

Hiya

Another year of visa drama, but with clear air hopefully ahead for a bumper 2022.

Hope you have enjoyed the updates and all the best for you and your family and friends for a safe and merry xmas

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## 1) Recent media articles

<https://www.theage.com.au/national/victoria/is-victoria-ready-to-turn-the-migration-tap-back-on-20211222-p59jhd.html>

<https://www.sbs.com.au/news/australian-visa-changes-2022-the-opportunities-for-migrants-this-year/67717b98-9591-4dc8-900f-85db54c2d906>

<https://www.canberratimes.com.au/story/7570073/ag-visa-roadblock-as-union-scares-countries-with-stories-of-worker-abuse/?cs=14231>

## 2) NSW update for 491/190 State sponsorship

NSW have updated their State sponsorship criteria

<https://www.nsw.gov.au/topics/visas-and-migration/skilled-visas/subclass-190>

<https://www.nsw.gov.au/topics/visas-and-migration/skilled-visas/subclass-491>

<https://www.nsw.gov.au/topics/visas-and-migration/skilled-visas/nsw-skilled-occupation-lists>

NSW update for 491 ROIs

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You may only submit one ROI per submission window. Submitting more than one ROI during a submission window – including for a different occupation or preferred region – will automatically remove you from consideration.

- ROIs cannot be amended or withdrawn after they are submitted for any reason. When you submit your ROI during the submission window does not affect your likelihood of being invited to apply. Do not submit your ROI early within the submission window if your circumstances are likely to change before then end of January.
- Do not submit an ROI if you do not intend to apply for nomination. If you are invited to apply for nomination, or have an application declined, you will become ineligible to submit a new ROI for a minimum period of 12 months.
- Submitting an ROI under Stream 1 does not guarantee you will be invited to apply. Because of exceptionally high demand, many people eligible under Stream 1 will not be invited to apply. We strongly recommend all people submitting an ROI pursue all other migration pathways available to them and do not wait to be invited to apply.
- NSW will not prioritise your ROI for any reason.

Do not contact our office seeking special consideration of your ROI.

Also for NSW 190 they have clarified the following

The work experience requirement (where applicable) applies to both onshore and offshore applicants.

NSW Northern Inland update -

<https://www.rdani.org.au/skilled-migration/skilled-work-regional-visa-subclass-491/occupation-list-for-the-northern-inland.php>

Murray (NSW) add 491 occupations –

Murray have added multiple occupations to their 491 skills list in Stream 2 and 3

<https://www.nsw.gov.au/topics/visas-and-migration/skilled-visas/nsw-skilled-occupation-lists>

(Source: NSW State government)

### 3) Possible changes to Student enrolment requirements

<https://www.pmc.gov.au/news-centre/domestic-policy/streamlining-international-student-enrolments>

### 4) Recent Media Articles

New DAMA 482 company sponsorship agreement signed in WA

<https://www.dardanup.wa.gov.au/new-designated-area-migration-agreement-for-sw/>

## 5) Australia UK free trade agreement and visa benefits

The Australia UK Free Trade Agreement (A-UKFTA) was signed earlier today. However, members should be aware that the provisions of the agreement do not commence immediately.

The signed A-UKFTA must now be tabled in both of Houses of Australia's Federal Parliament to undergo National Interest Analysis and consideration by the Joint Standing Committee on Treaties (JSCOT). JSCOT must then table a report on the A-UKFTA, including a recommendation as to whether binding treaty action should be taken.

Once the domestic procedures have been completed and confirmed, the A-UKFTA agreement will enter into force 30 days later, or on any other mutually agreed date.

Following these processes any legislative changes required to implement components of the FTA must also pass both Houses of Parliament.

The details of the various components of the A-UKFTA will take some time to be confirm, with some taking two to five years from the 'entry into force' (EIF) of the Agreement, including:

Working holiday opportunities for both countries allowing the age limits to be lifted to 35 years and stays of up to three years will occur within two years of the EIF.

Managers and specialists will have guaranteed access to intra corporate transfer and graduate trainees one year transfers - no detail of the visa pathways to be utilised has been provided as yet.

Innovators and early career development will be piloted with a streamlined program capped at 1000 in the first year, rising to 2000 the second year, after which it will be reviewed to assess future implementation - it is expected that this pathway will utilise the Global Talent visa.

