

Iscah Migration Newsletter



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Hiya folks,

Hope you have rocked the last month and are getting ready for a new migration program year in July 2023

Here is the latest news that we have seen over the last month

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1) Changes to Citizenship for New Zealand citizens

NZ Citizens - Australian Citizenship

Australian Citizenship (Permanent Resident) Amendment Determination 2023 - LIN 23/024 - F2023L00680 amends the previous Australian Citizenship (Permanent Resident) Determination (LIN 22/103) 2022.

The purpose of this Determination is to extend permanent residency to all NZ citizens holding Subclass 444, Special Category Visas (SCV) and in specific circumstances, to backdate the general twelve-month permanent residency requirement for eligibility to apply for Australian citizenship. Under this determination, some NZ citizens will be eligible to apply for Australian citizenship from as early as 1 July 2023.

Where an SCV holder satisfies subsection 5(2) of the Citizenship Act, that person is taken to have become an Australian permanent resident, when:

- Date of grant Date PR granted
- Granted SCV before 1 July 2022 1 July 2022
- Granted SCV for 1st time between 1 July 2022 & 30 June 2023 On date of grant of SCV
- Granted SCV on or after 1 July 2023 On date of grant of SCV

Persons who previously held a special category visa

Subsection 5(2) also applies to NZ citizens who are outside of Australia (not having been removed or deported from Australia) and, immediately before departing Australia, were holders of an SCV or an SCV granted on the basis of the person's status as an airline crew member or an airline positioning crew member.

Children of SCV holders born in Australia

Children born in Australia to parents holding SCVs during the relevant period will be taken to have become Australian citizens at birth under para 12(1)(a) of the Citizenship Act.

NZ diplomatic or consular representatives

The above arrangements do not apply to a person who is in Australia as a diplomatic or consular representative of NZ or is the spouse or dependent child of a diplomatic or consular representative of NZ.

Source - <https://www.legislation.gov.au/Details/F2023L00680/Download>

Members should be aware that the Australian Citizenship (Permanent Resident) Amendment Determination 2023 - LIN 23/024 - F2023L00680 does not automatically grant permanent residency to NZ citizen Special Category Visa (SCV) holders.

<https://www.legislation.gov.au/.../Explanatory.../Text>

Eligibility for Australian citizenship requires applicants to have been Australian permanent residents for 12 months before application.

As the SCV is a temporary visa, this instrument acts to determine that NZ SCV holders can satisfy the permanent residency requirement without the need to first apply for Australian permanent residency.

This determination does not grant automatic permanent residency to all NZ SCV holders, it is only used to remove the 12 month permanent residency requirement, for the purposes of the Citizenship Act 2007.

SCV holders continue to remain on that visa unless they apply for Australian citizenship and continue to be able to sponsor family members on the Subclass 461 visa.

This Instrument commences on 1 July 2023.

(Source: MIA)

2) Skill Select - Invitations issued on 25 May 2023

<https://immi.homeaffairs.gov.au/visas/working-in-australia/skillselect/invitation-rounds>

3) Aged Care Labour Agreement

Financial review Media article -

'Unionised by stealth': Migrant workers come with a catch

Unions will be given special access rights, including inductions that exclude management, to foreign workers brought in to fill aged care staff shortages under migration rules backed by the Albanese government.

The government's first labour agreement for temporary skilled workers in aged care, announced last week, includes a memorandum of understanding that features seven pages of union access conditions and expanded labour market testing.

The aged care labour agreement at Curtin Heritage in Perth, seen by The Australian Financial Review, is set to deliver 570 staff over five years.

It is the first step in what has been called a grand bargain with unions to allow the fast-tracking of low-paid migrant workers into the country to ease workforce shortages in aged care.

But migration agents and aged care employers have warned that some providers are baulking at the MoU, labelling it as union overreach that will prevent providers signing up.

Under the MoU, management is expressly barred from attending the inductions unless they are invited by the union and "make a positive statement about the relationship with the union and the ongoing commitment to work together".

There is speculation the model will be extended to other sectors that have used labour agreements, including hospitality and the meat industry.

