

Welcome to our April edition

Happy Easter to all those for whom that date is important.

We now have a Federal Election called for 21st May 2022. Currently it is close to 50/50 whether the current Liberal Coalition or the opposition Labor Party will win.

As a federal election has been called the government goes into "Caretaker mode" and as such major policy changes and decisions on visa law are unable to be made until a new government is formed after the election.

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On to this month's news



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## 1) Additional places for WA in state migration

WA Nomination allocations for the State Nominated Migration Program

Western Australia has received an additional nomination allocation for the State Nominated Migration Program, from the Department of Home Affairs, for the remainder of the 2021-22 program year.

With the additional nomination allocation now available, Migration Services will proceed with finalising State nomination applications currently on-hand. Applicants will be contacted as required.

New applications for State nomination are now being accepted, with the next invitation round anticipated to be held in the first week of April 2022.

To allow adequate time to process applications prior to the end of the program year, the May and June invitation rounds are expected to be brought forward and are anticipated to be held in the first week of each month.

For more information on the State Nominated Migration Program visit the About State nomination page.

April invite results -

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

## 2) Free skills assessments for some migrants

<https://www.dese.gov.au/skills-support-individuals/migrant-skills-incentives>

### 3) Tasmanian Update

#### 2021-22 Skilled Migration Program Update

Limited quota remaining – no further quota allocations

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

Subclass 491 – 2200 places – 1415 places used

Subclass 190 – 1100 places – 871 places used

\*updated 28 March 2022

There will be no additional places made available to Tasmania in the 2021-22 program year.

Managing remaining quota

More than 1 480 applications for nomination are yet to be decided, including more than 610 for subclass 190 and 860 for subclass 491.

Migration Tasmania is currently considering options to manage the expected demand for nomination against the remaining places. This may include temporarily closing to new applications.

While Migration Tasmania is still accepting new applications at this stage, the current volume and limited remaining places mean that new applications may not be considered or able to be nominated in the 2021–22 program year.

Migration Tasmania will continue to process applications from oldest to newest but will give priority to candidates who are employed in a role directly related to their skills assessment.

All current applications which have not been processed by 30 June 2022 will be held over until the 2022-23 program year. Migration Tasmania will consider those applications against the requirements and assessment standards that were in place at the time the application was lodged.

Any applications that are approved this program year but cannot be nominated due to quota exhaustion will be held over and nominated against the 2022-23 program year quota.

Applications processed this program year that do not meet the requirements or assessment standards will be refused.

With less than 230 remaining subclass 190 places remaining, successful subclass 190 applicants who are not working in their area of their skills assessment may not be nominated until next Program Year commences.

Note: 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](mailto:skilled@migration.tas.gov.au)

## 4) Latest visa processing times

Visa processing times updated

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-processing-times/global-visa-processing-times>

## 5) Latest Canberra/ACT invite round results

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

## 6) Federal Budget Migration planning

### **2022-23 Budget supports skilled migration to drive a stronger future**

As part of our plan for a stronger future, the Morrison Government is addressing critical skill shortages, driving innovation and attracting investment as part of the 2022-23 Budget.

The 2022-23 permanent Migration Program ceiling will be 160,000 places.

### **Migration – Skill stream**

The Morrison Government's Migration Program will focus on skilled migration, with a return to a pre-pandemic composition of roughly two-thirds/one-third across the Skill and Family streams.

The Skill stream will increase to 109,900, more than 30,000 places above 2021-22 planning levels.

Within the Skill stream the categories of Employer Sponsored (30,000 places), Skilled Independent (16,652 places) and State & Territory Nominated (20,000 places) have all been increased from 2021-22 planning levels.

Regional visas will more than double to 25,000 places to support growth in regional Australia.

Business Innovation and Investment (9,500 places), Global Talent (8,448 places) and Distinguished Talent (300 places) categories will ensure that Australia remains a favoured destination for the world's best and brightest individuals and entrepreneurs.

Occupation lists will be reviewed and updated in early 2022-23 to reflect changes in Australia's labour market, based on advice from the National Skills Commission.

### **Migration – Family stream**

As part of the Government's migration program, the Family stream will provide an estimated 50,000 places to support family reunion.

The Partner and Child visa categories are estimated to deliver 40,500 and 3,000 visas respectively (delivery of Partner and Child visas will be subject to demand and visa processing requirements); while 6,000 places

will be available for Parent visas; and 500 places for Other Family visas.