Agricultural workers - a joint Declaration on Agriculture and Agribusiness Workers detailing available pathways for workers in this sector will be made and UK workers have been invited to participate in the Australian Agriculture Visa, which is under development.

UK service suppliers including architects, scientists, researchers, lawyers and accountants will be able to access Australian visas without being subject to the occupation skilled lists.

Recognition of professional qualifications between Australia and the UK will be increased with improved collaboration between accreditation and regulatory bodies.

Australian and UK lawyers will have reciprocal rights to practice in each country.

Further information on the inclusions and components of the A-UKFTA are available on the Australian Department of Foreign Affairs and Trade website and the UK Government website.

(Source: Migration Institute of Australia)

## 6) Occupations invited for 189 and 491 (family) in October 2021

Occupations officially used in the 29/10/2021 Selection round for 491/189s

<https://iscah.com/occupations-officially-eligible-for-an-invite-in-the-october-2021-round/>

(Source: Home Affairs)

## 7) Social Security waiting periods

This message is sent on behalf of the Australian Government Department of Social Services (DSS) in relation to proposed changes to the Newly Arrived Resident's Waiting Period (NARWP) for some Australian welfare payments. We previously sent information on the proposed changes on 17 November 2021.

Update on the proposed changes

The proposed changes to the NARWP for carer and family payments will not occur on 1 January 2022 as the legislation has not yet passed.

The revised nominal start date for the changes to the NARWP is 1 July 2022. As previously advised, the changes will affect:

- - o Carer Payment
  - o Carer Allowance
  - o Family Tax Benefit Part A
  - o Family Tax Benefit Part B
  - o Parental Leave Pay
  - o Dad and Partner Pay.

Should the legislation pass, these changes will only apply to your clients if they are granted a relevant permanent visa or relevant temporary visa on or after 1 July 2022.

Migrants who come to Australia on humanitarian visas will not be affected. All existing exemptions will remain in place for vulnerable migrants, including those who have experienced substantial changes in their circumstances, or who are in financial hardship.

Staying updated

Information about the proposed changes, including the relevant visas affected, is available on the Recent and upcoming policy changes page on the DSS website.

Further updates will be provided pending the passage of legislation in 2022.

(Source: Department of Social Services)

## 8) WA invite results December 2021

WA Invite results for December 17th

<https://migration.wa.gov.au/services/skilled-migration-western-australia/invitation-rounds/current-invitation-round>

## 9) ACT State Sponsorship criteria

Update on ACT State sponsorship criteria

- Continuous ACT employment: you may be able to request a waiver if your work hours have been impacted by COVID-19 public health restrictions,

ACT update on 190 invitations

The ACT Migration program reopened to overseas applicants on 12 January 2022

The ACT Critical Skills List January 2022 was published on 12 January 2022

(Source: ACT government)

## 10) AAT Appeal tribunal update

AAT update on documents etc

<https://www.aat.gov.au/news/changes-to-application-lodgement-and-document-subm>

## 6) More 485 visa concessions for offshore visa holders

Temporary Graduate (subclass 485) visa holders who have been unable to travel to Australia as a result of COVID-19 international border restrictions will be able to apply for a replacement visa. Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs Alex Hawke said this would allow current and former Temporary Graduate (subclass 485) visa holders whose visas expired on or after 1 February 2020 to re-apply for a new subclass 485 visa of the same duration as their original visa.

"This recognises the importance of international students in our community, as well as our workforce, and aligns with other visa concessions made as a result of COVID-19," Minister Hawke said.

"We look forward to welcoming fully vaccinated Student and Temporary Graduate visa holders back into our communities from 1 December 2021."

Minister for Education and Youth Alan Tudge said this announcement will give confidence to international students that they will have the opportunity to use their skills and qualifications in Australia.

"Australia's border settings have been an important part of our health response to COVID-19, but we understand the impact that restrictions have had on current and former international students who remain overseas," Minister Tudge said.

"The Morrison Government's new Strategy for International Education will guide the recovery of the sector, strengthen the sector's resilience to market disruptions and support growth. This announcement forms part of that Strategy."

In normal circumstances, applicants are limited to just one initial subclass 485 visa in a lifetime and a further visa is only available on the basis of regional work and study.

There are about 30,000 Temporary Graduate visa holders who lost time in Australia due to travel restrictions, who will now have the opportunity to apply for another subclass 485 visa. Fully vaccinated Temporary Graduate visa holders outside Australia will be able to travel from 1 December 2021.