Opposition immigration spokesman Dan Tehan said that "this is the beginning of Labor reshaping the workforce by allowing unions into workplaces on a regular basis".

"This is the quid pro quo for the unions for Labor's big Australia policy," he said. "Many industries with current labour agreements used for migration purposes would be very nervous at the precedent it is setting." However, Labor and unions have defended the measures as necessary to guard against exploitation and ensure quality aged care.

While the MoU removes requirements for providers to advertise jobs locally, it introduces "expanded labour market testing" that means they must offer local staff the maximum 76 hours a fortnight before using overseas workers and review local employees' desire for increased hours on an ongoing basis.

Providers must give staff predictable rosters with “set hours, decent wages and good working conditions” and limit agency staff to only “exceptional circumstances”. They are required to provide union delegates with 10 days’ paid leave to attend union training, two-hour union inductions for migrant workers and two 30-minute paid union meetings a year for all workers.

The Department of Home Affairs says to access the labour agreement “employers must first enter into a MoU with the relevant union/s” and has sent out copies of a template version of the MoU on request.
‘Raised eyebrows’

Document properties show the MoU was authored by an official of the Victorian nurses union, who also used to be a United Workers Union industrial officer. The MoU is a template deal, so employers could in principle negotiate their own agreements. It is understood at least 20 providers have started talks with unions about an MoU in the past few weeks. However, a migration agent who has been showing the MoU to providers said it “raised eyebrows substantially” and called it a “real overreach”.
“I don’t think they’ll sign,” the agent said. “This is not the magic bullet employers thought it would be.”

One senior manager for a major aged care provider, which would not comment publicly, said the union’s “ambitious” MOU was “a huge prima facie obstacle” for providers.
“Unions have got to be careful at overplaying their hand. They’re risking little uptake [of this labour agreement] and having their roles prescribed.”

Australian Industry Group chief executive Innes Willox said while employers supported proper treatment of workers, the MoU raised “significant concerns” about increased union entry rights and the potential for coercion of workers to join unions.

He argued freedom of association included the right to not join a union and said that, at a minimum, employers needed assurances that their workplaces “will not be unionised by stealth”.
“There is deep concern among employers generally that this arrangement will give unions unfettered rights to enter aged care workplaces employing a new migrant worker and control over who they can employ and ultimately how their businesses are operated,” he said.

“There is further concern that this arrangement will be forced on employers in other sectors.”
But UWU national aged care director Carolyn Smith said the MoU was designed to increase retention and prevent poor treatment of workers, which had been a “real concern” for unions in the sector.

‘Ensure quality care’ “We accepted there was a need for more staff and those staff would have to come in as temporary workers, but we wanted to make sure they were protected as workers and knew their rights,” she said. “We also wanted to make sure they knew what the regulatory environment was and knew how to raise care issues without worrying about losing their job or leaving the country.”

She said the industry was characterised by short shifts and low hours and “at the MoU’s heart is to ensure real quality care”.

Since the government publicly announced the labour agreement last week, Ms Smith said the union had been “overwhelmed” with inquiries from providers and migration agents.

“Aged care providers may be questioning it but they better get in line because they might miss out,” she said, saying most “sounded very keen”. The government announced the labour agreement last Monday but did not publicly release the details of the template MoU. Prioritising visa workers for aged care is intended to help providers have enough staff to ensure the 200 minutes of care per resident per day that will be required from October.

It also follows recommendations from the immigration system review to create pathways to bring in low-paid care sector workers while also establish monitoring because of the potential for exploitation. Private Perth provider Curtin Heritage Living has already signed up to the agreement with the UWU, saying it would help address "a critical shortage of skilled workers".

Big pathway for permanency Immigration Minister Andrew Giles said the former Liberal government had failed to tackle long-standing workforce concerns in the sector and had granted fewer than 100 sponsored visas under aged care labour agreements. "The Albanese Government makes no apologies for engaging in genuine, sensible, tripartite approaches to visa policy," he said. "We know workers who hold temporary sponsored visas, particularly in lower wage jobs, are more vulnerable to mistreatment and exploitation. Access to unions helps address this vulnerability."

