

Iscah Migration Newsletter
Monthly Edition Number 317
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Hey everyone

Welcome to the latest edition of our monthly visa newsletter.

This is a summary of all the visa news we have seen in the last month
If you want to go on the mailing list, or unsubscribe please email us to newsletter@iscah.com

On to this month's news ...

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1. [Working holiday Maker News](#)
<https://immi.homeaffairs.gov.au/what-we-do/whm-program/latest-news>

2. [ANZSCO changing to OSCA in December](#)

The Australian Bureau of Statistics (ABS) and Statistics New Zealand (Stats NZ) have announced that while maintaining comparability, each country will introduce their own tailored occupational statistical classifications. This will allow each agency to maintain separate but aligned classifications, with localised adaptations to better reflect the contemporary labour market and meet stakeholder needs.

For Australia, the new classification will be called the Occupation Standard Classification for Australia (OSCA), 2024, version 1.0 and will be released on Friday 6 December 2024.

The drivers for change are the following:

The difference between Australia's and New Zealand's labour markets is greater than when a joint classification began in 2006.

Stats NZ has been unable to participate in the targeted 2021 and 2022 Australian updates, and the comprehensive review of the classification undertaken by the ABS over the past four years.

ABS and Stats NZ have identified different solutions to meet stakeholder demand.

Even though ANZSCO will change to OSCA in December, ANZSCO will continue to be available on the ABS website.

3. New Family Violence Provisions from Home Affairs

Expansion of the Family Violence Provisions from 15 October 2024

I am writing to inform you of upcoming amendments to the Migration Regulations 1994 that will come into effect today, 15 October 2024. These amendments will expand access to the Family Violence Provisions (FVPs) to secondary applicants of seven permanent Skilled visas.

Background

The Government allocated \$8.9 million in the 2023-24 Budget to expand access to the FVPs to most permanent visa subclasses and additional cohorts of Partner visa applicants.

Expansion of access to the FVPs is one of the measures in support of the Government's National Plan to End Violence Against Women and Children 2022-2032, and recognises the specific challenges temporary visa holders experiencing domestic and family violence can face, including uncertainty about the impact of leaving a violent relationship on their visa status.

Expansion of the FVPs is being implemented in stages, as it involves significant amendments to the Migration Regulations 1994 and complex changes to Department of Home Affairs ICT systems. This email focuses on the changes which come into effect on 15 October 2024.

Legislative amendments

Amendments to the Migration Regulations 1994 will expand access to the FVPs to secondary applicants of the following seven permanent Skilled visas:

- Employer Nomination Scheme (subclass 186)
- Regional Sponsored Migration Scheme (subclass 187)
- Skilled Independent (subclass 189)
- Skilled Nominated (subclass 190)
- Permanent Residence (subclass 191)
- Global Talent (subclass 858)*
- Skilled Regional (subclass 887).

Note: The Global Talent (subclass 858) visa previously contained provisions for secondary applicants affected by domestic and family violence, but these provisions contained a drafting error which meant they could not be used to grant a visa. The amendments address this issue and align provisions in the Global Talent visa with the new FVPs being inserted into other Skilled visas.

This measure ensures that secondary applicants experiencing domestic and family violence are not 'worse off' as a result of leaving a violent relationship, and that they continue to have access to the same permanent visa pathway, even when they no longer meet the requirement to be a 'member of the family unit' of the primary applicant because they left the relationship.

A 'secondary applicant' is a person who applies for a visa on the basis of being a family member of the 'primary applicant', who seeks to meet the main requirements for the visa (e.g. skilled criteria). Secondary applicants may be granted a visa under the FVPs where the primary applicant is granted their visa, or where the primary applicant's visa is refused on grounds relating to domestic and family violence related conduct.

More information

Information on eligibility and how to apply for the FVPs is available on the Department of Home Affairs' website at Family Violence Provisions ([homeaffairs.gov.au](https://www.homeaffairs.gov.au)). The website will be updated to align with the legislative amendments.

Details of the legislative amendments are available on the Federal Register of Legislation at Migration Amendment (Family Violence Provisions for Skilled Visa Applications) Regulations 2024.

4. Change to health criteria 4005 and 4007 for children born in Australia as follows

The Amendment Regulations form part of the Australian Government's response to the final report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability (Disability Royal Commission Report). The Disability Royal Commission Report was published in September 2023, and recommended the Australian Government to review the existing migration practice and to eliminate or minimise disadvantages against people with disability seeking to settle in Australia. In April 2024, the Department of Home Affairs released the 'Report into its Review of the Migration Health Requirement and Australia's visa Significant Cost Threshold', which proposed that child visa applicants born and living in Australia with a health condition or disability should be given special consideration within the migration health requirement due to their inherent connection to Australia since birth. Later in July 2024, the Australian Government released its final response to the Disability Royal Commission Report, proposing to amend the Migration Regulations to enable special consideration for child visa applicants born and living in Australia with a health condition or disability.

The Amendment Regulations implement the Australian Government's commitment made in the final response to the Royal Commission's report by ultimately allowing a minor visa applicant born and who ordinarily resides in Australia with a health condition and/or a disability to no longer be disadvantaged as part of their visa grant process solely due to that health condition or disability, and ensure fair and equal opportunity for settlement in Australia. The Amendment Regulations do not affect requirements all other minors with a disability or health condition must meet.

