

Hey Folks

Welcome to our latest edition of our monthly visa newsletter

Included are all the major changes that we have seen around Australian visas and the migration program

Big news this month on the Professional year points interpretation, Student work rights and further extensions to the 485 visa

On to this month's news...



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1) WA State News

Western Australia has received an overwhelming number of applications for the State Nomination Migration Program. To allow adequate time to process the large volume of applications prior to the end of the program year, invitation rounds for the remainder of the 2022-23 State nomination program year will be brought forward, and run in the first week of each month, commencing February 2023

Western Australia state invite round 10th Feb 2023

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

2) Victoria Sate Migration update

Applications for the Business Innovation and Investment Program are closed for the program year.

<https://liveinmelbourne.vic.gov.au/news-events/news/2023/applications-for-the-business-innovation-and-investment-program-are-closed-for-the-program-year>

3) ACT/Canberra 491/190 update

Canberra Matrix Invitation Round: 23 January 2023

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

4) Tasmania Update

Tasmania have updated much of their state migration wording on their main 190 page

https://www.migration.tas.gov.au/skilled_migration/subclass_190

5) Professional Year - officially now 4 years from date of completion

This is the new policy advice from Home Affairs as of this morning on how they will interpret the validity period of a Professional year program ..

"...The Department has recently adopted a more beneficial approach to Professional Year, where as long as the Professional Year program was completed, meaning finished, within the 48 month period prior to the Time of Invitation, the applicant may be awarded 5 points. To avoid any doubt, the applicant could have commenced the Professional Year at a time before the 48 months prior to invitation. The time the applicant "completed" a Professional Year is the date listed on an official Record of Completion which is issued by the authorized body or Professional Year program delivery partner to the applicant..."

6) VETASSESS - Trades skills assessment processing delays

From VETASSESS

We are currently dealing with an unprecedented number of trade applications, which has extended our processing times.

We understand this is causing frustration for you and your clients and want you to know that we are cognisant of the issue and are working to reduce our assessment times.

As you are aware, we are the only Trades Recognition Australia (TRA)-approved registered training organisation for occupations such as Diesel Motor Mechanic (321212), Airconditioning and Refrigeration Mechanic (342111), Toolmaker (323412) and Hairdressing (391111), and only one of two providers of assessment services for Motor Mechanic (General) (321211) and Automotive Electrician (321111).

An increase in demand for these occupations along with a shortage of qualified assessors in Australia, particularly for motor mechanics and engineering trades, has resulted in extended processing times.

We continue to recruit qualified assessors to deal with this increase and have resumed face-to-face assessments in the Philippines and elsewhere. We will hold practical assessments in South Africa from 28 - 31 March and hope to advise of other dates and venues soon.

It is important to note that all applications we receive are processed based on the lodgement date, i.e., the date in which we received payment approval from TRA.

We would like to apologise to you and your clients for the delays and assure you we are working hard to process skills assessments as quickly as possible.

Thank you for your understanding.

7) Concessions now cover ROL regional occupation 482 visa grants

From 1 July 2022 changes commenced to improve access to permanent residence for skilled migrant workers who chose to stay in Australia during the pandemic.

Temporary Skill Shortage (TSS) subclass 482 visa holders who have been in Australia for at least one year between 1 February 2020 and 14 December 2021 are able to apply for permanent residence through the Temporary Residence Transition (TRT) stream of the Employer Nomination Scheme (ENS) subclass 186 visa.

Applicants must also meet all other nomination and visa requirements for the TRT stream of the ENS visa.

In addition to Short-term stream TSS visa holders, the Government is advising that this pathway is also available to Medium-term stream TSS visa holders with an occupation on the Regional Occupation List.

This pathway is currently available for two years from 1 July 2022

<https://immi.homeaffairs.gov.au/news-media/archive/article>

8) Skills assessments can now be obtained in the 60 day invite period

After representation from the MIA, the Department has advised that due to the result of the decision of *Thapa v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCCA 686 (Thapa) they will now accept a suitable skills assessment for an applicant's nominated skilled occupation which has been obtained within the 60 day invitation period.

This information has been updated in the Skills Assessment section of the Department's website.

<https://immi.homeaffairs.gov.au/visas/working-in-australia/skills-assessment>

9) SC 186 Provisional or Limited registration can now be accepted for all AHPRA regulated occupations

The Department has advised that since 22 December 2022, the sc 186 policy titled "3.8.3. Medical Practitioners – registration requirements" within the "Assessing Eligible Skilled Occupations" policy document applies to all AHPRA regulated occupations.

This means that Provisional or Limited registration can be accepted for all AHPRA-regulated occupations. Under policy additional information may be required to confirm that they have a sufficient level of registration and a decision maker can request a statement from the nominator stating:

- their awareness of the applicant's 'type' of registration and
- they agree that the type of licensing and/or registration the applicant holds or is eligible to hold will allow them to effectively perform the duties of the occupation in which they have been nominated.

The Department has advised that the new policy will be applied to applications already lodged, as well as newly lodged applications.

The Department has confirmed that this information will be published in the next Skilled Newsletter, and in time, updated in the online policy instruction.