But Mr Tehan also raised concerns that the agreement would flood the workforce with migrants due to its shortcut to permanent residency. "There is a real danger given the two years it only takes to get permanent residency that this will be exploited as a new pathway when we already have 1.5 million permanent migrants coming into Australia this year and over the next four years," he said.

The agreement only requires that workers have a Certificate III qualification and does not require any experience. Visa workers will then get permanent residency after only two years, rather than the three typically prescribed for temporary skilled workers. Migration agents said providers had been inundated with hundreds of emails from workers seeking to use the pathway.

Mr Giles said employers, migrants and unions all supported an expedited pathway to permanency and said Mr Tehan inferring it was a shortcut showed "the Liberals remain committed to a guest worker society, putting as many barriers up as they can to stop workers becoming citizens".

Aged & Community Care Providers Association Tom Symondson said it was "working with members to understand the requirements and implications of the template MOUs being put forward by unions in the sector". "ACCPA is keen to expedite the arrival of migrant workers into the aged care sector as soon as possible," he said.

4) Changes to Australia's Working Holiday Maker Program and the UK's Youth Mobility Scheme

Joint media release with Senator the Hon Don Farrell

The Australian Government is delivering enhanced pathways for young Australians and UK passport holders to live and work in each country.

Today the Australia-United Kingdom Free Trade Agreement (A-UKFTA) entered into force, commencing new arrangements under Australia's Working Holiday Maker (WHM) program and the UK's Youth Mobility Scheme (YMS).

For UK passport holders who apply for Australia's Working Holiday visa, the new arrangements will see an increase in the eligible age range and removal of specified work requirements.

-From 1 July 2023, UK passport holders will be able to apply for a Working Holiday visa between the ages of 18 and 35 years inclusive. This is a five year increase from the current maximum age of 30 years inclusive.

-From 1 July 2024, UK passport holders will be eligible to be granted Working Holiday visas up to a total of three years without having to meet any specified work requirements.

Similarly, for Australian passport holders who apply for the UK's YMS, the new arrangements will also see an increase in the eligible age range and the ability to stay in the UK for up to three years.

From 31 January 2024 Australian passport holders will:

-be able to apply for a YMS visa between the ages of 18 and 35 years inclusive. This is a five year increase from the current maximum age of 30 years inclusive; and extend their YMS visa for a third year if they choose.

5) South Australia's Skilled Nominated (Subclass 190) visa allocation

South Australia's Skilled Nominated (Subclass 190) visa allocations have been exhausted for 2022-23. However, we are pleased to announce that the General Skilled Migration program will remain open until 8 June 2023. This means that pending an allocation of Subclass 190 nominations from the Commonwealth Government for the 2023-2024 program year, applicants who are assessed as eligible for a Subclass 190 nomination will receive this nomination in the upcoming program year.

Skilled and Business Migration will be contacting all affected clients over the coming days with next steps. Options for individuals who meet the subclass 190 requirements at the time of lodgement are: Elect to be nominated in the 2023-2024 program year (there will be no need to resubmit an application, which will have been assessed under the eligibility requirements at the time of application). The nomination will occur immediately upon an allocation of subclass 190s in the 2023-2024 program year.

Accept a Subclass 491 nomination instead of a Subclass 190 nomination this program year. Withdraw the Subclass 190 application and request a refund. With this option, any future applications will be assessed against new criteria and refunds will not be offered to applicants who have lodged an application and do not meet the published criteria.

We recognise that you may have questions regarding your individual application, and we are committed to addressing them. You can contact the team by submitting an enquiry via the online portal.

We believe that the decision to remain open will benefit individuals seeking to live and work in South Australia and we thank you for your interest in South Australia's Skilled Migration program.