The Amendment Regulations also benefit visa applicants who are the parents or carers of a minor visa applicant born and ordinarily resident in Australia with a disability or a health condition, who would otherwise not satisfy the criteria for their visa only as a result of their child having that disability or health condition and not meeting paragraphs 4005(1)(c) or 4007(1)(c). Importantly, the Amendment Regulations do not provide an exemption to the whole of clauses 4005 and 4007 of Schedule 4 to the Migration Regulations or to other visa criteria.

<https://www.legislation.gov.au/.../explanatory-statement>

5. NSW State migration update

2024-25 NSW Skilled Migration Program

See program updates below

We are pleased to announce the opening of our skilled visa nomination program for the 2024-25 program year, with important updates designed to streamline the process and provide more opportunities for skilled migrants and their families to commence a new life in NSW.

Below is a summary of the key updates to the program:
NSW Priority Sectors

The program is aligned to the NSW Government's priorities to address chronic and persistent skills shortages, as well as industries undergoing significant structural changes.

The NSW Priority Sectors are Construction (infrastructure and housing), Renewables (net zero and clean energy), Care Economy (aged care and disability services, early childhood education and care sectors), Digital and Cyber (across all sectors), Education (teachers), Agriculture and Agrifood and Advanced Manufacturing.

Published Skills Lists

NSW has published skills lists for the 2024-25 program year. The lists will be provided at the ANZSCO unit group level, with separate lists for the Skilled Nominated visa (subclass 190) and the Skilled Work Regional visa (subclass 491).

All occupations within an identified unit group that are eligible for the respective visa are eligible for NSW nomination.

Note: Home Affairs determines which occupations are eligible for each visa. Not all occupations within an ANZSCO unit group are eligible, so be sure to confirm your occupation is eligible before obtaining a skills assessment.

Invitation Rounds for Subclass 190 Visa

Invitation rounds for NSW nomination for the subclass 190 visa will begin soon and will occur regularly until the allocation has been filled. To ensure eligibility, we strongly recommend keeping your SkillSelect EOI up to date and making sure that you can provide valid supporting evidence for all claims.

NSW Nomination Pathways for Subclass 491 Visa Opening Soon

Pathway 1 and Pathway 3 for NSW nomination for the Skilled Work Regional visa (subclass 491) will open soon. Detailed eligibility criteria for both pathways are available on our website. Please review these to ensure you meet the requirements before applying.

New Regional NSW Graduate Pathway for Subclass 491 Visa

We are introducing a new direct application pathway for recent graduates from select regional NSW institutions to apply for NSW nomination under the subclass 491 visa (Pathway 3). You can find more information about eligibility and the application process on our website.

TSMIT Concession for Subclass 491 (Pathway 1)

Applicants in select occupations may qualify for a 10% concession on the Temporary Skilled Migration Income Threshold (TSMIT) under Pathway 1. This can make it easier for applicants in select occupations to meet income requirements. For more details, please visit the TSMIT Concessions List on our website.

Updated Skilled Employment Criteria

We have simplified our approach to skilled employment, removing previous restrictions on what employment can be claimed in your EOI. NSW now adopts the Home Affairs definition of skilled employment. For advice on what employment you can claim, we recommend consulting a registered migration agent or legal practitioner, as we cannot provide this guidance.

Changes to EOI Submission

We have removed past restrictions around submitting EOIs in SkillSelect. From this program year, any valid EOI with NSW selected will be considered during an invitation round. Ensure your EOI is complete and visible to NSW for consideration.

Application Fee

The application fee has been increased by CPI for the 2024-25 program year, and is now A\$315, plus GST if applying from within Australia.

For more detailed information on these changes and how they might affect your application, visit our website or consult a registered migration agent or legal practitioner.

6. Victorian State Migration

The Victorian Government is expanding pathways for international student graduates to access the Skilled Work Regional visa (subclass 491).

Key features of this initiative include:

- In 2024-25, the Victorian Government will reserve at least 500 subclass 491 visa nomination places (at least 25 per cent of [Victoria's allocation](#)) for international student graduates of Victorian educational institutions.
- Graduates currently living and working in Melbourne will also now be able to submit a Registration of Interest for subclass 491 visa nomination - creating a pathway to relocate to regional Victoria.

These new pathways provide more opportunities for international graduates to build their careers in regional Victoria and contribute to and strengthen regional communities.

For more information visit [Skilled Work Regional \(subclass 491\) visa](#).

7. BIIP closure and refunds (Department of Home Affairs)

The Department of Home Affairs has permanently closed the Business Innovation and Investment Program (BIIP) to new applications as of 31 July 2024. Applications submitted before this date will continue to be processed by the Department of Home Affairs in line with Australian Government priorities and [Migration Program planning levelsexternal link](#). The Australian Government has reduced the number of visas that can be granted for the BIIP from 1,900 in 2023–24 to 1,000 in the 2024–25 permanent Migration Program.

Eligible for refunds:

- Visa applicants for the provisional (subclass 188) Business Innovation, Investor, Significant Investor, or Entrepreneur streams who withdraw on or after 31 July 2024.
- Visa applicants for the Business Talent (subclass 132) in the Significant Business History or Venture Capital Entrepreneur streams.

Not eligible for refunds:

- