just been released with a summary below.

### **Immigration system should not be primarily price-based**

Australia's immigration system is not well suited to a price-based approach according to a draft inquiry report released by the Productivity Commission.

'Our current system allows us to focus on education and skills. Most of Australia's immigrants, and their children integrate well into the labour market and society as a whole, and become self reliant citizens,' said Commissioner Paul Lindwall.

'Additionally the humanitarian intake and programs such as the seasonal worker scheme help Australia to meet its international obligations.'

The report found that issuing permanent visas based mainly on price would lead to a short-term gain in government revenue but could have negative medium and longer term economic effects.

'The demographic composition of immigrants matters. Australia should be seeking skilled migrants of a working age who can contribute positively to the workforce and help to mitigate the impacts of our ageing population,' said Commissioner Paul Lindwall.

While the report notes that Australia's current immigration system works well by international standards, it makes recommendations for improvement including: improving assistance to humanitarian immigrants and partners of skilled migrants so they better understand Australia's job market and gain employment removing unnecessary barriers to immigrants' labour market integration such as better processes to have their legitimate qualifications recognised in Australia improving the targeting of visas to areas of genuine skills shortages.

Immigration is a defining feature of Australia's economic and social life. More than one in four Australians are born overseas and close to half have a parent born overseas. Temporary and permanent immigration are managed as separate processes in Australia. Temporary immigration often serves as a pathway to permanent immigration. In 2013-14 around half of all permanent visas went to people

already in Australia on a temporary visa. Australia's migration system is currently managed through a range of criteria including character, health, financial capacity, age, skills, family connections and humanitarian needs.

The Migrant Intake in Australia publication is a draft report and the Productivity Commission will take submissions for consideration before it issues its final report to Government in March 2016. The Productivity Commission will do further analysis of pricing for permanent visas in combination with current eligibility criteria.

## KEY POINTS

- Immigration affects many dimensions of life in Australia. The changing backdrop of global migration patterns calls for a responsive and carefully balanced approach to immigration policy.
- The merit based immigration system used by Australia to allocate a significant number of permanent immigration places has served the interests of the broader community well.
- The focus on education and skills targets immigrants with characteristics that enable them to integrate successfully and deliver good labour market and economic outcomes.
- Opportunities for family reunion are important for the wellbeing of Australians and for Australia's attractiveness to prospective skilled immigrants.
- A separate quota for immigrants who meet the criteria for humanitarian resettlement allows Australia to meet its international responsibilities.
- By attracting people of working age, the current system delivers a demographic dividend to Australia.
- By increasing the proportion of people in the workforce, immigration reduces the impacts of population ageing, but does not offer a panacea.
- While immigrants benefit from their employment in Australia, preliminary modelling suggests that the Australian population as a whole benefits from higher output per person.
- The immigration system is not well suited to a price-based approach.
- By changing the composition of the migrant intake, a price-based immigration system could reduce the demographic dividend from migration, while realising few of the gains normally associated with a market based system.
- The 'selling' of visas to those who can pay without meeting other criteria would essentially place short term revenue raising objectives ahead of medium to longer term economic and social considerations. It could have a negative net fiscal impact on government.
- Public confidence in Australia's immigration system could also be undermined by such a system.
- Australia's current immigration system works well by international standards. However, there is scope for improvement, including by:
  - removing unnecessary barriers to immigrants' labour market integration
  - improving the effectiveness of settlement services, especially for humanitarian immigrants
  - acquiring a better understanding of the labour market impacts of temporary migration programs, and improving the targeting of 457 visas to areas of genuine skill shortages
  - investing in cost effective measures to mitigate the risks of exploitation faced by migrant workers and to better enforce regulation
  - abolishing the investor visa streams
  - establishing a more systematic and transparent framework for visa charging
  - investing in data collection, integration and dissemination to support evidence based policy.

The full draft report is here -

<http://www.pc.gov.au/inquiries/current/migrant-intake/draft/migrant-intake-draft.pdf>

All 571 pages of it !!!!!

(Source: Federal Government, Productivity Commission)

## 8) Some useful Q&As from visa question we have answered over the last few weeks

Q) Hi , I am on 457 visa since 1 year in Darwin and I don't have 6 each in IELTS, so is there any options for me to apply RSMS or state sponsorship . Thanks ?

A) Of you do not have 6 in IELTS or equivalent then the only skilled visa available is the 457 company sponsored visa.

Q) I am on a 489 visa for 12 months and have worked and lived in a regional area for that period to. Also I lived for a year in the regional area whilst on a bridging visa for my 489 visa. Can I apply for the 887 visa now ?

A) No, you still need to HOLD the 489 visa for a 2 year period first.

Q) How do I register my new born baby for a 457 visa in Australia ?

A) If a parent already holds a 457 visa the baby will by law be granted a 457 visa on birth. DIBP need to be provided a full birth certificate and baby's passport so they can record this visa on their electronic systems. There is no fee for this.

Q) Is there any age restriction while apply for 457 ?

