

# Iscah Migration Newsletter

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Edition Number 267 | 21st September 2020

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Welcome to the latest edition of our monthly newsletter.

We try and capture all that we hear about visa news, policy, media articles etc and hope you find it useful

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Ok on to September's news...



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## 1) Migration articles in the Press in the last month

<https://www.sbs.com.au/news/australia-should-introduce-a-new-skilled-migrant-visa-as-part-of-coronavirus-recovery-report-finds>

<https://www.sbs.com.au/language/english/audio/temporary-migrants-in-dire-need-of-help-study-finds>

<https://hongkongfp.com/2020/08/24/australia-offers-new-visa-arrangement-for-hongkongers-paving-way-for-permanent-residency>

<https://independentaustralia.net/business/business-display/skilled-temporary-visa-holders-a-barometer-for-the-australian-economy,14239>

<https://www.news.com.au/national/politics/citizenship-test-will-have-new-questions-on-australian-values/news-story/>

<https://www.theguardian.com/australia-news/2020/aug/28/australias-english-language-program-for-migrants-set-for-overhaul-amid-concerns-over-its-effectiveness>

<https://www.sbs.com.au/news/after-coronavirus-delays-australian-citizenship-processing-resumes-in-capital-cities>

<https://www.dailymail.co.uk/news/article-8684775/Lovers-wait-years-married-Australia-partner-visa-delays-backlog-passes-100-000.html>

<https://www.sbs.com.au/news/temporary-visa-holders-with-these-skills-could-be-fast-tracked-back-into-australia>

<https://www.sbs.com.au/language/english/audio/australia-immigration-update-states-reopen-skilled-visa-nomination-programs-for-limited-occupations-for-2020-21>

<https://www.sbs.com.au/news/fresh-calls-for-overhaul-of-australia-s-working-holiday-visa-program-to-stop-exploiting-migrants>

<https://independentaustralia.net/politics/politics-display/what-does-the-2019-20-migration-program-outcome-tell-us-about-future-migration,14307>

## 2) Official DHA Skill select results no longer providing date information

DHA have confirmed that they will no longer provide exact dates for the lowest ranked EOI invite in the 189, 491 and pro rata occupations. Instead (as can be seen over the last few rounds) they will only provide the MONTH of the lowest ranked invite. DHA explained that this was due to this information being possibly used to identify individual applicants and so have privacy concerns around this.

This is most disappointing to the people who have lodged nearly 200,000 EOIs who are desperately hoping to get an invitation for a 189 or 491 family sponsored visa. It leaves everyone even more in the dark than before they tried to introduce more statistics through the skill select dashboard.

We have advised DHA that this is very disappointing and will continue with efforts to have this DATE information also released for the public to see and those with EOIs at least get some idea where they stand.

## 3) State 491/190 sponsorship updates

[https://www.migration.tas.gov.au/news/2020-2021\\_program\\_year\\_update](https://www.migration.tas.gov.au/news/2020-2021_program_year_update)

<http://www.canberrayourfuture.com.au/portal/migrating/article/skilled-visa-act-nomination>

<https://liveinmelbourne.vic.gov.au/news-events/news/2020/victorias-2020-21-skilled-visa-nomination-program-subclass-190-and-491>

An option for small business owners in QLD - latest criteria for 491 visa there

<https://migration.qld.gov.au/skilled-visa-options/im-operating-a-small-business-in-regional-queensland>

## 4) DHA official newsletter on skilled visa changes

Global Business and Talent Attraction Taskforce

On 4 September 2020, the Australian Government announced a whole of nation effort to identify and attract exceptionally talented individuals and high yield business to make the move to Australia.

The Global Business and Talent Attraction Taskforce brings together the Department of Home Affairs and the Australian Trade and Investment Commission, and draws on expertise from across Government to drive job creation to accelerate our economic recovery from COVID-19.

For further information see Media release - New taskforce to create jobs by attracting businesses and talent to Australia.

### Skilled Regional visa

COVID-19 (Coronavirus) concessions to assist prospective Skilled – Regional (subclass 887) visa applicants  
COVID-19 concessions are available to assist subclass 887 visa applicants with their regional residency requirements.

The concessions are available to eligible applicants that have lived in a specified regional area for six months (the residence concession) and worked full-time in a specified regional area for three months (the employment concession). These applicants can lodge their visa application outside Australia during the concession period and be granted the visa while they are outside Australia.

These concessions will assist eligible prospective Skilled – Regional (subclass 887) visa applicants who have lodged their subclass 887 visa application on or after 19 September 2020 and during the 'concession period' (or within 3 months after the end of the concession period, if the visa applicant is in Australia). The concession period commenced on 1 February 2020, and will continue until a date to be specified .

These applicants are not eligible for the residence concession.

### Eligibility for the employment and residence concessions for subclass 887 visa applicants

Location	Employment concession (3 months)	Residence concession (6 months)
Onshore lodgement	Yes	No
Offshore lodgement	Yes	Yes

All subclass 887 visa applicants will be required to provide evidence that, prior to the lodgement of their application, they satisfied the remaining employment (evidence of at least nine months full-time work in a specified regional area) and residence requirements (evidence of at least 18 months residence in a specified regional area).

Further information about the changes to the lodgement and eligibility requirements see Skilled Regional visa (subclass 887)

## **Enquiries about the subclass 485 student visa**

The General Skilled Migration (GSM) tab in the Agents enquiry form should not be used for queries about the Subclass 485 visa, this is a Student visa. We encourage agents to escalate queries regarding the subclass 485 Temporary Graduate Visa program through the Student Program.

## **Business Innovation and Investment Program**

COVID-19 concessions are available to eligible Business Innovation and Investment Program (BIIP) applicants. These concessions apply to applicants who were granted a Business Innovation and Investment (Provisional) visa (subclass 188) before 1 July 2019, and who wish to apply for a Business Innovation and Investment (Permanent) visa (subclass 888).

