

# Iscah Migration Newsletter

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Hey everyone

Welcome to the latest collation of visa news we have seen over the last month

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On to October's news...



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

<https://www.theguardian.com/australia-news/2020/sep/21/housing-demand-to-take-dramatic-hit-as-australias-net-migration-slumps>

<https://www.smh.com.au/national/migration-must-play-a-role-in-australia-s-post-covid-economic-recovery-20200925-p55zbz.html>

<https://www.abc.net.au/news/2020-10-05/how-australia-international-students-driven-away-during-covid-19/12721488>

<https://www.sbs.com.au/language/english/major-changes-announced-to-australia-s-migration-program-for-2020-21>

<https://www.news.com.au/lifestyle/relationships/marriage/prime-minister-scott-morrison-hits-back-at-criticism-over-new-changes-to-australian-partner-visa-applications/news-story/198b3eeb6ea3acb21ac99a466ede7a2c>

<https://independentaustralia.net/politics/politics-display/no-certainty-2020-21-migration-and-humanitarian-programs-will-be-delivered,14387>

<https://neoskosmos.com/en/177454/visa-refunds-and-application-charge-changes-to-keep-tourists-and-working-holiday-makers-interested>

<https://www.sbs.com.au/news/with-borders-closed-australia-s-permanent-visa-places-are-set-to-be-filled-by-those-onshore>

<https://www.sbs.com.au/news/out-of-the-blue-peak-body-for-migration-agents-slams-lack-of-consultation-on-partner-visa-changes>

<https://www.sbs.com.au/news/partner-visa-sponsors-will-soon-need-to-undergo-character-tests-in-domestic-violence-crackdown>

<https://www.theguardian.com/commentisfree/2020/oct/14/english-test-for-australian-partner-visas-reveals-coalitions-true-nationalist-colours>

<https://www.theguardian.com/business/2020/oct/19/covid-rewrites-australias-future-with-huge-drop-in-population-signalling-challenges-ahead>

## 2) Charity Golf Day !!



Hey guys and gals

We have more many years provided heaps of free information, questions answered directly, stats and analysis on our FB and webpages. In fact for 23 years now !!

We have never I don't think asked for anything in return. But today is the day for a good cause ....

I luv golf but usually play 18 holes in around 4 hours.

We are challenging ourselves to 72 holes of golf in one day which likely is a 5am to 7pm 14 hours of mishits, laughs and hopefully a cold beer at the end.

It is raising funds for cancer through the Cancer Council of Western Australia. There are many of us who have lost a dear family member to many forms of cancer over the years. I lost my beautiful mum earlier this year.

It is a great cause and every little bit helps and is tax deductible

I ask you to consider donating even \$10/\$20 to our official fundraising page here

<https://www.longestday.org.au/fundraisers/stevenoneil>

Many many thanks

And we will continue to provide as much visa information as we can on these pages free for you

## 3) Skill Select (189 amd 491family) October

Home Affairs have confirmed there has been NO round yet.

And would not confirm when the round will take place.

## 4) Migration Program direction – meeting between MIA/DHA

In a recent meeting with the home Affairs department the following was advised

The skilled migration program will concentrate this program year on onshore applicants in PMSOL occupations  
The PMSOL will be continually updated and the broader annual review of the skilled occupation lists will be delayed

Employer sponsored applicants on the PMSOL will be processed with priority, others may be delayed  
Priority processing will be given to Partner applications in regional areas

(Source: Migration Institute of Australia)

## 5) Victorian Summary of migration and business skills programs

Update to Victoria's interim skilled and business migration program  
Thank you for your interest in Victoria's skilled and business migration program.

The Department of Home Affairs has now confirmed that we can continue to use our interim allocation places beyond 5 October.

We will continue nominating skilled and business migrants, until we fill our interim nomination places. If you have been selected to apply for a skilled visa, you can continue to submit your State Skilled Nominated Visa application past 5 October.

We've had significant interest in both the skilled and business programs. The numbers below show that this continues to be a competitive process.

Victoria's interim allocation for 2020-21 were:

- 600 places for skilled subclass 190
- 200 places for skilled subclass 491
- 400 places for the business innovation and investment program

We received:

- more than 2400 registrations of interest received from skilled migrants, and
- more than 480 application from business migrants.

Once Victoria receives confirmation of its full 2020-21 nomination allocations for the skilled and business migration programs, we will be in a position to reopen our visa nomination programs. Please continue to visit Live in Melbourne website for further information and important dates.