<https://mailchi.mp/dae06e4de30e/skilled-nominated-subclass-190-visa-allocations-have-been-exhausted>

6) VETASSESS

7 Common Mistakes to avoid in an assessment application for a professional occupation

<https://www.vetassess.com.au/home/updates/post/7-common-mistakes-to-avoid-in-an-assessment-application-for-a-professional-occupation>

VETASSESS and Confederation of Indian Industry partner on skills harmonisation

<https://www.vetassess.com.au/home/updates/post/skills-assessment-confederation-indian-industry>

7) TRA skills assessments

Message from TRA to MIA members

Only assessment ready applications should be lodged to our programs, particularly for the Job Ready Program.

Applications that do not meet program eligibility on the date the application is submitted will be considered invalid and will not be processed.

Lodgement of an invalid application will not save a place in the processing queue. These applicants will be required to restart their application (and pay the assessment fee again) when they are eligible or when the required documents are provided.

We want to process eligible applications quickly, which is why we are asking for your help.

Reminder on valid applications

Over the last 12 months we have expanded the size of our assessment teams in the Job Ready Program to process a significantly higher number of applications. To enable us to process applications quickly we need the application to include all documents and be submitted after the applicant has completed their qualification.

Applications that are incomplete or submitted prior to completion of the qualification are considered invalid and will not be processed. We are asking you and your members to reinforce the importance of submitting applications that are complete, valid and ready for assessment. Information about required documentation for a complete and valid application can be found at

www.tradesrecognitionaustralia.gov.au.

Reminder

i. applications are considered invalid if submitted without correct documents and/or incomplete documentation at the time of application.

What's changing

ii. security updates with mandatory multi-factor authentication from 29 June 2023.

iii. reintroduction of Provisional Skills Assessment from 1 July 2023.

What's changing

Important security updates

From Thursday 29 June 2023 we are introducing mandatory multi-factor authentication to the Trades Recognition Australia's Online Portal to further protect the personal information and security of our applicants.

Multi-factor authentication will involve entering a One Time Passcode that will be sent to the email address a user registered with when logging into our Online Portal.

When a user accesses the portal for the first time after 29 June 2023, they will be asked to enter an Registered Email Address to receive their One Time Passcode. Only one email address can be used, therefore applicants and agents who do not share the same email address will need to decide which email address to register to receive the One Time Passcode. We anticipate further system

enhancements will allow for applicants and migration agents to be able to access the same application.

Re-introduction of the Provisional Skills Assessment program on 1 July 2023

On 1 July 2022, the Department of Home Affairs temporarily suspended the requirement for a qualification skills assessment as a pre-requisite for a 485 visa for twelve months.

On Saturday 1 July 2023, the Provisional Skills Assessment program will be restarting for migrants who require a qualification skills assessment prior to applying for a 485 visa. The Provisional Skills Assessment is a pre-requisite for the Job Ready Program.

To reduce confusion for our applicants we are separating the Provisional Skills Assessment program from the Job Ready Program to make the pathways and purpose of each program clearer. The program guidelines will be separated and updated, and the online application portal will be updated on 1 July 2023 to reflect the two programs.

(Source: MIA)

8) 485 Graduate stream applicants from the 1st July 2023

From the 1st July 2023 it looks like some diploma graduates will no longer be eligible for the 485 graduate stream as their recent eligibility was only due to Covid concessions

For example diploma of community services, marketing, business etc students may find they are unable to apply for a provisional skills assessment in an occupation on the legislated list . As their occupation before covid was not on the previous 485 graduate occupation list.

So if you have recently completed one of these qualifications in the last 6 months and you are eligible for the 485 graduate stream visa, you should consider lodging the 485 application BEFORE 1st July 2023

9) New information about the 2023/24 migration program

<https://immi.homeaffairs.gov.au/what-we-do/migration-program-planning-levels>

10) Temporary skill shortage (TSS) visa workers to be given 6 months (instead of 60 days) to find a new sponsor

<https://minister.homeaffairs.gov.au/AndrewGiles/Pages/tackling-temporary-worker-exploitation-05062023.aspx?fbclid=IwAR2hYOLcUmErB1g7h97Y5ExAYRlrjQais6JT43KfUA7TefxkkomeScgae2s>

11) Changes to medical examinations effective from 1 July 2023

From 1 July 2023, urine tests will no longer form part of the medical examination. We will require a blood test to be undertaken instead. Applicants aged 15 years or older, who have not completed their medical examinations prior to 1 July 2023, will be required to undertake a blood test. We will no longer require children between the ages of 5 and 14 years old to undertake urine or blood tests unless clinically indicated.