These concessions relate to:

- application requirements
- visa criteria requiring specified periods of residence
- specified levels of business and investment activity

These concessions reduce disadvantages faced by subclass 188 visa holders and former visa holders, and subclass 888 visa applicants, who are negatively impacted by the COVID-19 pandemic. These concessions ensure that Australia remains competitive in the international market when attracting and retaining business and migrants of high economic value.

Applicants granted a subclass 188 visa on or after 1 July 2019 are not eligible for these concessions. This is to ensure the concessions focus on those who have already established their commitment to Australia and applicants who have been granted on or after 1 July 2019 have a longer time available on their pathway to permanent residence to recover from the impact of the COVID-19 pandemic.

## **Providing supporting information electronically**

The preferred method for providing supporting documents and submitting applications for the Business Innovation and Investment (subclass 188) or Business Talent (subclass 132) visas are lodged online using ImmiAccount.

Applications processed by the Business Innovation and Investment Program team in Adelaide

For applications that are processed by our team in Adelaide, applicants who are unable to attach documents online in ImmiAccount can provide their documents by email, mail or courier.

**Email:** [business.skills.adelaide@homeaffairs.gov.au](mailto:business.skills.adelaide@homeaffairs.gov.au)

Include the Application ID and File Number (BCC2020/) in the subject line of the email. You can find these in the acknowledgement letter.

**Mail:** Business Innovation and Investment Program

Department of Home Affairs

GPO BOX 2399

Adelaide SA 5001

**Courier:** Business Innovation and Investment Program

Department of Home Affairs

Level 4, 70 Franklin Street

Adelaide SA 5000 AUSTRALIA

Applicants who require confirmation that documents have been received should use a mail or courier service that provides the facility to confirm delivery of documents. You must include the application identifiers provided in your acknowledgement letter in all correspondence.

Arrangements for clients applying from China, Macau, Hong Kong or Taiwan are unchanged. If you are applying from China, Macau, Hong Kong or Taiwan please refer to the website of the Australian Consulate General Hong Kong

### **Employer Sponsor Program**

The Employer Sponsored processing network is taking all available steps to minimise delays and finalise applications as soon as possible.

Please read the Acting Immigration Minister's recent announcement regarding priority applications and travel exemptions. For information on travel exemption requirements for individuals in critical sectors or with critical skills, see critical skills and sectors and travel restrictions web pages.

Due to COVID-19 and the associated economic impacts, some additional business verification checks may be conducted to confirm that the business is operating, the nominated position remains available, and that the information provided, such as salary, are current.

Please keep business contact details updated in ImmiAccount.

### **Permanent Employer Sponsored Entry Program**

We remind registered migration agents that processing of visa applications in critical skills and sectors is in line with the Acting Immigration Minister's announcement.

See the travel exemption website for critical skills and sectors

### **Temporary Skill Shortage (TSS)**

#### ***Skilling Australians Fund (SAF) levy refund requests***

The TSS Program continues to receive a high number of Skilling Australians Fund (SAF) levy refund requests where the employer is ineligible for a refund. Please be reminded that the specific requirements set out in Regulation 2.73AA would need to be met for refund eligibility where the nomination has been approved or withdrawn, and that there are no circumstances in which a refused nomination is eligible for a refund.

We continue to prefer complete, decision-ready applications. We are not required to send a request for further information.

#### ***Babies and the Temporary Skill Shortage visa***

We see an increasing number of enquiries in relation to subsequent entrant applications for babies born in Australia, either before, or after, the parents have lodged new TSS visa applications. In order to satisfy schedule 1, requirements for lodging a valid TSS visa application, the applicant must hold a substantive visa, or a Bridging visa A, B or C. This requirement applies to all primary and secondary applicants, including newborn babies.

Notify us as soon as practicable when a baby is born onshore to a TSS visa applicant or a TSS visa holder. This will avoid complications regarding the baby's immigration status. This is to ensure that any visa/s the child holds by operation of s78 are recorded, and to facilitate a determination whether the child can be added to any pending application that the parents may have made.

In order to notify us of the birth of a baby in Australia, complete a Form 1022 – notification of changes in circumstances and lodge in ImmiAccount or by post. Include a colour scan or copy of the baby's Australian Birth Certificate and passport page if they have one.

See general information about babies born to visa holders and visa applicants

If you have any problems including a newborn child when you try to lodge a visa application in ImmiAccount, please contact us on the online technical support form before you lodge the parents application.

If you lodge the parents application without including the child, when the parents no longer hold substantive visas, this could result in the baby becoming unlawful and unable to lodge a visa application onshore.

## Temporary employment changes – 457, TSS & SESR visa holders

From late September sponsors will be able to advise us of temporary changes to employment arrangements for 457, TSS & SESR visa holders resulting from the COVID-19 pandemic through the 'Notification of sponsor changes form' in ImmiAccount.

**Notification of sponsorship changes**

### Changes to existing sponsorship

This form is to be submitted by approved sponsors to notify the Department that there are changes in the sponsorship details they have provided.

**Legal name**  
Select all applicable changes

ABC PTY LTD

- Legal name
- Trading name
- Registration details
- Business structure
- Ongoing communication contact
- Owners / Directors / Principals / Partners
- Business address
- Annual turnover
- Insolvency / Bankruptcy / Receivership / Liquidation / Administration
- Cessation of existence as a legal entity
- Cessation of employment of sponsored person
- Changes in duties of sponsored person
- Sponsored person did not commence employment
- Temporary employment change - commenced
- Temporary employment change - completed
- Other

Sponsors will be able to notify changes for up to ten visa holders on the one form. One form should be completed to notify commencement of the temporary change, and another form should be completed to notify the completion of the temporary change.

Only one type of change is able to be entered for each visa holder per form. Sponsors should enter the primary reason (for example, 'Reduced working hours' if the visa holder is temporarily working part-time) for the notification. If a visa holder's salary has also been reduced as a result of the part-time working arrangements, this can be mentioned in the 'brief description' box.