(Source: Victorian State government)

## 6) Migration Program planning from October Federal budget

A carefully managed Migration Program is an important part of Australia's economic recovery and will create jobs and bring high value investment to help Australia rebound from COVID-19.

In 2020-21 the planned ceiling for the Migration Program will remain at 160,000 places. The program will have a strong focus on attracting the best and brightest migrants from around the world, with a tripling of the Global Talent Independent program allocation to 15,000 places and an increase in the Business Innovation and Investment Program (BIIP) to 13,500 places. The BIIP will also be streamlined and reformed to ensure that investments are targeted at Australian venture capitals and emerging small and medium size businesses to support the economic recovery.

The Family stream planning level has been set at 77,300 places, including 72,300 within the Partner category.

While overall the government has placed greater emphasis on the family stream, most of these are people already in Australia. Of the new permanent residents coming into the country, we still anticipate that approximately two thirds will be in the skilled stream and one third from the family stream.

There will be 13,750 places allocated for the Humanitarian Program. The Government will continue to invest to improve settlement and employment outcomes for humanitarian entrants, including through previously announced reforms to the Adult Migrant English Program (AMEP), and developing a reform program for settlement services and the Community Sponsorship Program.

The Government will also offer Visa Application Charge (VAC) refunds, waivers or visa extensions to visa holders who have been unable to travel to Australia due to COVID-19. This includes waiving the VAC for Working Holiday Makers and Visitors to boost tourism once the borders re-open.

(Source: Federal Government)

## 7) More Budget statements

More details of the budget measures including details of an english language requirement for Partner visas –

The Government will maintain the 2020-21 Migration Program planning level at 160,000. Family Stream places will increase from 47,732 to 77,300 places on a one-off basis for the 2020-21 Migration Program year, and Employer Sponsored, Global Talent, Business Innovation and Investment Program visas will be prioritised within the Skilled Stream.

Onshore visa applicants and Partner visa applicants where the relevant sponsor resides in a designated regional area will also be prioritised for the 2020-21 Migration Program. These changes will help maximise the economic benefits of the Migration Program, and enhance the responsiveness of the program to evolving health and economic challenges. The increased number of places for Partner visas and the prioritisation of onshore migrants is expected to reduce receipts by \$320.0 million over the forward estimates period, and the additional demands for English language services and income support by Partner migrants are expected to increase payments by \$123.1 million over the forward estimates period. This is partially offset by reduced GST payments to the States and Territories of \$55.0 million over the forward estimates period.

From 1 July 2021, the Government will streamline and improve the operation of the Business Innovation and Investment Program (BIIP). The Government will introduce changes to improve the quality of investments and applicants. Visa application charges for BIIP visas will also be increased by an additional 11.3 per cent (above regular CPI indexation) on 1 July 2021. These changes will sharpen the focus of the BIIP program on higher value investors, business owners and entrepreneurs and improve the economic outcomes of the BIIP. This measure is estimated to have no net impact on receipts over the forward estimates period.

The Department of Home Affairs will be provided with \$1.2 million to implement the proposal.

The Government will apply the family sponsorship framework to Partner visas which will mandate character checks and the sharing of personal information as part of a mandatory sponsorship application, and subject the sponsor to enforceable sponsorship obligations.

These changes will complement existing family violence provisions within the Partner visa program. The Government will introduce English language requirements for Partner visa applicants and their permanent resident sponsors. These changes will help support English language acquisition and enhance social cohesion and economic participation outcomes.

(Source: Federal Government)

## 8) More commentary on Migration Program

The Morrison Government is focusing Australia's permanent Migration Program for 2020-21 on supporting our economic recovery, growing Australian businesses and creating jobs for Australians.

The permanent Migration Program will remain at a cap of 160,000 places for 2020-21, with planning levels of 79,600 places allocated in the Skill stream and 77,300 places in the Family stream. Child and Special Eligibility visas will make up the remaining 3,100 places.

Approximately two thirds of permanent visas in the 2020-21 program are expected to go to people already in Australia. Of the remaining visas, it is anticipated that approximately two thirds will be granted under the Skill stream and one third under the Family stream.

### **Migration Program - Skill stream**

Innovators, investors and job creators – those who are going to grow Australian businesses, create Australian jobs and supercharge our economic recovery – will be the target of our skilled visas.

Priority within the Skill stream will be given to Global Talent, the Business Innovation and Investment Program (BIIP) and Employer Sponsored visas.

After a successful launch in late 2019, the Global Talent Visa will be expanded from 5,000 to 15,000 places. It will continue to target the best minds from around the world in key sectors including advanced manufacturing, financial services and Fintech and health. The program will be enhanced by the whole of Government Global Business and Talent Attraction Taskforce announced in September.

Australia is strategically well placed to attract the global talent given our relative health and economic success during the pandemic.

We will also double the number of places available for business investors to 13,500 places. The BIIP program will be streamlined and there will be changes to investment and residency requirements, ensuring the program is targeted at Australian venture capitals and emerging small and medium size businesses to support the economic recovery. Further details on these changes will be announced in coming weeks.

Employer Sponsored visas, for those migrants coming to fill a specific skills gap where an Australian worker is not available, will be prioritised over non-sponsored visas with a focus on occupations on the Priority Migration Skills Occupation List. This list will be regularly reviewed and updated based on advice from the National Skills Commission.

### **Migration Program - Family stream**

The majority of visas within the Family stream will go to partners, with 72,300 places allocated, an increase from 37,118 last year. This will give more certainty to those wanting to settle in Australia with their partners and plan for their futures.

It will address nearly all the present applicants awaiting finalisation of their visa.

It is expected that 75 per cent of Partner visas will go to those already in Australia.

### **Humanitarian Program**

The Humanitarian Program will be set at 13,750 places and the number of allocated places will be a cap rather than a target – in line with the approach taken to the Migration Program.

This cap of 13,750 is in line with last year's outcome of 13,171 and reflects the global impacts of the COVID-19 pandemic which will continue to present challenges to delivery in 2020-21.

The Government will continue to focus on settlement and integration support for humanitarian entrants. This will include prioritising supporting people in work and improving English language skills.

In absolute numbers, Australia remains the third most generous humanitarian resettlement country in the world, maintaining our long-term commitment to people who cannot return to their home country because of persecution.

For further details please see Migration program planning levels on the Home Affairs website.

(Source: Federal Government)

## 9) Official Migration Program numbers 2020/21

The Migration program is designed to achieve a range of economic and social outcomes. The program is set annually, with the total places available capped at a ceiling of 160,000 for 2020-21. The total program is broken down into the following streams:

- Skill – designed to improve the productive capacity of the economy and fill skill shortages in the labour market, including those in regional Australia. The majority of the places in the program are in the Skill stream (79,600 places in 2020-21, 50.7 per cent of the program).
- Family – is predominately made up of Partner visas, enabling Australians to reunite with family members from overseas, and provide them with pathways to citizenship (77,300 places in 2020-21, 49.2 per cent of the program).
- Special Eligibility – this covers visas for those in special circumstances. This can include permanent residents returning to Australia after a period away, and is the smallest stream (100 places in 2020-21).
- At least 3,000 Child places will be available in 2020-21.

### *2020-21 Migration program planning levels*

<b>Stream and Category</b>	<b>2020-21</b>
Skill stream	
Employer Sponsored	22,000
Skilled Independent	6,500
Regional	11,200
State/Territory Nominated	11,200
Business Innovation & Investment program	13,500
Global Talent	15,000
Distinguished Talent	200
<b>Skill Total</b>	<b>79,600</b>
Family Stream	
Partner	72,300
Parent	4,500
Other Family	500
Family Total	77,300
Special Eligibility	100
Child (estimate; not subject to a ceiling)	3,000
<b>Total</b>	<b>160,000</b>

## **Program size and composition**

The size and composition of the Migration program is set each year through the Australian Government's Budget process. It is informed following broad public consultations with state and territory governments, business and community groups and the wider public. Community views, economic and labour force forecasts, international research, net overseas migration and economic and fiscal modelling are all taken into account when planning the program.

## **Iscah Comments**

I know the numbers look bad compared to the last program year -

GSM down from 12,986 to 6,500

Regional down from 23,372 to 11,200

State sponsored down from 21,495 to 11,200

On average they have all fallen 50%

However there is only 60% of the program year left now until June 2021

Skilled migration is incredibly important to the economy and when a vaccine kicks in the government will be under high pressure from many industries but especially the housing, retail and education industries, to reboost population growth.

