

Iscah Migration Newsletter



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Welcome to our latest monthly edition of our newsletter

We bring to you all the changes we have seen in the last month. If you would like backcopies go to our website at www.iscah.com

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On to this month's news...



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1) Nominations now open for the Skilled Work Regional visa (subclass 491) Pathway 1 in NSW

From NSW state government -

We are pleased to announce that applications for New South Wales nomination for the Skilled Work Regional (subclass 491) visa under Pathway 1 are now open. In the following sections, we will provide a detailed explanation of the nomination process and the essential guidelines applicants must follow. This opportunity is designed to support skilled individuals already contributing to New South Wales' thriving community and economy.

Nomination Process

To successfully apply for NSW nomination for the Skilled Work Regional visa (subclass 491) under 'Pathway 1', follow these essential steps:

1. **Confirm Eligibility:** Confirm that you meet all visa requirements set by the Department of Home Affairs, as well as the specific NSW nomination criteria.
2. **Submit your EOI:** Lodge your EOI through SkillSelect. Ensure your EOI is for the Skilled Work Regional visa (subclass 491) only and seeking nomination from NSW only. Important: your EOI cannot be amended after you apply. Therefore, ensuring its accuracy and completeness before applying is highly important.
3. **Apply:** Complete the application form provided below. Attach ALL required supporting documents in a single .zip file for submission.
4. **Assessment:** Once your application is submitted, our office will assess your application against our nomination criteria. This may take up to six weeks.
5. **Outcome:** If your application meets our criteria, you will receive an invitation to apply for the Skilled Work Regional visa (subclass 491) from the Department of Home Affairs. This invitation will be sent to the email address provided in your SkillSelect EOI.

Key Guidelines for NSW Nomination

Before proceeding with the application form for NSW nomination, it's crucial to understand and adhere to the following guidelines:

1. **Previous NSW Nomination:** If you have already been nominated by NSW for any skilled visa, you are ineligible for further NSW nomination.
2. **Single Active Application Rule:** You may only have one active NSW nomination application at any time.
3. **Validity of Supporting Evidence:** Ensure that all supporting evidence is valid for at least 5 business days from the date of you apply for NSW nomination.
4. **Accuracy of Information:** It is imperative that the information provided in your application is accurate and truthful. Incorrect or misleading information may cause delays in the assessment process or lead to your application being declined.

2) International student visa numbers fall amid migration squeeze

The number of international student visa holders approved to come to Australia is on track to plummet by more than 90,000 this financial year, as the federal government rejects an increasing number of applicants to curb the high levels of temporary migration.

The number of visas granted to offshore students dropped to 139,132 in the first half of the financial year, figures from the Department of Home Affairs reveal, with nearly 20 per cent of all applicants rejected. If the approval rate continues 91,715 fewer overseas students will arrive in 2023-24 compared with the past year.

International Education Association of Australia CEO Phil Honeywood said the figures were part of the government crackdown on giving visas to applicants who were more interested in work rights than study, which the government refers to as "non-genuine students".

"The focus has been on winding back a large number of diploma-level vocational students doing courses such as diploma of leadership, and instead the primary focus is on students who can add skills to the Australian economy," he said.

The total number of student visas approved – including for non-residents already in Australia – was 195,934, which is also on track to fall below the record 577,295 visas granted in 2022-23.

The change in the numbers is being driven by the number of rejected applicants, with 81 per cent of student visa requests being granted in the past six months.

This is down from 86 per cent of applicants being approved in 2022-23, 91.5 per cent in 2021-22 and 89.9 per cent in the pre-Covid year of 2018-19.

A Department of Home Affairs spokeswoman said visa approvals needed to be "balanced against upholding the integrity of the student visa program".

"The department has seen increasing levels of integrity concerns across the student visa program," she said.

"The department received higher levels of fraudulent documents, fraud related to English language testing, non-genuine claims and non-genuine subsequent marriages being presented in student visa applications.