### Employment change details

**Reason for change**

COVID-19  
 Other

**Type of change**

[Dropdown menu with options: Reduced working hours, Temporary lay-off/stand-down, Reduced salary, Leave without pay, Other change]

**Date change commenced**

**Expected cease date (if known)**

**Provide a brief description of the change and the reasons why the change is required**

Sponsors should attach a detailed outline of the temporary work change, and may include details of temporary business closure, changes to work practices (for example, a restaurant moving to a takeaway or delivery model rather than eat in) and information about whether Australian employees have had similar changes made to their employment arrangements.

We encourage sponsors to use this new facility to advise us of all temporary employment changes that have occurred since the start of the COVID-19 pandemic, even if these changes have since ceased.

See changes in situation for existing sponsors

Arrangements for skilled workers from Hong Kong

The Prime Minister and Acting Immigration Minister's announcement of new visa arrangements provide further opportunities for Hong Kong passport holders to remain in Australia, with pathways to permanent residency. See the new visa options for Hong Kong

***The Migration Amendment (Hong Kong Passport Holders) Regulations 2020*** have now commenced and we are making associated changes to IT systems and procedural instructions.

As defined in regulation 1.03, a Hong Kong passport means a Hong Kong Special Administrative Region of the People's Republic of China passport. No other type of passport, travel document, or 'Document of Identity for Visa Purposes', is considered to be a Hong Kong passport for the purpose of the new visa arrangements.

Subclass 457, 482 and 485 visas that were identified to be in effect on 9 July 2020, and where the primary visa holder held a Hong Kong SAR passport at the time the visa was originally granted, have been updated in our systems with an expiry date of 8 July 2025.

Affected primary visa holders have been advised of this change by email. Visa holders who did not receive an email, but believe their visas should have been extended, can check if this has occurred on VEVO

New labour market testing requirements

Under new arrangements announced by the Acting Immigration Minister on 2 September 2020, current labour market testing (LMT) requirements have been enhanced to ensure that Australian workers are prioritised for job opportunities in Australia.

The existing instrument is available at LIN 18/036: Period, manner and evidence of labour market testing has been amended to reflect these enhancements. The amending instrument 2020 is LIN 20/156: Jobactive – period, manner and evidence of labour market testing

As a result of the amendment, sponsors who are considering employing overseas skilled workers on a Subclass 457 (Temporary Work (Skilled)) visa, Subclass 482 (Temporary Skill Shortage) visa, or Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa, will be required to advertise their vacancies on Jobactive, in addition to at least two other national reaching advertisements.

The enhanced LMT requirements apply to nominations lodged on or after 1 October 2020, to ensure that appropriately skilled Australian citizens and permanent residents are given work opportunities before overseas workers when a business nominates a vacancy.

Sponsors are reminded that applications for positions advertised on Jobactive must be able to be accepted for at least four weeks as per existing LMT requirements, so consideration should be given to placing advertisements for upcoming positions on Jobactive as soon as possible.

The amendment will not affect nominations lodged before 1 October 2020, or nominations for a select occupation or a select position to which alternative evidence arrangements apply.

Nominations lodged on or after 1 October 2020, without evidence of a Jobactive advertisement that satisfies all existing LMT requirements, such as those in relation to position details and duration, cannot be approved. There are no provisions in regulation 2.73AA or 2.73C that allow for refunds of the nomination fee or SAF levy where a nomination is refused or withdrawn due to failure to satisfy the LMT requirement.

(Source: Department of Immigration)

## 5) Summary of recent skilled visa changes, compiled by the MIA

Summary of 485, 887, 888 and other changes from the Migration Institute of Australia -

The concession period commences on 1 February 2020 (as the date on which the Australian Government first introduced travel restrictions in relation to COVID-19) and ends on a date specified by the Minister in a legislative instrument. Given the ongoing health situation and associated uncertainty, an end date has not been specified in the COVID-19 Concessions Regulations.

Schedule 1, Part 2 – Subclass 887 (Skilled – Regional) visas

The amendments include changes to:

allow both primary and secondary provisional visa holders and primary and secondary former provisional visa holders (whose visas expired during a concession period) to apply for a Subclass 887 visa while outside Australia during a concession period;

allow Subclass 887 visas to be granted to applicants who are outside Australia;

provide provisional visa holders and former provisional visa holders (whose visas expired during a concession period) with a concession toward the requirement to live for two years in a specified regional area.

The applicant is taken to have lived in a specified regional area for six months (or a longer period specified in a legislative instrument) if the applicant was outside Australia during a concession period and made the application during the concession period;

reduce the requirement for full-time work in a specified regional area from 12 months to nine months (or a shorter period specified in a legislative instrument) if the applicant held a provisional visa during a concession period and the application is made no later than three months after the end of the concession period; and

The reference above to provisional visas is a reference to the Subclass 489 visa and to four skilled visas which previously provided a pathway to the Subclass 887 visa but are now closed to new applications being the Subclass 475 visa, the Subclass 487 visa, the Subclass 495 visa and the Subclass 496 visa.