Those graduates whose visas have expired will be able to apply for a replacement visa from 1 July 2022.

There will also be other changes to Temporary Graduate visa settings to ensure Australia remains a competitive and attractive destination for international students.

The stay period on the Temporary Graduate (subclass 485) visa for Masters by Coursework graduates, will increase permanently from two to three years, to match the stay period for Masters by Research graduates.

As a concession during the COVID-19 pandemic, the stay period on the Temporary Graduate (subclass 485) visa Graduate Work stream, will increase from 18 to 24 months, and application requirements will be streamlined by removing the requirement for graduates to nominate an occupation from the skills occupation list.

These changes to Temporary Graduate visa stay periods will be implemented from 1 December 2021, and the removal of skilled occupation list requirements from 1 July 2022.

"Increasing the length of Temporary Graduate visas for Masters by Coursework and Vocational Education and Training (VET) graduates and expanding opportunities for VET graduates to apply for a Temporary Graduate visa will benefit our economy," Minister Hawke said.

These changes will be implemented progressively from 1 December 2021 through to 1 July 2022. Further details will be available on the Department of Home Affairs website shortly.

(Source: Federal Government)

## 11) Home Affairs corrects advice on Partner points

Correction from Home Affairs about claiming to have a de facto spouse on a skilled points test application -

In September 2021 we passed on advice received from Home Affairs about defacto relationships and whether you could be eligible for 10 single points if your relationship was not 12 months at the time you were invited to lodge a visa application or at time of visa decision

Home Affairs have now corrected this advice yesterday below ...

Home Affairs email -

The advice previously provided by Home Affairs was incorrect, in regards to a Schedule 6D assessment and the awarding of points under 6D11, I apologise for the confusion this has caused.

...

Section 93 of the Act, requires the Minister/delegate to make an assessment and give the applicant the prescribed number of points for each prescribed qualification that is satisfied in relation to the applicant. For example, 10 points where an applicant does not have a spouse or de facto partner (Item 6D112(a) in Schedule 6D to the Regulations). This will often be a question of fact. Conversely, points are not awarded, as a matter of law, where the qualification is not met which might include, for example, where the evidence provided is insufficient or inconclusive.

...

For the avoidance of any doubt, in regards to the assessment of Schedule 6D, and in particular 6D11 (partner qualifications), Section 5CB and Regulation 1.09A are the relevant pieces of legislation. Regulation 2.03A, "the 12 month rule", is not relevant to the assessment of Part 6D.11 (partner qualifications) of Schedule 6D of the Regulations.

**Iscah comment - In short this means that if you are in a genuine defacto relationship (even for 1 month) at the time you are points assessed (which for practical purposes is usually the time of visa decision) then you will NOT be eligible to 10 single points. It is no longer 12 months defacto which excludes you from claiming 10 single points**

(Source: Home Affairs)

## 12) Some Foreign Students can work extra hours

Foreign students allowed extra hours to ease worker shortage

Up to 400,000 foreign students will be able to work extra hours under a temporary relaxation of visa rules to ease crippling labour shortages, amplified by the isolation of thousands of workers in response to COVID-19.

As the omicron wave disrupts commerce, fuel stations warned motorists could suffer a repeat of UK petrol shortages, unless rules on virus-related isolation and foreign student visa holders were loosened to alleviate staff absentee rates of up to 40 per cent.

Foreign students will have their 40-hour-a-fortnight working cap lifted in affected sectors, under a plan Prime Minister Scott Morrison will take to state and territory leaders at a national cabinet meeting on Thursday.

The workforce shortages crippling many crucial industries will be front and centre when National Cabinet meets.

Isolation rules for close contacts in trucking, aviation and logistics are set to be eased, moving the sectors in line with lighter rules already flagged for food and grocery distribution workers who are asymptomatic and rapid test negative.

Some 20 per cent to 50 per cent of trucking and logistics workers have been forced to isolate according to government consultations with industry, exacerbating shortages of groceries at supermarkets and other stores.

Coles reimposed buying limits on toilet paper and essential medicines such as paracetamol, amid panic buying.

Mr Morrison will press states to remove the requirement for truckies to provide proof of a negative rapid antigen test to cross some state borders.

The Commonwealth is finalising a list of essential services with advice from health officials about which workers should face less strict isolation rules, with healthcare, aged care, childcare and construction under deliberation.