"The department will refuse a visa application to non-genuine applicants who do not meet regulatory requirements and where fraud is present."

Education Minister Jason Clare said Labor was committed to improving the standing of the nation's higher education sector and combating exploitation.

"The Albanese government's migration strategy and the other integrity measures we've put in place send a clear message that we will act to prevent the exploitation of students and protect Australia's reputation as a high-quality international education provider," he said.

A global push is under way to limit student migration, with Canada seeking to curb its numbers by announcing a two-year cap on foreign students that will cut numbers by 35 per cent, and Britain barring foreign students from bringing dependants.

Migration expert and former immigration department official Abul Rizvi said the decline in student visa approvals reflected a bid from the government to lower net migration and ease the pressure on infrastructure and the housing market.

"The reason I think the government is targeting students right now is to get net migration down to a more sustainable level," he said. "And in our history, whenever net migration has hit or approached around

300,000, problems have occurred in terms of congestion, inadequate infrastructure and housing, but also many government services start to strain at that level of net migration.

"And of course last year, we hit over 500,000, which is the highest in our history and not surprisingly, all of those things are under strain as a result."

Mr Rizvi said the Australian, Canadian and British governments' different approaches to bringing down student numbers were all poorly designed, arguing that the Albanese government's strategy of upping refusals wasted resources. "Australia's approach has been to crank refusal rates," he said. "I personally think all three countries have got it wrong; they're just doing it badly.

"Not letting dependants come is poor practice, student visa capping in an arbitrary way and it's also chaotic ... and Australia's approach is subjective refusal rates.

"That's not very good either, it's just a waste of resources."

Opposition immigration spokesman Dan Tehan has accused Labor of pursuing a "Big Australia policy" and allowing a record intake of international students to help "drive overseas migration to a record 518,000 people as Australians endured housing shortages, rent hikes, and a cost-of-living crisis exacerbated by population growth".

"Labor says they're not running a Big Australia policy but they also said they would deliver the stage 3 tax cuts," he said.

The rate of visas being granted to international students in the university education sector alone dropped to 82.5 per cent since July, from 87.5 per cent in 2022-23 and 96 per cent in 2021-22.

In the past six months 98,198 student visas have been granted for study in the higher education sector showing a trend downwards from 2022-23 when 261,317 visas were granted through the course of the year, the highest in more than a decade.

While the rate of overseas Chinese university students being granted visas offshore remained steady at about 97 per cent, grant rates for offshore higher education students from India, Australia's second-biggest market, dropped from 74.2 per cent in 2022-23 to 60.8 per cent this financial year. Grant rates for the third-biggest market, Nepal, went from 65.2 per cent to 48.8 per cent in the same period.

(Source; The Australian Newspaper)

3) Closure of the WA State Nominated Migration Program applications for 2023-24

The number of WA applications received under the State Nominated Migration Program (SNMP) has now exceeded the available allocations for the 2023-24 program year.

WA Migration Services will stop accepting new SNMP applications from close of business on 2 February 2024.

Existing applications that have already been lodged prior to this time will continue to be assessed under existing eligibility criteria, and eligible applicants will be issued nominations (subject to availability of allocations).

Some eligible applications lodged prior to the program closure date will not be considered as part of the 2023-24 program year. Applicants will be contacted if this applies to their application.

Those who have visas expiring should seek professional advice from a Registered Migration Agent (RMA) and ensure that they remain lawful during their stay in Australia. A comprehensive list of RMAs is available at www.mara.gov.au (opens in a new tab).

The State Government continues to advocate for nomination allocation numbers that meet the needs of the State.

4) VETASSESS

6 Answers by Experts - January 2024

<https://www.vetassess.com.au/news/6-answers-by-experts-january-2024>

VETASSESS update - Plumber

We will resume taking new skills assessment applications for the occupation of Plumber (General), ANZSCO code 334111, on Monday, February 12. We continue discussions with Trades Recognition Australia (TRA) on when we can resume skills assessments of the 7 other trades we suspended last year and will advise you as soon as we have an update.