Schedule 1, Part 3 – Subclass 888 (Business Innovation and Investment (Permanent)) visas and the Subclass 188 (Business Innovation and Investment (Provisional)) visas

The amendments include changes to:

allow applications for a Subclass 888 visa to be made by a primary and secondary former Subclass 188 visa holder whose visa ceased during a concession period when travel was restricted due to the COVID-19 pandemic as long as the application is made no more than 3 months after the end of the concession period;

ensure that holders and former holders of a Subclass 188 visa who are not able to meet the requirements to hold a visa, or not able to meet the Australian residency requirements for a Subclass 888 visa, as a result of COVID-19 travel restrictions, are still able to apply for and be granted the visa if certain requirements are met;

allow former holders of a Subclass 188 visa in the Business Innovation stream (qualifying visa), who held the visa during a concession period, to apply for a Subclass 188 visa in the Business Innovation Extension stream as long as the qualifying visa was granted before 1 July 2019 and the application is made no more than 3 months after the end of the concession period;

allow Subclass 188 visa holders and former holders affected by COVID-19 travel restrictions to apply for up to two Subclass 188 visas in the Business Innovation Extension stream (previously only one visa extension is available);

modify the investment requirements for applicants for a Subclass 888 visa in the Investor stream who hold or held a Subclass 188 visa granted before 1 July 2019, so that investments can be withdrawn or cancelled during a concession period where the holder of a Subclass 188 visa in the Investor stream has met the requirement to live in Australia for two years;

modify the investment requirements for applicants for a Subclass 888 visa in the Significant Investor stream who hold or held a Subclass 188 visa granted before 1 July 2019, so that they are able to withdraw or cancel their balancing investment component during a concession period, while maintaining their investment component in venture capital and emerging companies;

as a consequential amendment, amend the primary criteria for the Subclass 188 visa in the Significant Investor Extension stream so that applicants who first held a Subclass 188 visa granted before 1 July 2019 are not prevented from accessing the visa if they have withdrawn or cancelled investments in accordance with the concession above; and

ensure that visa holders whose visa is subject to a condition requiring them to hold an investment throughout the visa period are still able to comply with the condition after withdrawing or cancelling investments under the new arrangements.

Schedule 1, Part 5 – Subclass 485 (Temporary Graduate) visas

The amendments include changes to:

allow applicants to apply for a Subclass 485 visa while in or outside Australia during a concession period;(Item 34)

allow applications to be made outside Australia during a concession period without the usual requirement to have held a student visa within the six month period immediately before making the application; and (Item 35)

extend the period to meet the Australian Study Requirement from six months to 12 months for applicants prevented from returning to Australia due to COVID-19 travel restrictions during all or part of the period commencing on 1 February 2020 and ending on 19 September 2020; (Item 36 and 37)

allow applicants to be granted a Subclass 485 visa while in or outside Australia during a concession period; and (Item 38)

allow applicants that applied for a SC 485 outside Australia during a concession period to be granted a sc 485 visa in or outside of Australia even if the concession period has ended. (Item 38)

Schedule 1, Part 6 – Application and transitional provisions

Part 6 amends Schedule 13 to the Migration Regulations to provide for the application of the amendments and transitional arrangements

(Source: MIA)

## 6) Allocation of state places for the 491 and 190 programs

Official state allocation numbers for 190/491 visas until October 30th 2020 –

### State 190/491 allocations until the end of October

The official state allocations for 190/491 invites for the interim period of 1st July 2020 to 31st October 2020 are here :

<b>State/Territory</b>	<b>190 visa</b>	<b>491 visa</b>
ACT	250	45
NSW	550	150
VIC	600	200
QLD	200	200
NT	80	80
WA	200	40
SA	300	600
TAS	250	400
<b>TOTAL</b>	<b>2430</b>	<b>1715</b>

## 7) CCL Second language allowed to be completed whilst overseas

CCL 2nd language test for 5 extra points

For those of you unaware NAATI have been allowing their online test to be undertaken by people inside and OUTSIDE Australia for the last few months

<https://www.naati.com.au/services/ccl>

## 8) Online based English language tests

The following information has come from the MIA ...

English Home edition tests

Just a reminder that the Department has placed the following information on the ImmiAccount page in regard to home edition English tests:

Some visa applications ask that you provide evidence of English proficiency in the form of an English test result. Please do not use tests you can take at home, such as TOEFL iBT – Special Home Edition, OTE@Home and IELTS Indicator.

For a list of the test results we accept, see the Home Affairs Website.

The Department also confirmed this information in an email to the MIA. Within the email the Department have stated the following:

The Department has engaged with Service Providers to deliver five (5) approved English language tests suitable for Migration purposes. To ensure test integrity and security, these tests have been approved for delivery in a testing centre. Whilst the Department has been approached by approved testing providers to consider online remote testing, it has not been confirmed as acceptable for migration purposes.

## 9) Official outcomes of the 2019/2020 Migration Program

The Government has published the detailed outcomes from the 2019-20 Migration Program.

The permanent migration intake was 140,366 in 2019-20.

Seventy per cent of the visas were granted through the skilled stream (95,843 in total), including 4,109 places under the highly skilled Global Talent – Independent program, launched in November 2019.

There were 23,372 regional visas delivered, from the 25,000 places allocated. This compares to 18,308 regional visas granted in 2018-19 – an increase of 27 per cent.

There were 41,961 visas granted in the Family program, including 37,118 Partner visas.

Two-thirds of permanent visas were granted to individuals already in Australia who transitioned from a temporary visa to permanent residency.

There were also 13,171 visas granted in the Humanitarian Program in 2019-20, including 4,765 visas (45 per cent) for those who were referred for settlement in regional areas.

The size and composition of the 2020-21 Migration and Humanitarian programs will be considered in light of the developing COVID-19 situation and announced as part of the Budget process in October.

Further information on Australia's 2019-20 Permanent Migration Program and Humanitarian Program is available on the Department of Home Affairs website.