Shortages across economy

Even before the omicron virus surge fuelled labour shortages, businesses had been trying to hire almost 400,000 workers to fill vacant positions.

Job vacancies rose 18.5 per cent to hit a record of 396,100 in the three months to November 30 as employers embarked on a hiring spree at the end of the delta lockdowns in NSW, Victoria and the ACT, the Australian Bureau of Statistics reported on Wednesday.

One of Victoria's largest home builders, AHB Group, on Wednesday said about one in four staff had been forced off construction sites due to close contact with a virus-infected person or contracting COVID-19 themselves.

AHB director Pas Garofalo said builders were "stealing staff from each other" and having problems sourcing construction materials due to scarce labour and supply chain disruptions.

Related

Employers wanted 400,000 workers before omicron hit

Master Builders Australia chief executive Denita Wawn called on the national cabinet to implement measures as broadly and quickly as possible.

"As a country we cannot go for a third year like this, we must avoid a situation where our response to the pandemic amplifies its worst economic impacts," she said.

With more than 100,000 estimated new daily COVID-19 cases, the Prime Minister said until the virus wave peaked it would inevitably hit supply chains and the workforce.

"The goal is to get as many people as safely at work in these critical sectors that keep Australia moving," Mr Morrison said.

The economic importance of keeping school classrooms open, so parents can work without home schooling their children, will also be emphasised by Treasury secretary Steven Kennedy at the national cabinet meeting on Thursday.

Foreign students in demand

Business groups in emergency talks with government ministers have pressed to increase the cap on the permitted working hours of foreign students.

The government has agreed to a proposal to increase the 40-hour a fortnight cap for foreign students while they are studying, with it likely to be doubled to 80 hours a fortnight or the equivalent of 40 hours a week.

Hospitality and agriculture were granted similar concessions for foreign visa holders last year, to overcome the closure of the international border that exacerbated a shortage of workers.

Australasian Association of Convenience Stores chief executive Theo Foukkare said workplace rules needed to be eased for workers in a wider range of industries beyond food and grocery distribution.

"Our members have had to close stores and reduce trading hours and the concern is it's going to get a lot worse over the next month," he said.

"People can't buy fuel if we don't have staff to transact."

"We want to use the existing staff here up to 40 hours a week and them not to be penalised for breaching their student visa requirements."

Fuel stations and convenience stores such as 7-Eleven often employ foreign students to work part-time and late-night shifts.

There were 395,186 international students enrolled in Australian courses on October 1, with about 70 per cent of the students located in Australia.

The international border reopened on December 15 for more foreign students to return.

Minister for Families and Social Services Anne Ruston also urged unemployed people and retired workers to help fill the temporary workforce shortages caused by the rapidly spreading omicron variant.

"Many older Australians I'm sure would be happy to do a few extra hours work to help out, and anybody who is currently on unemployment benefits who are able to work, we'd be really keen for them to undertake some really active investigation about how they can help out with these workforce shortages," she said on Sky News.

Another idea put forward by industry in a meeting with Senator Ruston on Tuesday night was to increase the number of hours welfare recipients could work without losing their government benefits.

This could allow pensioners and parents receiving family tax benefits to increase their working hours to fill skills shortages.

However, a government source said this would likely require legislation approval by the Parliament, which is not scheduled to sit again until February.

Foreign student visa holders are permitted to work a maximum of 40 hours per fortnight (equal to 20 hours a week) when their course is in session, and unlimited hours when their course is out of session.

They cannot work until they have commenced their course in Australia.

Family members who are listed as secondary visa holders on the primary student visa must not start work until the primary student visa holder has started their course.

(Source: Australian Financial Review)

## 13) Victorian State sponsorship update

Updated Victorian State sponsorship stats

<https://liveinmelbourne.vic.gov.au/migrate/program-review>

## 14) Travel Exemption changes

New review process for travel exemption refusals

<https://covid19.homeaffairs.gov.au/travel-restrictions#toc-10>

## 15) NAATI/CCL online tests

We have contacted Home Affairs to ask if they will accept this new online testing for the allocation of 5 points for community language skills. (especially given they do not accept the PTE online test for english scores)

We asked back in September 2021 and have followed up several times. Their latest response today 17/1/2022 is

"This issue is still sitting with our Policy and Legal teams"

So be careful claiming such points at this stage.

(Source: Home Affairs)

Ok folks,

That's all for this month

See you all on Monday 21st February 2022!



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