(Source: Federal Government)

## 10) Change to some Trade (Vetassess) skills assessments

**September 2020** -We have made some changes to the operation of skills assessments for trade occupations.

### **Digital Qualification Certificate**

We are now providing digitally-issued qualifications to our trade applicants. The security features in this new format ensure that each qualification is a valid certified document, holds the VETASSESS digital signature and cannot be amended once issued. The qualification documents (qualification certificate/statement of attainment and statement of results) are now available to download in pdf format from the online portal along with the skills assessment result letter. Traditional printed copies will also continue to be issued, once our staff can safely return to the office.

### **Evidence Guide**

The Evidence Guide has been redesigned and updated with the relevant information about the employment and training documents required for Documentary Evidence Assessment. It is available for download in pdf format [here](#).

### **Technical Interviews for Non-Licensed Trade Occupations**

We are still conducting technical interviews for non-licensed trades and Pathway 2 licensed occupations online. Due to the COVID-19 pandemic, practical assessments remain postponed until further notice. For more information and updates, please email us at [tradeassess@vetassess.com.au](mailto:tradeassess@vetassess.com.au)

(Source: Vetassess)

Correction to job advertising required for 482 and 494 visa applications.

## 11) Labour market testing (LMT) for company sponsored visas

LMT Advertising - Compilation Instrument LIN 18/036 confirmed as incorrect

Migration (LIN 18/036: Period, manner and evidence of labour market testing) Instrument 2018 contained what appeared to be an error in the number of LMT advertisements required.

Following contact from the MIA on 30 September 2020 when the Instrument was first released and today again, 6 October 2020, the Department has now informed the MIA that the drafting of the Compilation Instrument is indeed incorrect.

The Department has confirmed that the Instrument does not accurately reflect the latest change to labour market testing requirements. The critical words: "in at least two advertisements" were omitted, in a transcribing error.

It is therefore confirmed that nominations for Subclasses 482 and 494 lodged from 1 October 2020, must have been must be advertised on the Jobactive website in addition to 2 other advertisements with national reach in Australia.

The Department is working with the Office of Parliamentary Counsel to upload the correct compilation document within the next few days.

(Source: Migration Institute of Australia)

## 12) Extending validity of Police clearances

Extending Police Clearance validity periods - This is the department of Immigration's policy on when this can be done in relation to a visa application

### **Extending validity of Police Clearances**

This is the department of Immigration's policy on police clearances

#### 5.14 Can the validity period of a National Police Check be extended?

The validity period of a National Police Check cannot normally be extended as it has only a 12 month validity period for migration purposes.

However, if a visa application is close to approval and the applicant's certificate has expired within the last three months due to delays caused by the Department, the Department's policy is that the case officer can grant an extension to that certificate.

The following conditions should be met:

- the certificate must state there are no disclosable outcomes
- the extension can only be up to the date of the visa grant and
- the total period of the extension must not be for more than three months from the expiry of the initial 12 month validity period.

If a visa application is not finalised within the extended (15 month) period, the applicant must provide a new certificate. This applies to all visa applications, including those where the Department has been responsible for delays in processing.

If the applicant is overseas when the certificate expires and has not returned to Australia since the expiry date, the certificate can be extended to the time of the visa grant

#### 5.15 Can the validity period of an overseas police clearance certificate be extended?

##### 5.15 (a) – Onshore applicants/sponsors

Where a certificate has expired and the applicant has returned to the country that issued the certificate for more than two months in total (as a cumulative period) since the certificate expired, the applicant will need to provide a new certificate. The fact that the applicant would not meet the threshold of having lived for 12 months or more in the last 10 years in the country that issued the certificate, is irrelevant in this respect. A new certificate must still be provided.

Example: a Japanese applicant applies for the third subsequent Investor Retirement (subclass 405) visa in Australia and has resided 9.5 years out of the past 10 years in Australia. The applicant provided a Japanese penal certificate three years ago when applying for the previous visa, but has returned to Japan for 5 months since the validity of that certificate expired. The applicant will need to provide a new penal certificate from Japan.

The exception to this is for Permanent Partner visa applicants where a new certificate is required only where the applicant has returned to the country that issued the certificate for a cumulative period of 12 months or more since the grant of the temporary partner visa (subclasses 309 or 820). However, if there are character concerns, a new certificate must be requested, even where the period is less than two months. Where a

certificate has expired and the applicant has not returned to the country that issued the certificate, a new certificate is not required.