### 2019-20 MIGRATION PROGRAM

Stream and Category	Outcome
Skill Stream	
Employer Sponsored	29,261
Skilled Independent	12,986
Regional	
Skilled Employer Sponsored Regional	8,372
Skilled Work Regional	15,000
Subtotal Regional	23,372
State/Territory Nominated	21,495
Business Innovation and Investment	4,420
Global Talent	4,109
Distinguished Talent	200
Skill Total	95,843
Family Stream	
Partner	37,118
Parent	4,399
Other Family	444
Family Total	41,961
Special Eligibility	81
Child	2,481
Total Migration Program 2019-20	140,366

## 2019-20 HUMANITARIAN PROGRAM

### Offshore visas

Refugee category visas	6,422
Special Humanitarian Program (SHP) visas	5,099
Offshore visas total	11,521
Onshore visa	
Onshore visas total	1,650
Total Humanitarian Program 2019-20	13,171

## 10) Unofficial Skilled Invitation September 2020 results

We have seen a couple of 189 invites so far in the September round

Lowest ranked invite -

Non Pro Rata

Total Points: 85

EOI effect date: 24th March 2020

(We have also heard of Med Lab Scientist at 80, 75 and 65 points invited which we are trying to confirm for 189 visa)

491 down to 75 points for Nurse (EOI effect date 8th Sep 2020)

(Source: Iscah)

## 11) Priority Occupation List announced

A new priority skills list and strengthened labour market testing will allow small numbers of sponsored skilled workers to return to Australia to fill urgent skills needs in critical sectors, helping to create Australian jobs and rebuild Australia's economy.

The 17 occupations on the Priority Migration Skilled Occupation List (PMSOL) were based on advice from the National Skills Commission and consultation with relevant Commonwealth agencies and will be reviewed regularly.

Acting Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs Alan Tudge said the changes would strike the right balance for Australia's economic recovery.

"Our priority is getting Australians back into work but we also need key health workers to help fight the virus and skilled migrants who are going to be job multipliers, to help the economy recover," Mr Tudge said.

"These occupations in the health care, construction and IT sectors will supercharge both our health and economic response to COVID-19.

"Visa holders, who have been sponsored by an Australia business in a PMSOL occupation can request an exemption from Australia's travel restrictions, but will be subject to a strict 14 days quarantine on arrival at their own expense."

Minister for Employment, Skills, Small and Family Business, Senator the Hon Michaelia Cash said the PMSOL would be complemented by strengthened labour market testing requirements.

"In addition to the current requirements of two national advertisements, employers must also advertise their vacancy on the Government's jobactive website," Minister Cash said.

"JobKeeper is keeping many Australians in work and our \$1 billion JobTrainer fund will create 340,700 new training places, but some sectors still need more skilled workers now.

"The occupations were chosen after careful analysis of recent changes to the internet vacancy index, changes in employment, and longer-term stability in the labour market for individual occupations."

"As COVID-19 continues to play out both at home and abroad, we will closely monitor labour market trends and respond to any changes in our skills needs."

Existing skilled migration occupation lists will remain active and visas will still be processed, but priority will be given to those in occupations on the PMSOL.

The 17 occupations (ANZSCO code) are:

- Chief Executive or Managing Director (111111)
- Construction Project Manager (133111)
- Mechanical Engineer (233512)
- General Practitioner (253111)
- Resident Medical Officer (253112)
- Psychiatrist (253411)
- Medical Practitioner nec (253999)
- Midwife (254111)
- Registered Nurse (Aged Care) (254412)
- Registered Nurse (Critical Care and Emergency) (254415)
- Registered Nurse (Medical) (254418)
- Registered Nurse (Mental Health) (254422)
- Registered Nurse (Perioperative) (254423)
- Registered Nurses nec (254499)
- Developer Programmer (261312)
- Software Engineer (261313)
- Maintenance Planner (312911)

Information about Australia's travel exemption processes for those in critical skills and sectors is available at:

<https://covid19.homeaffairs.gov.au/critical-skills-and-sectors>

(Source: Australian Federal Government)

## 12) Current EOI backlogs in Pro Rata occupations

### Current 189 EOI backlogs in different occupations as of 1st September 2020

Here is the official backlogs for 189EOIs in all the Pro Rata occupations

If your occupation code is not listed there, then you fall under the NON PRO RATA occupations at the end

2211 Accountant	EOIs submitted-total
105	less than 20
100	194
95	2607
90	3567
85	2281
80	2160
75	1292
70	927
65	534
<b>Total</b>	<b>13562</b>

2212 Auditor	EOIs submitted-total
100	less than 20
95	232
90	1743
85	676
80	636
75	304
70	167
65	109
<b>Total</b>	<b>3867</b>

2334 Electronic Engineer	EOIs submitted-total
100	less than 20
95	less than 20
90	83
85	295
80	217
75	222
70	146
65	127
<b>Total</b>	<b>1090</b>

2335 Ind/Mech/Prod Eng	EOIs submitted-total
100	less than 20
95	40
90	398
85	920
80	787
75	770
70	568
65	590
<b>Total</b>	<b>4073</b>

2339 Other Eng Prof	EOIs submitted-total © Iscah
100	less than 20
95	41
90	246
85	686
80	613
75	656
70	475
65	467
<b>Total</b>	<b>3184</b>

2611 ICT Business Analysts	EOIs submitted-total
100	less than 20
95	95
90	560
85	750
80	732
75	937
70	580
65	662
<b>Total</b>	<b>4316</b>

2613 Software App Prog	EOIs submitted-total
100	less than 20
95	186
90	1115
85	2183
80	2257
75	2927
70	1786
65	1983
<b>Total</b>	<b>12437</b>

2631 Comp Net Prof	EOIs submitted-total
100	20
95	31
90	303
85	532
80	540
75	703
70	451
65	484
<b>Total</b>	<b>3064</b>

NON PRO RATA All others (approx)	EOIs submitted-total © Iscah
100	20 (approx)
95	20
90	405
85	2110
80	3010
75	3584
70	2910
65	2802
<b>Total</b>	<b>14841</b>

## 13) Official DHA information on new labour market testing for company sponsored visas

Company sponsored visa information from Department of Immigration . In relation to extra advertising to prove no Australians are available for a job  
Also information about travel exemptions ..  
Please see the following information from Immigration Programs Division.

On 2 September 2020, the Acting Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, the Hon Alan Tudge MP, and the Minister for Employment, Skills, Small and Family Business, Senator the Hon Michaelia Cash, announced the introduction of a new priority skills list and strengthened labour market testing requirements.