A) Nope

Q) Grocery shop in regional area then it's possible to get manager position under 187 ?

A) Only if there are so much management duties that it needs a fulltime retail manager doing mainly marketing, budgeting, recruitment, staff training, advertising etc

Q) If I work on a 187 visa for a year and then get Citizenship can I leave my employer ?

A) Yes, Immigration can't take any action against you in for that. Your employer may not be so please and you may have to get separate legal advice on that. But DIBP will not care on this issue once you become an Australian citizen.

Q) What chances are there of a service station successfully sponsoring a Retail Manager for RSMS/187 visa

A) Each case is different. We have seen Petrol Stations approved but it depends how many staff, if it is a franchise, the role of the owner of the business, how many management duties are needed each day. I would say that a typical Service Station with say around 4 employees would only have around a 25% chance of being approved by DIBP and maybe a 50% chance at appeal.

Q) Hi is the IELTS requirement for RSMS still 6666 or it might come down soon?

A) It is still 6,6,6,6 and we have heard nothing official that it will come down .There are other alternative tests to here

[http://www.iscah.com/wp\\_files/wp-content/uploads/2015/05/2015Englishmarks.pdf](http://www.iscah.com/wp_files/wp-content/uploads/2015/05/2015Englishmarks.pdf)

Q) If I apply for another state like WA do I need to have a job offer ? If so , can you help me to find one ? I mean do you know any company as it really hard to find a one

A) If the occupation is on the state schedule 2 list then yes you need a job offer. As well as 1 year in the last 10 years work in Australia or 3 years in the last 10 years work from overseas. Sorry we do not provide job search services.

Q) Hi, Do you deal with candidates from abroad ? If you do, What are ur charges ?

A) Yes, many of our clients are living overseas. All our fees may be found here [www.iscah.com/fees](http://www.iscah.com/fees)

Q) I have a cert 3 cert 4 in hairdressing .plz tell me do I need to have to need a work experience for a company sponsored visa ?

A) You do not need work experience for an RSMS/187 or 457 visa in that occupation if the qualifications were obtained from in Australia.

Q) I am the main visa holder for a 489 visa. Can my husband be the person who has to meet all the work and residence requirements for the 887 visa instead of me ?

A) Yes either the main applicant or their partner can meet the 2 years residence/ 12 months work/2 years on a 489 visa requirement. So you can swap over.

(Source: Iscah)

## 9) SkillSelect 23 October 2015 Round Results

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

### Invitations issued on 23 October 2015

Visa Subclass	Number
Skilled - Independent (subclass 189)	1000
Skilled - Regional Provisional (subclass 489)	20

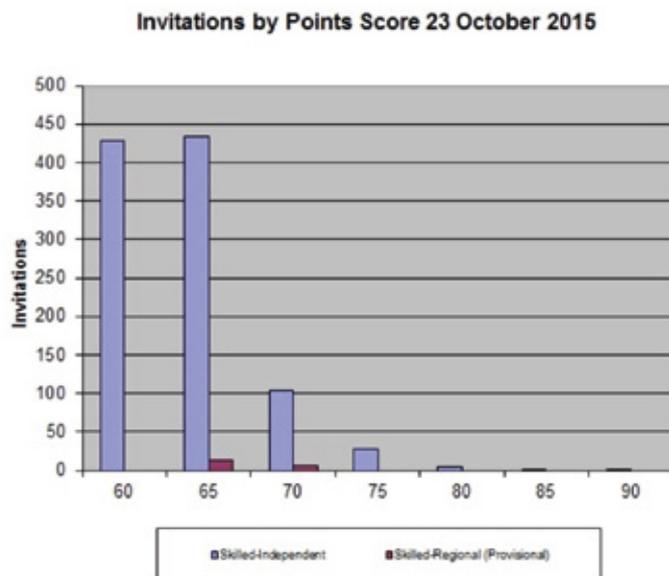
During 2015-16 the following number of invitations have been issued:  
Invitations issued during 2015-16

Visa Subclass	July	August	September	October	Total
Skilled - Independent (subclass 189)	2300	2300	2300	2000	8900
Skilled - Regional Provisional (subclass 489)	80	80	80	40	280
<b>TOTAL</b>	<b>2380</b>	<b>2380</b>	<b>2380</b>	<b>2040</b>	<b>9180</b>

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 October 2015 results

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



### 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	16 August 2015 9.13 am17
Skilled - Regional Provisional (subclass 489)	65	25 September 2015 4.11 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	26 August 2015 3.17 pm
2611	ICT Business and System Analysts	65	7 August 2015 3.16 pm
2613	Software and Applications Programmers	60	22 October 2015 12.02 am

**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

OK all done and dusted for another month.  
Have a great few weeks and see you all on  
December 21st, just before Santa !!

Cheers



Steven O'Neill

 iscah.migration

 iscahmigration

 iscah.com

 Phone: 08 9353 3344

 Fax: 61-8-9353 3350

 E-mail: [newsletter@iscah.com](mailto: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