

G'day

Welcome to July's edition of our monthly newsletter

Again a short version as we are awaiting the Government allocating state places for the 491/190 program to each state and territory

All looks a very busy an optimistic 12 months ahead though for a big migration program. Especially in 189 and 190s.

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On to this month's news ...



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1) Official 189/491 (family) invite results from April 21st

Skilled worker visa backlog tops 16,000 applications

The backlog for regional skilled worker visas topped 16,400 unresolved applications, with processing timelines blowing out to more than 19 months for half of all potential migrants seeking to come to Australia.

Data released by the Home Affairs Department under freedom of information rules showed 16,467 applications were on hand for the key 887 skilled regional visa stream in March this year, including 300 applications which had been with officials for more than a year.

More than 16,000 applications for skilled workers were waiting for processing in March. Louie Douvis

As the Albanese government works to speed up processing times to help fill a record 423,000 job vacancies around the country, the 887 visa backlog has seen the slowest 10 per cent of all applications taking more than two years to be resolved.

The visa allows new migrants to work and study anywhere in Australia, to sponsor relatives for permanent residency and apply for citizenship themselves.

Home Affairs says it is currently assessing applications submitted before September 2020 for the stream.

A couple who lodged the required paperwork for the 887 visa in January 2021 told The Australian Financial Review on Monday they have heard nothing from the department since.

"We are not considered for many jobs that we have experience in and are qualified for, as we have to be permanent residents or citizens to be considered," the husband and wife said.

'Constant source of worry'

"It is a constant source of worry for us as the processing time just keeps getting delayed. It used to get approved in 10 months but is now taking two years plus.

"It is not fair that a simple check on residence for two years and work experience takes 25-plus months."

The freedom of information data showed 13,232 applications were on hand at the department in March for the skilled independent visa subclass 189 stream. The visa covers invited workers, as well as New Zealand citizens and eligible Hong Kong and overseas British nationals with skills in demand in Australia.

In the period July 2021 to February 2022, Home Affairs approved more than 69,600 applications for partner visas, child visas, skilled workers, and aged parents.

Immigration Minister Andrew Giles said the federal government was working on solutions to fix the lengthy backlog. Public servants have been redirected to visa processing, away from other duties, since the election.

"We're working our way through the scale of the backlog and thinking about policy options as well as the resource allocations needed to get things moving," Mr Giles said.

Giles plans visa overhaul in race for skilled migrants

The Australian Financial Review reported this month an \$875 million budget cut at the Home Affairs Department is set to further blow out already stretched visa waiting times and heap more pressure on businesses waiting on the arrival of workers and tourists.

The median short-term temporary skilled visa currently takes 83 days to finalise, up from 53 days in March.

One-quarter of applications are taking at least one year to process, while the slowest 10 per cent of temporary skilled visas are taking 15 months to process.

"I'm obviously looking very carefully in the first instance at what can be done in the here and now because I think what business wants and what visa applicants want is quicker processing times today, as well as looking over the horizon to that considered vision, which will link into the jobs and skills summit, the full employment white paper and of course the budget that will be handed down in October," Mr Giles told ABC radio.

2) Media articles on migration issues over the last month

<https://independentaustralia.net/politics/politics-display/australian-migration-levels-still-lagging-behind-pre-covid-rates,16483>

<https://www.sbs.com.au/language/english/audio/how-the-new-student-visa-condition-affects-you-if-you-change-courses>

<https://independentaustralia.net/politics/politics-display/duttons-negligence-haunts-2022-23-migration-program,16495>

<https://www.abc.net.au/news/2022-06-28/census-2021-india-china-multicultural-data-overseas-born/101186238>

<https://www.sbs.com.au/news/article/australian-visa-changes-for-2022-23-and-what-a-new-government-may-bring/ny0aa1iab>

<https://www.afr.com/politics/federal/chalmers-open-to-migration-fix-for-acute-labour-shortages-20220705-p5az9q>

<https://independentaustralia.net/politics/politics-display/skilled-independent-visa-category-set-for-rapid-growth,16531>

<https://www.sbs.com.au/news/article/thousands-are-waiting-for-a-visa-refund-some-say-it-was-an-empty-promise/shbz1d6vw>