### Priority Migration Skilled Occupation List

The occupations included on the Priority Migration Skilled Occupation List (PMSOL) were identified based on advice from the National Skills Commission, and in consultation with other relevant Commonwealth agencies, and will be reviewed regularly.

Existing skilled migration occupation lists will remain active and applications will still be processed, but priority will be given to those relating to occupations on the PMSOL. Prioritisation of applications relating to PMSOL occupations will only apply to employer sponsored visa programs.

The PMSOL is published on the Department's website here.

Ministerial Directions pursuant to section 499 of the Migration Act 1958

To prioritise processing occupations on the PMSOL, Ministerial Directions 87 and 88 have been effected and can be found here.

### Enhanced labour market testing

Current labour market testing (LMT) requirements have been enhanced to ensure that Australian workers are prioritised for job opportunities in Australia.

The existing instrument LIN 18/036: Period, manner and evidence of labour market testing has been amended to reflect these enhancements. The amending instrument can be found on the Federal Register of Legislation.

As a result of the amendment, businesses that are considering employing overseas skilled workers on a Subclass 457 (Temporary Work (Skilled)) visa, Subclass 482 (Temporary Skill Shortage) visa, or Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa, will be required to advertise their vacancies on the Jobactive website (<http://www.jobactive.gov.au>) in addition to the two other advertisements that must be published in line with existing requirements.

The enhanced labour market testing requirements apply to nominations lodged on or after 1 October 2020 to ensure that appropriately skilled Australian citizens and permanent residents are given work opportunities before overseas workers when a business nominates a vacancy.

The amendment will not affect nominations lodged prior to 1 October 2020, or nominations for a select occupation or a select position to which alternative evidence arrangements apply.

Registered migration agents are asked to advise their clients of the new requirements as a matter of urgency to allow advertisements for upcoming positions to be placed on Jobactive, with applications for the positions able to be accepted for at least four weeks as per existing LMT requirements.

Nominations lodged on or after 1 October 2020 without evidence of a Jobactive advertisement that satisfies all existing LMT requirements, such as those in relation to position details and duration, cannot be approved. There are no provisions in regulation 2.73AA or 2.73C that allow for refunds of the nomination fee or Skilling Australians Fund (SAF) levy where a nomination is refused or withdrawn due to failure to satisfy the LMT requirement.

Given the economic impacts of COVID-19, registered migration agents are also advised that the Australian Government has an expectation that positions will be advertised on Jobactive before seeking to nominate an overseas worker for a permanent employer sponsored visa (subclass 186 or 187), in order to demonstrate that there is a genuine need for an overseas worker to fill that position.

In addition, to ensure that job opportunities for Australian workers are being prioritised, the Department will be further scrutinising ENS and RSMS nominations in relation to Australian workers employed by the business in similar occupations, including:

- retrenchments in the previous 12 months
- reduction of hours worked during the previous 12 months
- reduction in pay and conditions within the previous 12 months
- employment of a temporary visa holder on conditions less favourable than Australians
- recruitment of temporary visa holders beyond the ordinary scope of the business.

Further information can be found on the Department's website:

<https://immi.homeaffairs.gov.au/.../learn-about-sponsoring>

The relevant procedural instructions will be updated to reflect the new arrangements in due course.

#### Travel exemptions

For offshore visa applicants, Australia's international border restrictions remain in place (currently only Australian citizens, permanent residents and their immediate families are permitted to enter unless an exemption is granted).

Temporary skilled visa applicants or current visa holders, who are working in a PMSOL occupation, will be eligible to request an exemption from Australia's travel restrictions online at:

<https://travel-exemptions.homeaffairs.gov.au/tep>.

Individuals do not need to hold a current visa to lodge a travel exemption request.

To apply for a travel exemption, applicants need to apply via the Department's website and must include:

- traveller details: name, date of birth, visa type and number, passport number
- proposed residential address and phone number in Australia
- your reasons for coming: why you should be granted an exemption
- a supporting statement: setting out how you meet one of the grounds for an exemption
- accompanying evidence.

If an applicant has lodged a visa application, evidence provided as part of the visa application can be used for the travel exemption request.

On arrival, a mandatory 14-day quarantine period is required to be undertaken at designated facilities in the port of arrival.

Please refer to the Department of Home Affairs' covid19 webpages for current international traveller arrangements: <https://covid19.homeaffairs.gov.au/coming-australia>

(Source: DHA)

## 14) Resumption of in-person hearings at the AAT

The AAT is taking steps to resume limited in-person hearings in our Adelaide, Brisbane, Canberra, Hobart, Perth and Sydney registries.

We have, to date, been able to minimise the impact on our services through the provision of online registry support and by hearing matters remotely. However, we are mindful that there are some circumstances in which a remote hearing may not be practicable and where the matter may not be deferred.

We will consider the listing of in-person hearings on a case by case basis in accordance with the AAT's practice directions. In appropriate matters, in-person hearings are expected to commence within the next few weeks. Parties will be contacted by the Tribunal as to hearing arrangements.

Most AAT hearings and all AAT conferences will continue to be conducted remotely by video conference or telephone for some time.

We are taking a staged approach to recommencing in-person hearings because the health and wellbeing of our members, staff, visitors and the wider community remains a key priority.

Please keep monitoring this website for updates.

## 15) Taskforce to attract businesses and talent to Australia

Official DHA announcement

International businesses will be lured to Australia and exceptional talent will be encouraged to call Australia home under a new initiative to support the post-COVID recovery and boost local jobs.

The new, whole-of-government Global Business and Talent Attraction Taskforce will bring together experts from across the Commonwealth, States and Territories as well as the private sector, as part of the Government's JobMaker plan.

Senior business leader, Peter Verwer AO, has been appointed as the head of the Taskforce and will be known as the Prime Minister's Special Envoy for Global Business and Talent Attraction.

