

Welcome to February's edition of our visa newsletter

The world rolls on, miss18 is off to her first week at Uni, my golf continues to be good, good, then horrific, and covid lingers but we are slowly recapturing our lives around the world.

Stay safe and on to this months news which shows that Australia continues to recover from the pandemic and is inviting people of many different visa categories back to Australia. It will be a very interesting and I expect positive pathway for visa options over the next 12-18 months in Australia as all states look to fill mass skills shortages across all sectors

You can receive this newsletter monthly free by subscribing to newsletter@iscah.com.

Also suggestions and brickbats to the same email

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On to this month's news ...



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1) Recent media articles

<https://www.businessinsider.com.au/scott-morrison-international-students-backpackers-visas-staff-shortage>

<https://www.theguardian.com/australia-news/2022/jan/21/stuck-in-limbo-land-restrictions-keep-briding-visa-holders-trapped-in-and-out-of-australia>

<https://independentaustralia.net/politics/politics-display/visa-changes-target-low-skill-employment-with-few-work-protections,15972>

<https://www.theguardian.com/australia-news/2022/jan/26/one-in-10-people-waiting-to-become-australian-citizens-face-delays-of-more-than-two-years>

<https://neoskosmos.com/en/2022/02/04/news/australia/hawke-announces-big-rise-in-overseas-students-and-holiday-workers-to-australia/>

<https://independentaustralia.net/politics/politics-display/future-of-working-holiday-visa-unclear,16014>

<https://www.theguardian.com/australia-news/2022/feb/09/international-borders-reopening-australian-visa-holders-make-plans-to-reunite-with-loved-ones>

<https://timesofindia.indiatimes.com/business/india-business/india-australia-deal-may-have-visa-benefits-for-students/articleshow/89467359.cms>

<https://www.afr.com/companies/professional-services/job-market-to-remain-red-hot-amid-skilled-visa-delays-20220209-p59v66>

<https://theconversation.com/a-myth-that-wont-die-stopping-migration-did-not-kickstart-the-economy-176457>

<https://www.afr.com/companies/professional-services/how-accountants-are-bypassing-skilled-visa-delays-20220214-p59wac>

<https://independentaustralia.net/politics/politics-display/morrisons-migration-act-is-cruel-and-compassionless,16044>

<https://www.dailymail.co.uk/news/article-10524887/Scott-Morrison-urged-increase-migration.html>

2) NSW update

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

<https://www.nsw.gov.au/.../nsw-skilled-occupation-lists>

3) Western Australia DAMA agreements

WA South West DAMA agreement (Company sponsored 482 visa) - occupations published

<https://www.dardanup.wa.gov.au/council/south-west-dama/>

Also note that the Pilbara DAMA is likely to be signed off in the next 2 months

4) Further COVID Concessions for 485, 489, 491 and 494 visas

General statement -

<https://minister.homeaffairs.gov.au/AlexHawke/Pages/further-flexibility-for-temporary-migrants.aspx>

485 - <https://immi.homeaffairs.gov.au/news-media/archive/article?itemId=812>

485 cost - <https://immi.homeaffairs.gov.au/news-media/archive/article?itemId=781>

5) WA Occupations added to the State Migration List

Several occupations have been added to Schedule 2 today

Primary, Middle school, Secondary Early Childhood, Special Education, Special Needs, Teacher of English etc teachers

As well as Sales & Marketing Manager

<https://www.migration.wa.gov.au/services/skilled-migration-western-australia/occupation%20lists>

6) Working rights expanded for Student visa holders

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/student-500/temporary-relaxation-of-working-hours-for-student-visa-holders>

7) Victorian State news

<https://liveinmelbourne.vic.gov.au/news-events/news/2022/changes-to-the-health-target-sector>

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

8) Incentives for Students and Working Holiday Visas

<https://minister.homeaffairs.gov.au/AlexHawke/Pages/student-and-working-holiday-maker-visa-holders.aspx>

9) WA State Migration update

The Department of Training and Workforce Development (DTWD) has advised that WA has met its quota of places for the State nomination program for the 2021-22 year.

DTWD's Migration Services team will continue to process applications for State nomination, but have advised that any applications which meet the requirements to be approved will be placed on hold. Applicants meeting the requirements to be approved will be contacted by email.

You may recall that on 4 August 2021, the WA Premier Mark McGowan wrote to the Department of Home Affairs requesting an additional 5,000 places under the State nomination program.

DTWD have confirmed that should additional places become available and Migration Services can proceed with the nomination, applicants will be contacted.

(Source: MIA)

10) New Vetassess fees

https://img07.en25.com/Web/BendigoKanganInstitute/%7bd5604007-9844-46c1-a8af-210b831c47eb%7d_20220131_SRGO_Application_Fee_Increase_Chart.pdf

11) 489, 491 and 494 visas all extended

Extension of 489/491 visas -

<https://covid19.homeaffairs.gov.au/regional-visa>

Skilled Regional (Provisional) (subclass 489, 491 and 494) visas

We will extend Skilled Regional (Provisional) visas for three years on 18 February 2022. This will apply to visa holders affected by COVID-19 international travel restrictions.

We will extend visas for Skilled Regional (Provisional) visa holders if the primary visa holder was outside of Australia at any time between 1 February 2020 and 14 December 2021 (inclusive) as the holder of a valid Skilled Regional (Provisional) visa.

12) Australia reopens to Tourists

Joint media release with the Hon. Scott Morrison MP, the Hon. Greg Hunt MP and the Hon. Dan Tehan MP

Australia will reopen to all fully vaccinated visa holders, welcoming the return of tourists, business travellers, and other visitors from 21 February.

These changes will ensure we protect the health of Australians, while we continue to secure our economic recovery.

Australia's health system has demonstrated its resilience throughout the COVID-19 pandemic, including through the recent Omicron wave. With improving health conditions, including a recent 23 per cent decline in hospitalisations due to COVID, the National Security Committee of Cabinet today agreed Australia is ready to further progress the staged reopening of our international border.

Visa holders who are not fully vaccinated will still require a valid travel exemption to enter Australia, and will be subject to state and territory quarantine requirements.

Today's announcement will give certainty to our vital tourism industry, and allow them to start planning, hiring and preparing for our reopening. In 2018-19, tourism generated more than \$60 billion for the Australian economy, with more than 660,000 jobs dependent on the industry.

Since the Morrison Government commenced Australia's staged international border reopening on 1 November 2021 we have seen almost 580,000 arrivals come to Australia including to reunite with loved ones, work or study.

The Commonwealth continues to work with States and Territories on the safe resumption of the cruise industry and looks forward to further announcements on this in due course.

13) Parent visa queue update

Parent visa Queue update

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-processing-times/family-visa-processing-priorities/parent-visas-queue-release-dates>

14) Hong Kong concessions Q&A

Hong Kong eligibility for Australian visas Q&A with the Immigration Minister

<https://minister.homeaffairs.gov.au/AlexHawke/Pages/transcript-of-chinese-media-online-briefing-with-pm-scott-morrison.aspx>

15) South Australian update

Skilled Migration Program update for Offshore Applicants

South Australia will open Registrations of Interest (Rols) to applicants currently residing offshore in a further 259 occupations on the State's Skilled Occupation List from 2pm, ACST, Wednesday 16 February 2022.

The requirements for state nomination, including the subclasses offered, will vary depending on the occupation. Full requirements will be shown on South Australia's Skilled Occupation List from 2pm, ACST, Wednesday 16 February 2022.

For South Australian state nomination, prospective applicants must meet the Department of Home Affairs requirements, state-specific occupation requirements and have skills in an occupation that is available on our Skilled Occupation List. Offshore applicants meeting the minimum published requirements can lodge an Rol from 2pm, ACST, Wednesday 16 February 2022.

Full details of South Australia's state nomination requirements can be viewed [here](#). Please note that state nomination is a competitive process. There is no guarantee of receiving an invitation to apply for state nomination after lodging an Rol, even if the minimum requirements are satisfied. South Australia cannot indicate the likelihood of invitation or answer enquiries on this matter.

Thank you for your continued interest in South Australia's Skilled Migration Program and please ensure you are subscribed to the NEWS section of our website to keep up to date with new announcements.

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)

16) Tasmanian update

2021-22 Skilled Migration Program Update

Limited quota remaining – focus on priority cases first

Tasmania's nomination quota for the 2021–22 program year is:

Subclass 491 – 2200 places – 1274 places used

Subclass 190 – 1100 places – 731 places used

*updated 15 February 2022

Managing remaining quota

We have received around 1000 new applications since December.

With less than 1300 places remaining and around 1300 applications for nomination yet to be finalised we are very likely to significantly exceed available quota.

To manage this, and to ensure we continue to nominate those candidates who can best contribute to Tasmanian business' skills needs, Migration Tasmania will focus on the following three priorities:

1. Candidates with employment and a skills assessment related to critical roles (health, allied health, infrastructure, and engineering), and a skills assessment directly in line with that role
2. Candidates with employment and skills assessment related to the Tasmanian Skilled Occupation List.
3. Candidates with employment directly related to their nominated skills assessment (eg, skills assessment as a Chef, working as a chef)
Remaining applications deemed suitable will be ranked competitively and considered for any remaining nomination places

Outcomes for applicants who are not in these three priority areas may not be available until later in the program year, which ends on June 30, 2022.

Migration Tasmania is investigating with the Department of Home Affairs the possibility of additional quota with. However, there is no guarantee this will be made available.

We will constantly review this approach in coming months according to the number of applications received and the quota remaining.

CONTINUED ON NEXT PAGE

Employment must be with a well-established Tasmanian business* that has been operating in Tasmania for at least 12 months. Employment must be full-time for the Working in Tasmania categories but can be part-time (a minimum 20 hours) for Tasmanian Graduates, if that employment has been of at least 3 months duration.

*a well-established business actively operating in Tasmania is expected to have

- permanent business signage;
- active/ongoing online presence, advertising and marketing;
- a Tasmanian address as a registered business location;
- a local landline contact number
- an ongoing office space (not a residential address) that is not 'casual' or 'virtual' (including corporate/co-shared offices); and
- permanent representation of employees at the stated business location

Questions: email skilled@migration.tas.gov.au

17) Further details on the 485, 489, 491 and 494 visa extensions

Extension of 485, 489, 491 and 494 visas for people who have been out of Australia for any time in the period 01-02-2020 to 14-12-2021

<https://www.legislation.gov.au/Details/F2022L00151/Download>

The Migration Amendment (Extension of Temporary Graduate and Skilled Regional Provisional Visas) Regulations 2022 (the Regulations) amend the Migration Regulations 1994 (the Migration Regulations) to extend previously granted temporary graduate and skilled regional provisional visas whose holders have been impacted by COVID-19 related international travel restrictions in place from 1 February 2020 to 14 December 2021 (the travel restriction period). The extensions provide additional time in Australia for visa holders. In particular:

Schedule 1 (Extension of Subclass 485 (Temporary Graduate) visas)

The amendments made by Schedule 1 extend certain Subclass 485 visas to 30 September 2022 to provide time for a visa holder affected by COVID-19 related international travel restrictions to apply for a replacement Subclass 485 visa, which the Government announced on 25 November 2021 it intends to be available from mid-2022. Visas held by relevant family members are also extended.

Schedule 2 (Skilled regional provisional visas)

The amendments made by Schedule 2 extend certain Subclass 489 (Skilled – Regional (Provisional)), Subclass 491 (Skilled Work Regional (Provisional)) and Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visas for three years, in addition to the four or five years for which the visa was originally granted, if the primary visa holder was outside Australia on any day during the travel restriction period while the visa was in effect. This extension allows eligible visa holders additional time, without disadvantage, to meet the requirements for grant of a permanent visa relating to living and working in regional Australia. Visas held by relevant family members are also extended.

18) ACT update

<https://www.act.gov.au/migration/resources/canberra-matrix-invitation-round>

19) International students now to return to WA

<https://www.wa.gov.au/government/announcements/already-enrolled-international-students-can-now-enter-wa>

20) Official January 2022 skill select 189 and 491 Family results

Invitation rounds for **Skilled Independent visa (subclass 189) and Skilled Work Regional (Provisional) visa (subclass 491)** – Family Sponsored visas, are anticipated to be run quarterly. Dates for the rounds are subject to change.

Invitation numbers in each round may vary depending on the number of applications being processed by the Department.

Note: State or territory government nominations for Skilled Work Regional (Provisional) visa (subclass 491) will not be impacted by the departmental invitation rounds.

The Government is closely monitoring migration and visa settings to ensure they are consistent with public health measures, are flexible and do not displace job opportunities for Australians, so that Australia can effectively respond to the immediate and subsequent impacts of COVID-19. As such, targeted invitation rounds have occurred since May 2020.

The Department will run quarterly invitation rounds for the remainder of the 2021-22 program year.

Occupation Ceilings for Invitation Rounds

An 'occupation ceiling' may be applied to invitations issued under the independent, and skilled regional (provisional) visas. This means there will be a reasonable upper limit on how many EOIs can be invited for skilled migration from an occupation group. This ensures that the skilled migration program remains balanced and continues to invite intending migrants across a variety of skilled occupations.

Occupation ceiling values are based on a percentage of stock employment figures for each occupation. Employment figures are provided by the Australian Bureau of Statistics, and represent the number of people employed in Australia in each occupation.

Occupation ceilings do not apply to State or Territory Nominated or Business Innovation and Investment visa subclasses.

Current round

Invitations issued on 21 January 2022

The table below shows the number of invitations issued in the SkillSelect invitation round on 21 January 2022.

Visa Subclass	Number
Skilled Independent visa (subclass 189)	200
Skilled Work Regional (Provisional) visa (subclass 491) – Family Sponsored	200

Invitation process and cut offs

The highest ranked clients by points score are invited to apply for the relevant visa. For clients who have equal points scores, the time at which they reached their points score for that subclass (referred to as the date of effect) determines their order of invitation. Expressions of Interest with earlier dates of effect are invited before later dates.

Visa Subclass	Min points score	Latest date of effect month
Skilled Independent visa (subclass 189)	90	09/2021
Skilled Work Regional (Provisional) visa (subclass 491) – Family Sponsored	80	01/2022

Occupations included in 21 January 2022 Invitation Round

The table below shows the occupations issued invitations in the SkillSelect invitation round on 21 January 2022.

Occupation	Invited for Subclass	Lowest Points Score Invited subclass 189	Lowest Points Score Invited subclass 491 (FSR)
Agricultural Consultant	491	N/A	80
Agricultural Scientist	491	N/A	80
Biotechnologist	491	N/A	80
Chemical Engineer	491	N/A	80
Emergency Medicine Specialist	189	90	N/A
Environmental Consultant	491	N/A	80
Environmental Scientists nec	491	N/A	85
Food Technologist	491	N/A	80
General Practitioner	189	90	N/A
Geophysicist	491	N/A	80
Life Scientist (General)	491	N/A	105
Life Scientists nec	491	N/A	95
Medical Diagnostic Radiographer	189	90	N/A
Medical Laboratory Scientist	189, 491	90	80
Medical Practitioners nec	189	90	N/A
Medical Radiation Therapist	491	N/A	95
Microbiologist	189, 491	90	85

Occupation	Invited for Subclass	Lowest Points Score Invited subclass 189	Lowest Points Score Invited subclass 491 (FSR)
Midwife	491	N/A	85
Mining Engineer (excluding Petroleum)	189	90	N/A
Neurosurgeon	189	95	N/A
Nuclear Medicine Technologist	189	95	N/A
Nurse Practitioner	189	95	N/A
Orthotist or Prosthetist	491	N/A	80
Paediatrician	189	90	N/A
Petroleum Engineer	189	90	N/A
Physiotherapist	491	N/A	80
Psychologists nec	491	N/A	80
Registered Nurse (Aged Care)	189, 491	90	80
Registered Nurse (Child and Family Health)	491	N/A	80
Registered Nurse (Community Health)	189	90	N/A
Registered Nurse (Critical Care and Emergency)	189, 491	90	80
Registered Nurse (Developmental Disability)	189	90	N/A
Registered Nurse (Medical Practice)	189, 491	90	90
Registered Nurse (Medical)	189, 491	90	80
Registered Nurse (Mental Health)	189, 491	90	80
Registered Nurse (Paediatrics)	189, 491	90	80
Registered Nurse (Perioperative)	189, 491	90	80
Registered Nurse (Surgical)	189, 491	90	80
Registered Nurses nec	491	N/A	80
Social Worker	491	N/A	80
Veterinarian	189	90	N/A

Ok folks,

That's all for this month, stay safe

See you all on Monday 21st March



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