From 2022-23, Partner visa processing will move to a demand driven model.

Granting Partner visas on a demand driven basis will provide the flexibility to meet demand for Partner visas in a given program year, and assist in mitigating future growth in the Partner visa pipeline, while maintaining immigration integrity.

100 places will be allocated for the Special Eligibility category. This stream covers visas for those in special circumstances, including permanent residents returning to Australia after a period overseas.

### **Working Holiday Makers**

The Government recognises the importance of the visitor economy to Australia's national prosperity.

Australia has Working Holiday Maker (WHM) arrangements with 45 countries, of which 26 partner countries operate under annual "cap" arrangements.

To support Australia's economic future and the sustained growth of the tourism sector, the Morrison Government has announced a one-off cap increase to the number of places available to WHMs from countries with which Australia has a Work and Holiday (subclass 462) visa arrangement.

As a result, around 11,000 additional WHM visas will be available for prospective backpackers. This measure is estimated to increase the underlying cash balance by \$45 million over the next three years.

To further encourage the arrival of WHMs to Australia, between 19 January 2022 and 19 April 2022, Working Holiday Maker (WHM) (subclasses 417 and 462) visa holders who arrive in Australia can apply for a refund of the visa application charge (VAC). This complements visa refunds for Student (subclass 500) visa holders who arrive between 19 January 2022 and 19 March 2022.

### **Humanitarian program**

The 2022-23 Humanitarian Program will be maintained at the current ceiling of 13,750 places and over the forward estimates, to ensure Australia remains one of the most generous humanitarian resettlement countries in the world and can respond flexibly to humanitarian crises overseas.

This will ensure Australia can continue to support, as per recent announcements, the transition of Ukrainians onto a temporary humanitarian (subclass 786) visa and to work with international partners to respond to global humanitarian needs including Myanmar.

In recognition of our sustained commitment following Australia's two decades of operations in Afghanistan, an additional 16,500 places will be available for Afghan nationals under the Humanitarian program and will be equally allocated over the next four years. In conjunction with previous announcements, this brings the total number of places available to Afghans across Australia's Humanitarian and Migration Programs to 31,500 over the next four program years.

To support migrant and refugee youths to enter a competitive job market and realise their full potential, the 2022-23 Budget allocates an additional \$9.2 million for a Youth Transition Support (YTS) services program. This 12-month extension builds on existing work to assist young migrants to improve their education, employment and social cohesion outcomes.

### **Migration Program planning levels**

The 2022-23 Migration Program has been designed to boost Australia's economic recovery and drive social cohesion outcomes in the post-pandemic environment. The 2022-23 Migration Program will have a planning level of 160,000 places with the following composition:

**Skill (109,900 places)** – this stream is designed to improve the productive capacity of the economy and fill skill shortages in the labour market, including those in regional Australia.

**Family (50,000 places)** – this stream is predominantly made up of Partner visas, enabling Australians to reunite with family members from overseas and provide them with pathways to citizenship.

- From 2022-23, Partner visas will be granted on a demand driven basis to facilitate family reunification. This will help reduce the Partner visa pipeline and processing times for many applicants.

- 40,500 Partner visas are estimated for 2022-23 for planning purposes, noting this estimate is not subject to a ceiling.

- 3000 Child visas are estimated for 2022-23 for planning purposes, noting this category is demand driven and not subject to a ceiling.

**Special Eligibility (100 places)** – this stream covers visas for those in special circumstances, including permanent residents returning to Australia after a period overseas.

The Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs can redistribute places between Skill stream visa categories on an ongoing basis to respond to changing economic conditions as they occur.

### Migration Program planning levels as announced as part of the 2021-22 and 2022-23 Federal Budgets

Visa stream	Visa category	2021-22	2022-23
<b>Skill</b>	Employer Sponsored	22,000	30,000
	Skilled Independent	6,500	16,652
	Regional	11,200	25,000
	State/Territory Nominated	11,200	20,000
	Business Innovation & Investment	13,500	9,500
	Global Talent (Independent)	15,000	8,448
	Distinguished Talent	200	300
<b>Skill Total</b>		<b>79,600</b>	<b>109,900</b>
<b>Family</b>	"Partner* (Demand driven: estimate, not subject to a ceiling)"	<b>72,300</b>	<b>40,500</b>
	Parent	<b>4,500</b>	<b>6,000</b>
	"Child* (Demand driven: estimate, not subject to a ceiling)"	<b>3,000</b>	<b>3,000</b>
	Other Family	<b>500</b>	<b>500</b>
<b>Family Total</b>		<b>77,300*</b>	<b>50,000</b>
<b>Special Eligibility**</b>		100	100
<b>Total Migration Program</b>		<b>160,000</b>	<b>160,000</b>

\*Planning levels for these categories are estimates only as they are demand driven and not subject to a ceiling.