12) News Articles

New Zealanders say Home Affairs appears to have fast-tracked 'redundant' \$4,000 visas

<https://www.abc.net.au/news/2023-05-17/new-zealanders-accuse-home-affairs-of-visa-cash-grab/102330108>

Are we on track for net migration of 400,000 in 2022-23?

<https://johnmenadue.com/are-we-on-track-for-net-migration-of-400000-in-2022-23/>

Worker shortage ends in NT pubs as backpacker visa changes see travellers flock to hospitality

<https://www.abc.net.au/news/2023-05-23/nt-hospitality-worker-shortage-ends/102376108>

Immigration policy about to undergo massive shake-up

<https://independentaustralia.net/politics/politics-display/immigration-policy-about-to-undergo-massive-shake-up,17537>

Australia poised to scrap its 'COVID visa', narrowing options for international students

<https://www.sbs.com.au/language/hindi/en/podcast-episode/australian-government-to-end-pandemic-event-visa/cxja222nh>

'Permanently temporary' migrants are part of Australia. Labor must not fail them again

<https://www.theguardian.com/commentisfree/2023/may/23/permanently-temporary-migrants-are-part-of-australia-labor-must-not-fail-them-again>

Tens of thousands of these workers are exploited. Could this plan put an end to it?

<https://www.sbs.com.au/news/article/tens-of-thousands-of-these-workers-are-exploited-could-this-plan-put-an-end-to-it/ht1kc8ut2>

Indian Prime Minister Modi strikes new agreements on migration and green hydrogen in Australia

<https://apnews.com/article/australia-india-modi-albanese-agreements-3b70959f01502aecb56897161d297237>

The Morrison government promised refunds for these visas. Where are they?

<https://www.sbs.com.au/news/article/the-morrison-government-promised-refunds-for-these-visas-where-are-they/dn7or4is1>

Australian Universities Crack Down On Visa Fraud: Indian Applicants From Specific States Barred

<https://www.outlookindia.com/national/australian-universities-crack-down-on-visa-fraud-indian-applicants-from-specific-states-barred-news-289489>

Australia and India have signed a new migration deal. Here's what we know

<https://www.sbs.com.au/news/article/australia-and-india-have-signed-a-new-migration-deal-heres-what-we-know/3qmk7glj3>

Why it will soon cost you more to leave Australia

<https://www.sbs.com.au/news/article/why-it-will-soon-cost-you-more-to-leave-australia/ip0p7bmwq>

Aged care labor migration pathway full of 'risks'

<https://independentaustralia.net/politics/politics-display/aged-care-labor-migration-pathway-full-of-risks,17561>

Australian Government to tackle worker exploitation

<https://ministers.dewr.gov.au/burke/australian-government-tackle-worker-exploitation>

Many migrant workers face a 'crisis of exploitation'. Will these reforms end it?

<https://www.sbs.com.au/news/article/many-migrant-workers-face-a-crisis-of-exploitation-will-these-reforms-end-it/yi235bd38>

'This is going to be a problem': How changes to student visa rules will hit hospitality

<https://www.smh.com.au/goodfood/eating-out/this-is-going-to-be-a-problem-how-changes-to-student-visa-rules-will-hit-hospitality-20230608-p5df08.html>

Ancient Human Migration to Australia Result of Failed Population in Laos [Study]

<https://www.natureworldnews.com/articles/56918/20230613/ancient-human-migration-australia-result-failed-population-laos-study.htm>

Australia's visa overhaul leaves Chinese millionaires in limbo

<https://www.channelnewsasia.com/world/australia-visa-chinese-millionaires-overhaul-limbo-3565721>

Ok folks

That's all for this month, stay safe

See you all on Monday 17th July 2023.



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