Applications reopen for new Plumber skills assessments

We paused acceptance of new Pathway 1 applications for Plumber (General) last October because the qualification we assessed against was superseded.

The new CPC32420 Certificate in Plumbing qualification came into effect on January 31 this year and we will now be assessing applicants against these criteria. We have a new fact sheet available and have updated our Pathway 1 Technical Assessment Guide. They are on our website

VETASSESS update - Hospitality manager occupations

VETASSESS has reviewed and updated its skills assessment criteria for two occupations relating to accommodation and hospitality management, following consultation with the Australian Hotels Association (AHA).

The AHA endorses the VETASSESS skills assessment criteria for the occupations of:

Hotel or Motel Manager (ANZSCO code 141311)

Accommodation and Hospitality Managers NEC (ANZSCO code 141999)

Hotel Service Manager (ANZSCO code 431411).

Accommodation and Hospitality Managers NEC (not elsewhere classified) organise and control the operations of establishments that provide accommodation and hospitality services.

We have a new fact sheet available are on our website.

5) Natural Disaster Recovery Work

From 2 February 2024, Working Holiday Makers are able to count paid or volunteer work for natural disasters recovery work. This includes work in declared areas affected by cyclone or other severe weather, as 'specified work' to apply for a second or third WHM visa. Working holiday makers must have carried out this work from 31 December 2021 in declared disaster affected areas. We will continue to recognize bushfire recovery work carried out since 31 July 2019 and flood recovery work carried out since 31 December 2021.

Further details on the new extended specified work arrangements for Working Holiday (subclass 417) and Work and Holiday (subclass 462) visa holders are available under Specified work and conditions. For more information, see Minister for Immigration, Citizenship and Multicultural Affairs' media release.

6) English

Update from Immigration about acceptable English language tests

From 12 February 2024, only results from the paper-based Cambridge C1 Advanced test (previously known as Cambridge English: Advanced CAE) will be accepted for Australian visa and migration purposes.

Test scores for both C1 Advanced paper-based and computer-based tests, taken before 12 February 2024, within the specified validity period (see relevant eligibility pages linked below), are still accepted.

7) New ACS Migration Skills Assessment launches March 2024.

<https://www.acs.org.au/msa.html>

8) Critical Technology study defined

From 1st April 2024 students wanting to transfer into the following areas will need to seek permission to do so.

9) Mobility Arrangement for Talented Early-professionals Scheme (MATES)

<https://l.facebook.com/l.php>

10) New Legislation on penalties for companies in employer visa categories

https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fems%2Fr7058_ems_1204d6a7-026c-4380-b2ca-aef91d596ff7%22

11) Queensland update on 492 Nominations

<https://migration.qld.gov.au/visa-options/skilled-visas>

12) Media Article on visa processing times

Australian government loses bragging rights on visa time frames

While ministers say they have fixed predecessors' visa processing delays, published data suggests otherwise. Australia's government has lost its bragging rights for fixing the massive visa processing delays of its predecessor, with accountability changes making the claim impossible to verify.

A year or so after its election in May 2022, the Labor administration said it was addressing the "legacy of mismanagement left by the previous government" including "an overwhelming visa backlog" and "long excessive waiting times".

The migration strategy released last December was focused on "making the system work by being fast, efficient and fair". Cabinet ministers said visa processing times had been slashed from 40 to 14 days for students and 11 to three days for vital regional workers.

However, according to a clearly flawed Department of Home Affairs (DHA) webpage that tracks visa processing times, they have not changed at all for the past decade.

DHA said it had started revising the data on the webpage six months ago. Its aim had been "to assist visa applicants to understand how long individual visa subclasses usually take to process in the context of the prevailing environment, following the reopening of Australia's international borders and the government's priority to reduce the visa backlogs".

"Work is currently underway to update processing times that reflect finalisation numbers in accordance with the ministerial direction 107," a spokesperson added.