\*\*The total for the Family stream in 2021-22 does not include the Child category. For planning purposes both Child and Partner visa categories are counted towards the total Family stream in 2022-23.

## Program size and composition

The size and composition of the Migration Program is set each year alongside the Australian Government's Budget process.

To inform the planning levels and policy settings of the 2022-23 Migration Program, the Department of Home Affairs (the Department) consulted widely with state and territory governments, representatives of academia, industry, unions and community organisations between November and December 2021.

The Department also invited public submissions as part of the 2022-23 Migration Program planning process. This process has now closed. See Australia's 2022-23 Migration Program for additional information.

Public submissions, economic and labour force forecasts, international research, net overseas migration and economic and fiscal modelling are all taken into account when planning the program.

## 7) States/territory additional state places for 2021/22 (ie WA and NT)

This shows the new totals for 2021/22 following the department of Home Affairs allocating more places for the next 3 months <https://iscah.com/state-and-territory-extra-places-for-2021-22/>

## 8) New DAMA regional agreements and changes

<https://minister.homeaffairs.gov.au/AlexHawke/Pages/employment-opportunities-new-pilbara-dama.aspx>

<https://minister.homeaffairs.gov.au/AlexHawke/Pages/orana-designated-area-migration-agreement-strengthened.aspx>

<https://minister.homeaffairs.gov.au/AlexHawke/Pages/east-kimberley-dama-advancing-north-west-australia.aspx>

## 9) Working Holiday visa changes

<https://minister.homeaffairs.gov.au/AlexHawke/Pages/age-limit-increase-italian-danish-whm-cap-increases-wh-visas.aspx>

<https://minister.homeaffairs.gov.au/AlexHawke/Pages/aust-opens-work-holiday-program-to-brazil.aspx>



## 10) Extended age concessions for 186 Company sponsored visa

New legislative instrument for 186 (company sponsored) TRT pathway Age concessions (re Covid)  
For some applicants who held a 457 visa on or after 18th April 2017

<https://www.legislation.gov.au/Details/F2022L00515>

## 11) NSW 491 nominations

NSW 491 nomination process has been reworded Nomination process NSW nomination for the Skilled Work Regional visa (subclass 491) is now by invitation only.

To be nominated by NSW you must:

- 1.Ensure you are eligible for the Skilled Work Regional visa (subclass 491)
- 2.Complete an EOI in SkillSelect for an occupation available in your preferred NSW region
- 3.Submit an ROI during a submission window – see below for details
- 4.Be invited to apply
- 5.Apply to the RDA office in your preferred region where your skills are required within 14 days of being invited by NSW
- 6.Provide evidence with your application for all claims in your NSW ROI and SkillSelect EOI

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

## 12) Tasmania Changes for 491/190 in 2022/23

Tasmanian Skilled Migration State Nomination Program 2022 Framework Review Migration Tasmania is currently reviewing program settings and requirements for the 2022-23 program year and is inviting public comments on the proposals.

The proposed reforms to the Tasmanian Skilled Migration State Nomination framework aim to:

- Provide greater clarity for candidates regarding the actions and pathways needed to achieve a successful outcome
- Reward demonstrated ability to settle in Tasmania and skills in need
- The proposed new framework is intended to be clear, objective and reward demonstrated ability to settle in Tasmania, and skills in need
- Acknowledge the importance of the international education in helping to attract future skilled migrants to the state, without driving candidates to complete study unnecessarily
- Encourage longer term residence, proof of settlement in Tasmania and greater confidence in ongoing settlement prospects of nominees.