<https://www.dailymail.co.uk/news/article-10989427/Albanese-Government-considering-raising-permanent-migration-rate-allow-skilled-workers.html>

<https://johnmenadue.com/migrant-farm-worker-policy-where-to-now/>

<https://www.news.com.au/national/politics/anthony-albanese-flags-giving-new-zealanders-in-australia-voting-rights/news-story/8c824deb46773708f7160825351ab7e6>

<https://www.sbs.com.au/news/article/temporary-migration-not-the-answer-to-australias-skills-shortages-anthony-albanese-says/i0gq90maa>

<https://www.afr.com/politics/federal/working-holidaymaker-visa-applications-rebounding-20220711-p5b0m1>

<https://www.abc.net.au/news/2022-07-12/treasurer-supports-lift-to-skilled-migration-labour-shortages/101229296>

<https://www.sbs.com.au/news/article/i-need-a-hug-anthony-albanese-solomons-leader-embrace-at-first-meeting/4ctyb4gik>

<https://www.timeshighereducation.com/news/surge-dodgy-visa-applications-after-australia-scrap-work-limits>

3) New ACT Critical List

2022-23 Allocation of ACT nomination places

The allocation split of 491 and 190 nomination places will likely remain. As such, your clients are more likely to be invited under the 491 pathway. You need to advise them accordingly and manage their expectations. Depending on the occupation and demand, we expect minimum scores for invitation for 190 nomination to remain high (i.e. around 85 points or higher) while the 491 minimum score required will be lower (i.e. likely 65 points or above). Note that these scores are not a guarantee nor are they set in stone, the actual figures will ultimately depend on our allocation, the number of Matrix submissions, and the Matrix scores we receive.

We already have over 2300 eligible 491 Matrix with 65 plus points in the queue, and over 400 190 Matrix in the queue with 85 points plus.

Invitations will likely be issued on a fortnightly basis, depending on the number of applications lodged with a minimum of one invitation round per month. Note that this is an indication, the actual number of invitation rounds may differ based on allocation, demand, and processing capacity.

https://www.act.gov.au/migration/skilled-migrants/act-critical-skills-list?fbclid=IwAR2G8bQMxAYP Uf4IIMLz3RyLUOGI3PNiy74uvT5YP_7Q3Xpt4QFIfyu-zWw

(Source: ACT Territory government)

4) NSW 190 nomination criteria

https://www.nsw.gov.au/visas-and-migration/skilled-visas/skilled-nominated-visa-subclass-190?fbclid=IwAR0IFvjFVOt4XyL2PX-4uhXtU7X6dMSfPmZ007xuOahgV_-9BDF-r5Jel5M

5) 485 Graduate Stream – no skill assessment required

No more skills assessments or nominated occupation required for 485 Graduate stream from July 2022 for 12 months.

https://www.legislation.gov.au/Details/F2022L00822/Explanatory%20Statement/Text?fbclid=IwAR3qiqRwOB1o-Z1ZdcBZOuYidXqs0mZ07lnS6N6vHgP13VY6dUiWN-V3P_k

6) Visa application fees increase by 3% from 1st July 2022

<https://www.legislation.gov.au/Details/F2022L00828/Explanatory%20Statement/Text?fbclid=IwAR3qzwJdVKBBDFJaqOzfv1T0A6gvLT7YmjB6UD6toP7GriXqLaevTRsyKPO>

7) Temporary Graduate visa Replacement stream open

The Replacement stream of the Temporary Graduate visa is open for applications from 1 July 2022 for current and former Temporary Graduate visa holders impacted by COVID-19 international travel restrictions.

https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-graduate-485/?fbclid=IwAR3_zK62mOHAJhlj3Bq-iC2vKkhf31tOTY3ODI0xHr2tNhFn0I7GtyNpuTw

8) Masters Students and changing courses

Immigration department change their mind on masters students changing courses. Not all masters students will now have to seek prior permission to change courses ..

New visa condition 8208 only requires student visa holders to seek approval of a change of course, thesis topic or research in limited circumstances, where the visa holder intends to undertake critical technology related study in the postgraduate research sector.