For example, offshore penal certificates and waivers for third countries obtained by TPV and SHEV holders as part of a previous TPV/SHEV application can be reused for a subsequent TPV/SHEV application, as long as the holder has not travelled back to that country for more than two months.

The time allowed on a visa for initial entry to Australia is tied to the 12 month validity of any penal or health checks. This is to ensure that the applicant enters Australia while the penal and health certificates are still valid. This 12 month period is set under policy and is not a requirement under the Regulations. This period within which the visa holder must make initial entry to Australia, is a condition of the visa. It is not a criterion for grant and must not be confused with the visa period as described in section 68 of the Migration Act.

#### 5.15 (b) – Offshore applicants

The certificate can be extended by up to three months by the case officer if the application is close to approval and the delays have been caused by the Department.

The same conditions apply as in section 5.14 – ‘Can the validity period of a National Police Check be extended?’.

For overseas posts, the decision to extend the certificate should be made by an A-based staff member or in consultation with an A-based staff member. Where a certificate has expired and the applicant has not returned to the country that issued the certificate, a new certificate is not required. There may be some circumstances where an ‘offshore’ applicant has been in Australia since providing police clearances and is required to be offshore for the grant of their subsequent visa. If the offshore penal clearances are older than 12 months, there may be no need to request new clearances unless the person has spent over two months in any country other than Australia since the issuance of the previous certificate.

Visa processing officers should ensure that they have regard to country information when deciding whether another certificate is required.

(Source Department of Home Affairs)

## 13) English requirement for Partner visas

The Morrison Government is introducing new requirements for partner visa applicants and their permanent resident sponsors to make reasonable efforts to learn English.

English is our national language and is critical to getting a job, fully participating in our democracy and for social cohesion.

Only 13 per cent of those with no English skills are in work compared to 62 per cent of those who speak English well.

We also know that without sufficient English language skills, migrants are particularly vulnerable to family violence and other exploitation and are less likely to know how and where to seek assistance.

In the past decade, the number of people in Australia not speaking English well or at all has risen sharply and is reaching a million people, with about half of those being of working age.

Earlier this year, the Government announced the removal of limitations on migrants' access to free English language classes through the Adult Migration English Program (AMEP). Migrants can now access as many hours as they need to reach vocational English.

As part of this week's Budget, the Government has announced new requirements for partner visa applicants and permanent resident sponsors to make reasonable efforts to learn English. Partner visas constitute 90 percent of the family stream of the permanent migration intake. The skill stream already has English requirements.

From late 2021, new partner visa applicants and permanent resident sponsors will be required to have functional level English or to demonstrate that they have made reasonable efforts to learn English.

People will be able to demonstrate this through, for example, the completion of 500 hours of free English language classes through the AMEP.

Most partner visas are a provisional visa of two years before becoming eligible for a permanent visa. The requirement will have to be met at the time of the granting of the permanent visa.

While the ability to speak multiple languages is a great asset for an individual and for Australia, a person will struggle to fully participate in our society and democracy without basic English.

These new measures will provide further opportunity for migrants and new citizens to maximise their opportunities in Australia.

Further details about these measures will be announced in the coming months.

(Source: Department of Home Affairs)

## 14) Number of visas granted in EACH occupation

Number of visas granted for EACH occupation in 2019/2020  
(Primary applicants only)

<https://www.homeaffairs.gov.au/foi/files/2020/fa-200900942-document-released.PDF>

## 15) State summaries on 491/190 programs

ACT

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

Queensland

Queensland open for critical occupations state sponsorship -

The BSMQ business and skilled program remains suspended while we are considering the measures announced in the Federal budget.

Business Innovation and Investment Program (BIIP)

While the business program is suspended from processing, business applicants are welcome to submit an EOI, however they will not be assessed or receive an invitation at this stage.

Further notice of the resumption of processing will be advised in due course.

Those that have submitted their EOI from Tuesday 29 September to Monday 05 October will continue to have their application assessed.

QLD Skilled Program - official update

The skilled program remains suspended until further notice. Please DO NOT submit an EOI as they will not be picked up or considered.

Those that have submitted their EOI from Tuesday 29 September to Monday 05 October will continue to have their application assessed. However, please be aware there are limited nomination allocations available in this round.

We will advise a re-opening of the skilled program via our homepage and across social media in December 2020.

<https://migration.qld.gov.au/>

Ok folks  
That's all for this month  
Keep well and see you all on  
Monday 16<sup>th</sup> November 2020.



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