Once finalised Migration Tasmania will develop new nomination requirements and processes, which will apply to new applications made in the 2022-23 program year. The consultation paper can be accessed [HERE](#)

<https://cdn-au.mailssnd.com/99429/iSvDzqAXxkqEdL0Yv-6KobfEFb87Xaj3kyT7ZilbH7Q/1649203310/3530498.pdf>

Comments can be provided by 29 April 2022 by email to [skilled@migration.tas.gov.au](mailto:skilled@migration.tas.gov.au)

Program update

Tasmanian update

[https://www.migration.tas.gov.au/news/2021-2022\\_program\\_year\\_update](https://www.migration.tas.gov.au/news/2021-2022_program_year_update)

## 13) Victoria updated Statistics

Victorian State update

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

<https://liveinmelbourne.vic.gov.au/news-events/news/2022/support-for-health-workers-overseas-to-make-the-move-to-victoria>

## 14) Home Affairs official skilled newsletter

Home Affairs official newsletter on skilled visas March 2022

<https://immi.homeaffairs.gov.au/what-we-do/skilled-migration-program/skilled-visa-newsletters/march-2022>

## 15) Defacto relationship on points test applications

From the above Home Affairs Newsletter , defact relationships are expanded on here ..

General Skilled Migration program Updates

Definition of De Facto Relationship and Implications for GSM Points

The relevant legislation for assessing De Facto relationships in the context of a General Skilled Migration visa application, are:

Section 5CB of the Act - defines a de facto partner/de facto relationship

Regulation 1.09A of the Regulations – specifies four matters which may be considered in determining if an applicant meets the definition of de facto partner prescribed in s5CB

Regulation 2.03A of the Regulations – specifies prescribed criteria applicable to de facto partners, including, where the visa application is for a GSM visa, the requirement that unless the de facto relationship has been registered, any de facto relationship claimed by a GSM applicant must have been in existence for the 12 months immediately prior to the GSM visa application

Schedule 6D of the regulations sets out the General Points Test for GSM visas, including making provision for the allocation or denial of points based on the applicant's marital status.

For the purposes of calculating points under Schedule 6D, the definition of a de facto relationship is still as set out in 5CB of the Act and Reg 1.09A, however the difference is that reg 2.03A (the 12 month rule) is not applicable.

The SkillSelect system will allocate points for partner relationship status as follows (item 6D112):

Single – SkillSelect will award 10 points

Engaged – SkillSelect will award 10 points

Married – SkillSelect will award 0 points

De Facto – SkillSelect will award 0 points

GSM visa applicants' marital status will sometimes change between lodging the EOI, lodging the visa application, and when a decision is made on points. This change of status may result in the loss or gain of points at visa assessment. For example, a person assigned 10 points (as single) at EOI, may lose these 10 points at the visa application stage if they have subsequently married or entered a de facto relationship.

Where intending applicants are both in a de facto relationship and engaged simultaneously at time of EOI, they may consider selecting "De Facto" rather than "Engaged" when calculating their point score irrespective of the length of the de facto relationship. This will avoid being invited at a higher point score than what the visa applicant will be able to meet.

It is also important to note the implications of the overlay of the 12 month rule at visa stage. For example an intending applicant may declare a de facto relationship at EOI (where no 12 month rule is applicable) but if that de facto relationship is of less than 12 months standing at visa application then that de facto partner will not be eligible for consideration as the visa applicant's partner for purposes of the visa.

## 16) Students to need permission to change courses

<https://erudera.com/news/australia-international-students-on-subclass-500-visa-will-not-be-able-to-change-course-without-ministers-approval/>

Legislative instrument -

<https://www.legislation.gov.au/Details/F2022L00541/Explanatory%20Statement/Text>

## 17) Vetassess skills assessment for 485 visas

Update: Skills assessments for Temporary Graduate 485 visas

From May 15, VETASSESS will no longer accept new applications for assessment for the Temporary Graduate (Subclass 485) visa.

This follows the Australian Government's announcement last November that skills assessment for this visa will no longer be required from July 1, 2022.

The May 15 cut-off date will give us time to complete all visa assessments before July 1.

If you would like further information, please contact us at [migrate@vetassess.com.au](mailto:migrate@vetassess.com.au) or Ph: +61 3 9655 4801.

## 18) ACS guidelines on Global Talent visa updated

Update to Global Talent Visa program through the ACS (Computing professionals)

<https://www.acs.org.au/msa/information-for-applicants.html>

Ok folks,

That's all for this month, stay safe

See you all on Monday 16th May



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