The Taskforce will operate as a 'strike team' to turbo-charge the creation of jobs by boosting our efforts to attract high value global business and exceptional talent.

The initial focus will be on three key sectors: advanced manufacturing, financial services (including FinTech) and health.

Australia is strategically well positioned given its management of the pandemic and our relatively strong economy. We have always been an attractive destination due to our lifestyle, democratic system, clean cities and proximity to Asia. We can use those advantages to bring more global business and talent to our shores and help create more Australian jobs.

Acting Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs Alan Tudge said the global context had significantly changed and many talented people and businesses will now be looking to places like Australia.

"Australia has always been an attractive destination for talent and investment, but given our relative success economically, from a health perspective, and socially, we will be even more attractive.

"We want to capitalise on this and be very focussed on attracting key businesses and global super talent to Australia. This will aid our recovery and boost jobs for Australians."

"The Taskforce will take a whole-of-government approach, including coordinating closely with State Government initiatives. We will be leveraging our networks abroad, including the Australian diaspora, to help identify opportunities."

Minister for Trade, Tourism and Investment Simon Birmingham said luring more investment from global businesses in emerging industries would be a critical part of Australia's overall economic recovery from COVID-19.

"Through this taskforce and the ongoing work of Austrade we will highlight to global businesses that our overall economic management and handling of the COVID-19 pandemic strengthens our reputation as a stable and attractive investment destination," Minister Birmingham said.

"As our economy continues to transform, attracting talent and investment will be critical to bringing additional business nous and new technologies to help drive growth in the development of high-value goods and services in emerging industries.

"With one in 10 jobs already supported by foreign direct investment, boosting investment and getting more global businesses to set up shop here will help drive more jobs and opportunities for Australians."

On 9 July, the Prime Minister announced that Australia would develop incentives to attract export orientated Hong Kong based businesses to relocate to Australia.

This initiative builds on this idea, and the Global Talent and Business Innovation and Investment programs, to attract high value businesses and exceptionally talented individuals to Australia to create jobs for Australians.

The Taskforce will join up the Department of Home Affairs with the Australian Trade and Investment Commission (Austrade), and draw on expertise from the Treasury, the Departments of Foreign Affairs and Trade, Industry, Science, Energy and Resources, Defence, and the Department of Education, Skills and Employment.

They will work closely with the States and Territories, industry leaders and specialists in identifying and executing opportunities.

Parties can express their interest through: [www.homeaffairs.gov.au/globalbusinessandtalent](http://www.homeaffairs.gov.au/globalbusinessandtalent)

(Source: DHA)

## 16) Six tips for a University Lecturer Skills assessment

**September 2020** - If you are considering applying for a skills assessment as a university lecturer, it is important to understand the criteria for this occupation.

The Australian university sector is highly international and open to mobility, with foreign students earning about half of all PhDs awarded in Australia. One third of university staff have PhDs from overseas.

The definition of a University Lecturer for the purpose of our assessment criteria is someone who lectures students and conducts tutorials in one or more subjects within a prescribed course of study at a university and who conducts research in a particular field of knowledge.

The other titles we see in the industry for this occupation are Associate Lecturer, Senior Lecturer, Associate Professor, or Professor. These roles generally require both teaching and research activity. However, we also assess post-doctoral research-only roles, such as Research Associate and Research Fellow, as highly relevant to the role of a University Lecturer.

Regardless of the various job titles, the purpose of the role remains the same: University Lecturers are academic staff employed by universities who are required to teach and conduct research in their academic field.

### **What evidence must university lecturers provide?**

Roles which are not considered highly relevant for the assessment of this occupation include University Tutor, Vocational Education Teacher (non-trades), and periods of study leave (to complete Master or Doctoral studies) for which an applicant is not paid a full salary.

As part of their skills assessment, applicants must submit evidence of their qualifications and employment.

We assess the applicant's qualifications against the Australian Qualifications Framework (AQF) level.

A University Lecturer requires a qualification that is assessed as comparable to the educational level of an Australian Qualifications Framework (AQF) Bachelor degree or higher, in a highly relevant major field of study. Highly relevant major fields of study include any academic discipline of high relevance to the teaching and research specialisation.

In addition to a highly relevant qualification at an appropriate skill level, applicants nominating for this occupation are required to provide evidence of highly relevant tasks, including:

- preparing and delivering lectures, and conducting tutorials, seminars and laboratory sessions; and
- conducting research and undertaking consultancies in a particular field of knowledge.

### **Evidence of research output**

In addition to this, evidence of research output is required. Academic, or scholarly, research should be published by internationally-recognised university presses or a professional organisation, should be peer-reviewed and verifiable/traceable, and should reflect the following attributes:

- Scientific / scholarly investigation that arrives at the discovery of facts/conclusion;
- Empirical processes that take precedence over judgement;
- Contains a bibliography (academic and not generic sources such as magazines);
- Caters to a specific audience (the author will assume that the reader has a certain level of knowledge about the field and the topic at hand);
- Is published by university presses or professional organisations in peer-reviewed journals (academic journals are usually published monthly or quarterly)
- Internationally recognised high academic standards due to being reviewed by academics in the field.

## **An important note on published research**

In short, for assessment purposes, applicants may provide evidence of published scholarly research in the form of:

At least one published article in a journal or book.

- We will accept any research publication, whether published during studies or highly relevant employment, as long as the date of publication (or acceptance for publication) falls within the last five years.
- We need to be able to trace and verify the publication. As an example, research papers published in academic journals that are indexed in Web of Science (WoS) and Scopus are considered 'recognised'.
- For publications not listed in an abstract and citation database of peer-reviewed literature, such as WoS and Scopus, a case-by-case assessment will be conducted, taking into consideration relevant quality indicators, such as the peer-review process.