The ministerial direction, issued in mid-December, instructed immigration officials to prioritise visa applications from people intending to study at "low-risk" institutions. Applications to study at other institutions, including the 18 universities currently rated as medium or high immigration risk, were to be put on the back burner.

Since then, vice-chancellors and agents have complained of significant processing delays affecting all universities, including low-risk ones. "Government slowdown/inaction on visa approvals – even for genuine students that were submitted well in timeframes required – is impacting all of us," Australian National University international student recruitment boss Brendon Lutwyche complained in a LinkedIn post.

"Is it a migration cap by stealth? Can you imagine the outcry if the government suddenly told Rio Tinto their three iron ore carriers berthed in Gladstone port wouldn't be able to depart with their product?"

Tertiary education consultant Claire Field said the "policy intent" of the migration strategy had been right, but its implementation had been flawed.

In particular, DHA appeared to have "moved ahead" of the government's announcements and started refusing visas based on yet-to-be-announced criteria – a suspicion shared by other international education operators, who say universities are receiving unfavourable risk ratings because of factors beyond their control.

While DHA says visa applications are assessed against current legal requirements, visa applications for higher education study are being rejected at unprecedented rates.

Although grant rates for higher education visas have declined across the board, well over nine in 10 applications from many SouthEast Asian and East Asian countries – including the top source market of China – are nevertheless approved. But success rates from key South Asian and African countries are at all-time lows.

In December, officials rejected approximately one in four applications from India, one in two from Kenya and Nepal, three in four from Pakistan and four in five from Nigeria.

International education researcher Angela Lehmann, a China expert, said universities were being given mixed signals. "Obviously we need regulation...but it's not helping to facilitate diversification."

Ly Tran, an international education and engagement expert at Deakin University, said the delays and rejections were unfair on students and risked "diplomatic ramifications" – particularly in countries like India, where Australia's government has vowed to strengthen educational ties by "supporting student mobility".

"International students are seen as tradable commodities," Professor Tran said. "Now they are also seen clearly as political tools."

(Source: Times Education online)

13) Unis rejecting tourist, bridging visa holders as foreign crackdown

Universities are barring international student applications from people already in Australia on tourist, temporary work or bridging visas before the next phase of a Labor crackdown on migration. The sector's peak bodies will this week consider asking the government to freeze its changes to the risk ratings that determine priorities for visa processing, to prevent institutions slipping in ranking after the government slashed visa approvals.

Universities are rejecting applications from people already in Australia on tourist and post-study work visas in a new phase of the foreign student clampdown.

The Albanese government's new migration strategy is designed to weed out people using the student visa system as a back door to the job market, aiming to cut new arrivals by about 250,000 by targeting universities and colleges considered the highest risk of accepting students coming to Australia to work rather than study.

International Education Association of Australia head Phil Honeywood said the government's shake-up of the size and integrity of higher education to reduce the number of temporary entrants to Australia meant universities were rejecting onshore applicants to protect their own ratings from slipping.

"It's becoming very difficult to move from a tourist visa and post-study work rights visa to a student visa and providers are under increasing pressure to reject applicants in order not to compromise their risk rating," Honeywood said.

He said the sector's peak education bodies were meeting this week to see whether they could reach a consensus on freezing risk ratings, which would allow institutions more time to adjust to the government's changes before they are assessed.

Global Reach education agency director Ravi Singh said some temporary visa holders had found one way to extend their time in Australia: by applying to study at a low-quality provider so they could obtain a student visa, which also granted them work rights, even though they weren't genuine students.

"After having not found a pathway to permanent residency, they have returned to a student visa," he said.

While no concrete changes have yet been made, the government's migration strategy outlines an intent to restrict temporary graduate visa holders from transferring back to student visas while onshore, as well as an intent to restrict onshore visa hopping.

Flinders University in South Australia is among the institutions to begin refusing tourist visa-holders, while assessing other temporary entrants on a case-by-case basis.