Although condition 8208 will be imposed on all student visas, its effect is limited to student visa holders who either:

- are already studying in the postgraduate research sector (at the masters degree (research) or doctoral degree level), and intend to change their course of study, thesis or research topic to one that relates to critical technology; or
- are not currently studying in the postgraduate research sector, and intend to change their principal course of study to a course at the masters degree (research) or doctoral degree level that relates to critical technology.

https://www.legislation.gov.au/Details/F2022L00866/Explanatory%20Statement/Text?fbclid=IwAR2qXS_lmXtPu0t1b2g_5cePU187Q0TyyRG82p_XewFw52VuD_SNznxyF6w

9) Parent visa backlog

Over 120,000 parent visa's on hand.

https://www.homeaffairs.gov.au/foi/files/2022/fa-220400122-document-released.PDF?fbclid=IwAR36P7SI5qnurYvq8C9_g-3zzClIT_2_e8AUgAH_Q7Y8p4bXG8zQITcn61I

10) Latest AAT Appeal tribunal Bulletin

<https://www.aat.gov.au/AAT/media/AAT/Files/AAT%20Bulletins/14-22.pdf?fbclid=IwAR3qzwJdVKBBDFJaQOzfv1T0A6gvLT7YmjB6UD6toP7GrIXqLaevTRsyKPO>

11) Tasmanian State update

2022-23 program - new requirements and processes

Tasmania is currently awaiting confirmation from the Australian Government on our nomination allocation for the 2022-23 program year.

Once the allocation is received the 2022-23 Tasmanian Skilled Migration State Nomination Program will open with some different requirements and processes.

Key features of the new program will include:

For graduates

- No course or occupation restrictions or mandatory employment requirements.
- Permanent pathway for PhD students.

For skilled employees

- An expanded list of occupations and employment eligible for permanent subclass 190 visa nomination.
- No occupation requirements for subclass 491.
- Inclusion of part-time employment to meet work experience requirements.
- Subcontractors with a related skills assessment included in skilled employment pathway.

For business operators

- Extension of qualifying business operation time from six to twelve months for business operations which commenced after 15 April 2022.
- Introduction of a new personal business income requirement, set at a minimum 80% of TSMIT (i.e., \$43 120).

For long-term residents

- A new nomination pathway for candidates who have lived in Tasmania for an extended period and established themselves in employment or business.
- Qualifying residence period of at least three years for permanent subclass 190 visa nomination, or two years for the provisional subclass 491 visa.
- Business operators will be eligible for subclass 190 nomination if they have lived in Tasmania for two years, and run their eligible business successfully for two years

For overseas candidates

- No occupation restrictions where a candidate has a job offer.
- More invitations to apply for nomination from Skillselect where candidates have skills needed by Tasmanian businesses.
- New industry skills-needs profiles to help potential candidates tailor their Skillselect EOI to increase chances of invitation.

For all candidates:

- Simplified eligibility requirements.
- Invitation only - candidates will be able to register interest in Tasmanian nomination in the Migration Tasmania Gateway if they meet the minimum eligibility requirements, and the most competitive will be able to apply for nomination.
- More clearly defined exclusions and exceptions regarding employment and business roles and location of dependants.
- Clear sets of published priority attributes, describing the additional characteristics needed to be competitive. Only those candidates that meet the competitive threshold will be invited to apply for nomination. These attributes will include:

§ duration and industry of employment

§ employment in skilled roles which are critical to the Tasmanian economy

§ connections between employment, skills assessment and study

§ rate of salary compared with the Australia average and median

§ nature, level and duration of Tasmanian study

§ completion of work placements related to study

§ graduate employment offers

§ duration and success of business operation

§ level of business investment, turnover and local employment

§ length of residence in Tasmania

§ English language ability

§ location, length of residence, employment and skills of dependants.

Details of the new requirements and processes, as well as the opening date for registrations of interest, will be published in the coming weeks on the Migration Tasmania website, and in future news updates.

Migration Tasmania will also be hosting online webinars to discuss the new framework in detail with details to be advised.

2021-22 Program Year processing

Migration Tasmania continues to process applications lodged in 2021-22 and will record nominations in Skillselect for successful applicants after the 2022-23 program year quota is received.

All applications lodged in the 2021-22 year will be processed against the 2021-22 year nomination criteria.

Ok folks,

That's all for this month, stay safe

See you all on Monday 15th August.



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