## **Six tips for your skills assessment**

Before lodging your application for assessment, ensure that you meet these key requirements:

**1. The minimum education requirement** is a qualification assessed as comparable to the educational level of an AQF Bachelor degree or higher, in a field of study which is highly relevant to your area of teaching and research.

**2. Appropriate employment settings** for University Lecturers include accredited universities, and colleges affiliated with accredited universities. Applicants are required to provide a Statement of Service from their university employer that confirms highly relevant tasks.

**3. Highly relevant tasks** include both teaching and research. Your university employer must be able to confirm that you are paid to perform both tasks. The minimum requirement for employment experience is one year at an appropriate skill level; i.e. after the educational requirement is met; working a minimum of 20 hours per week.

**4. Demonstration of research is mandatory.** Applicants are required to complete the Publication List Template which provides a comprehensive list of research/publications in the last five years prior to lodging a skills assessment application. When completing the template list, provide as much information as possible to assist your Assessment Officer in accurately tracing and verifying your research work.

**5. Employment must be fully paid.** Some overseas universities may allow for an employee to pursue further studies relevant to their specialised area of teaching and research; for example, to complete doctoral studies at an Australian university while they remain on the payroll in a highly relevant role, such as lecturer. This period of employment can still be considered, as long as full pay is/was received during this period. Note that evidence of a stipend, scholarship, or partial payment of salary will not be accepted as appropriate remuneration.

**6. Don't forget your CV!** A self-authored and detailed curriculum vitae provides a comprehensive overview of your professional activities and achievements. University Lecturers will generally be able to provide a list of all their publications, awards, grants, conferences and other achievements, which may serve as additional supporting information for a skills assessment application.

(Source: Vetassess)

## 17) Immigration minister's thoughts on the migration program

Immigration Minister quote yesterday on the migration program ...

PATRICIA KARVELAS: Just finally, with your acting Minister for Immigration hat on as well, we of course have sort of a trial of international students coming in that South Australia has said yes to. But do you think there should be other trials of skilled groups, other groups to come into the country. Is that something you're working on?

ALAN TUDGE: We already have PK, some skilled groups coming in, typically by exemptions. But we are processing some very high skilled visa applications, where it is very clear that those people are needed to fulfil a job, and if that job is not filled, then other jobs are put at risk. And so, we are very much prioritising those really high skilled individuals for that purpose.

PATRICIA KARVELAS: And is there likely to be any more changes, other than what you're already doing?

ALAN TUDGE: In the budget we'll outline what the migration program is going to look like for the remainder of this financial year and I'll have more to say about that. But obviously these are big decisions. We need to make sure that anything that we do in this space is guided by the health advice and that of course, we have to ensure that the quarantine arrangements can accommodate it, and that Australians of course can get priority in relation to those quarantining arrangements.

## 18) NSW update on 491/190s

NSW Business and Skilled Migration Update

NSW has been provided a limited number of interim nomination places for the 2020–21 financial year. Because our nomination places are limited, we have made some temporary adjustments to our application process. These adjustments will be reviewed if more nomination places are provided to us later in the financial year.

Business and investor visas

We will nominate potential business and investor applicants by invitation only.

To be considered for NSW nomination for the subclass 188 visa, ensure you have a valid EOI in SkillSelect selecting 'NSW' as your preferred state.

Skilled visas

Invitation rounds will commence shortly for subclass 190 visa nomination. In line with Home Affairs' direction, we will only invite applicants in selected health, ICT and engineering occupations, and who currently reside in NSW.

Please visit our subclass 190 visa website for information about eligibility for NSW nomination.

All on-hand subclass 491 visa applicants will be advised of their outcomes by email shortly.

For all visa subclasses, you do not need to submit a new EOI in SkillSelect if your current EOI is valid.

<https://www.business.nsw.gov.au/live-and-work-in-nsw/visas-and-immigration/skilled-visas/Skilled-Nominated-visa-subclass-190>

## 19) English requirement for 485 visas changes again

485 English requirements (Source: MIA)

Subclass 485 - Flexibility on English Test arrangements

Earlier today several MIA members received emails from the Temporary Graduate Visa Section reversing previous advice that had been supplied on English language test requirements.

As members are aware, evidence of appropriate English language ability is a Time of Application (ToA) requirement for Sc 485 applications.

Previously, the Department had advised that applications could be lodged with evidence that an English language test had been booked or that it was not possible to undertake a test, due to COVID 19 restrictions. Today, the section advised that it was reverting to the ToA requirements. Many Sc 485 applications will have been lodged in the intervening period between the first and today's communication.

The MIA has been in contact with the responsible Director and received the following assurances: the Department is attempting to find a Policy workaround for English being required at ToA and until the Regulations are amended.

no applications will be processed until the English language results are attached, effectively meaning English will be assessed at Time of Decision (ToD).

this later assessment may not allow for multiple tests to occur

For those Sc 485s that were auto-granted without evidence of English testing at ToA, the Department will not revisit those applications.

The Department's primary concern at this time is that applicants do not become unlawful.

Where members need to lodge Sc 485 applications over the weekend, because the client's current visa is expiring, they should lodge those applications.

## 18) Official Skill Select results July 2020

Invitations issued on 11 August 2020

The table below shows the number of invitations issued in the SkillSelect invitation round on 11 August 2020.

<b>Visa subclass</b>	<b>Number</b>
Skilled Independent visa (subclass 189)	110
Skilled Work Regional (Provisional) visa (subclass 491) – Family Sponsored	90

### **Invitation process and cut off points**

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 date of effect) determines their order of invitation. Expressions of Interest with earlier dates of effect are invited before later dates.

<b>Visa subclass</b>	<b>Min Points Score</b>	<b>Date of effect</b>
Skilled - Independent (subclass 189)	90	07/2020
Skilled Work Regional (Provisional) visa (subclass 491) – Family Sponsored)	75	06/2020

(Source: DHA)

Ok folks  
That's all for this month  
Keep well and see you all  
on Monday 19th October 2020



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