Charles Sturt University is barring applicants on post-study work visas, bridging visas, and the phased-out pandemic visas. A spokesperson for the university – which operates in NSW, Victoria and the ACT – said its approach was informed by government policy and guidance from the Department of Home Affairs, "as well as analysis of our visa outcomes".

"Where we consider that a student is unlikely to meet the Department of Home Affairs' [genuine temporary entrant] requirement, we are unable to offer admission to Charles Sturt," the spokesperson said.

Home Affairs Minister Clare O'Neil has questioned whether Australia's most prestigious institutions are on board with the government's migration strategy.

A University of Wollongong spokesperson said Home Affairs data "recently identified an elevated risk of non-genuine applications, and UOW is adjusting processes related to admission and genuine temporary entrant screening processes in response to this".

A University of Sydney spokesperson said the institution was not rejecting onshore applicants. Home Affairs Minister Clare O'Neil said the government would not shy away from making important changes to the sector.

"After a decade of open slather on student visas, migration is unsustainably high and our government is tackling dodgy providers and halving migration rates by next year," she said. O'Neil's December directive to prioritise student visa processing based on risk ratings was meant to benefit top-tier universities; however, she questioned their support of the overhaul when Group of Eight head Vicki Thomson cast doubt on the accuracy of data that showed a significant boost to visa approvals for prestigious institutions.

Amid growing tension between the government and the sector over the handling of the migration overhaul, Universities Australia chief executive Luke Sheehy said in a published statement to his members this month that he was continuing to meet with the government over their concerns about processing. He also said the government was considering pausing changes to risk ratings and would consult the sector. A departmental spokesperson said the latest risk-rating update, which occurs twice yearly, was due to happen this month.

(Source: Western Australian newspaper)

14) News articles

Reviving Australian Citizenship: What the government needs to do

<https://johnmenadue.com/reviving-australian-citizenship/>

Hordes of Irish youths flooded Australia in 2023 ... but experts say we'd be worse off without them

<https://www.news.com.au/finance/work/at-work/hordes-of-irish-youths-flooded-australia-in-2023-but-experts-say-wed-be-worse-off-without-them/news-story/f691b258027ac25a23fa316dd2f9d9ae>

Why net migration surged under Albanese Government in January

<https://independentaustralia.net/politics/politics-display/why-immigration-surged-under-albanese-government-in-january-,18428>

Immigration rule for international students who want to call Australia home set to ease

<https://www.dailymail.co.uk/news/article-13020681/Immigration-rule-international-students-Australia-rent.html>

Restricting onshore student visa hopping – harder than it looks

<https://johnmenadue.com/restricting-onshore-student-visa-hopping-harder-than-it-looks/>

'It's a mess': migration agents cry foul after Australia clarifies 'golden visa' scheme remains active

<https://www.scmp.com/week-asia/politics/article/3251173/its-mess-migration-agents-cry-foul-after-australia-clarifies-golden-visa-scheme-remains-active>

What's happening with covid visa holders?

<https://johnmenadue.com/whats-happening-with-covid-visa-holders/>

Australian University withdraws Confirmation of Enrolment based on students "unlikely to meet new criteria to obtain a positive visa outcome"

<https://thekoalanews.com/australia-university-withdraws-confirmation-of-enrolment-based-on-students-unlikely-to-meet-new-criteria-to-obtain-a-positive-visa-outcome/>

A visa to fill Australia's empty tech jobs is getting more expensive, but maybe better value

https://www.theregister.com/2024/02/19/australia_tech_visa_job_visa_application/

Bridging the skills gap through India-Australia tech skills migration

<https://www.aspistrategist.org.au/bridging-the-skills-gap-through-india-australia-tech-skills-migration/>

5 key changes in Australia's international student visa policy so far

<https://businessday.ng/life-arts/article/5-key-changes-in-australias-international-student-visa-policy-so-far/>

What happened to net migration in January 2024

<https://johnmenadue.com/what-happened-to-net-migration-in-january-2024/>

Ok folks

That's all for this month, stay safe

See you all on Monday 15th April 2024.



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