10) News Articles

Australia set to change skills-based visa programme to demand-driven immigration system

<https://www.iol.co.za/personal-finance/financial-planning/australia-set-to-change-skills-based-visa-programme-to-demand-driven-immigration-system-93ef6eea-4650-49f7-9774-c1b899f27fa3>

How immigration changed Australia – an interactive journey through history

<https://www.theguardian.com/australia-news/ng-interactive/2023/jan/30/how-immigration-changed-australia-an-interactive-journey-through-history>

Peak multicultural body criticises Voice opponents' 'divisive' push for recognition of migrants

<https://www.sbs.com.au/news/article/voice-opponents-push-to-recognition-of-migrants-alongside-indigenous-people/e54lxc80q>

The no side in the voice referendum has misread the mood among migrants

<https://www.theguardian.com/commentisfree/2023/feb/03/the-no-side-in-the-voice-referendum-has-misread-the-mood-among-migrants>

Visa system still leaving migrants jobless and homeless

<https://independentaustralia.net/politics/politics-display/visa-system-still-leaving-migrants-jobless-and-homeless,17213>

After a decade, Australian government restores family reunion pathway for refugee boat arrivals on permanent visas

<https://www.sbs.com.au/news/article/after-a-decade-australian-government-restores-family-reunion-pathway-for-refugee-boat-arrivals-on-permanent-visas/ozcsg33f0>

Overseas student policy: too important to get wrong

<https://johnmenadue.com/overseas-student-policy-too-important-to-get-wrong/>

Aussie visa lottery to boost Pacific worker numbers

<https://www.canberratimes.com.au/story/8087792/aussie-visa-lottery-to-boost-pacific-worker-numbers/>

Commonwealth must urgently address visa delays

https://www.premier.tas.gov.au/site_resources_2015/additional_releases/commonwealth-must-urgently-address-visa-delays

Visa delays caused by security checks turning Chinese students away from Australian universities

<https://www.theguardian.com/australia-news/2023/feb/19/visa-delays-caused-by-security-checks-turning-chinese-students-away-from-australian-universities>

These uni students are working 'extreme hours' to make ends meet, but a crackdown is looming

<https://www.sbs.com.au/news/article/these-uni-students-are-working-extreme-hours-to-make-ends-meet-but-a-crackdown-is-looming/2vuqjja0>

11) Key changes to Student work rights and extended 485 visas

Addressing skills shortages in key industries and rebuilding the international education sector

Joint media release with the Hon Jason Clare MP

The Albanese Government is addressing skills shortages by extending post-study work rights for international students that have graduated from an Australian higher education provider. This will support businesses across the country and help rebuild the international education sector following the pandemic.

This is a practical change that will increase the availability of a well-trained and highly capable workforce to help ease current pressures.

The Government has today released the list of occupations and the eligible qualifications that will enable graduates to access greater work rights.

We are targeting the skills Australia needs most, including health, teaching, engineering and agricultural fields.

Targeted skills will be considered on an annual basis and updated as needed in response to the labour market.

This was a commitment made following the Jobs and Skills Summit and developed further after advice from a working group made up of the Council of International Education, the National Tertiary Education Union, Universities Australia, and the Departments of Home Affairs and Education. These extended work rights come into effect from 1 July 2023. Current settings will be increased by two years. This will extend post study work rights from

- two years to four years for select Bachelor degrees
- three years to five years for select Masters degrees
- four years to six years for all Doctoral degrees.

Existing settings for regional and remote Australia will also be maintained, and where relevant, will be eligible for the additional two years.

Eligible graduates with a valid Temporary Graduate Visa on 1 July 2023 or who apply for a Temporary Graduate Visa after 1 July 2023, will be considered for the two year extension.

Graduates whose visa expires before 1 July 2023 can apply for an extension of their work rights by visiting Temporary Activity visa (subclass 408) Australian Government endorsed events (COVID-19 Pandemic event).

More information about these measures is available at [Temporary Graduate visa - Subclass 485](#).

In addition, the Government will increase the allowable work hours cap from 40 hours per fortnight to 48 hours per fortnight.

This modest increase will help students to support themselves financially, gain valuable work experience and contribute to Australia's workforce needs while they study. The cap will take effect from 1 July 2023. More information on student visa work hours is available at the Department of Home Affairs website.

The Government's response to the recommendations of the Post-Study Work Rights Working Group is available at <https://www.education.gov.au/extended-poststudy-work-rights-international-graduates>.

Quotes attributable to Minister for Education Jason Clare:

"Businesses are screaming out for skilled workers, particularly in the regions.

"We have got the second highest skills shortage in the developed world, according to the OECD. Skills shortages are everywhere.

"We teach and train these skilled workers. This will mean they can stay on longer and use the skills they've gained in Australia to help fill some of the chronic skills shortages we have right now.

"As well as delivering the skills and qualifications Australia needs, the measure will make Australia more attractive as a study destination, helping the recovery of the international education sector and boosting earnings from Australia's education exports."

Quotes attributable to Minister for Home Affairs Clare O'Neil:

"Enabling students that gain an education in Australia to stay longer and contribute to our economy benefits us all.

"After a lost decade on immigration and skills we are looking for ways to utilise skilled migrants via enhanced training and better targeted, less exploitative programs for temporary visa workers and students.

"This work is being undertaken as we work towards the conclusion of the migration review and continue to reform our broken migration and skills system."

List of Eligible Occupations for extended 485 visas

<https://www.education.gov.au/download/15013/list-occupations-and-qualifications-eligible-post-study-work-rights-extension/31474/document/pdf/en>

(Source: Federal Government)

Ok folks
That's all for this month, stay safe
See you all on Monday 20th March 2023.



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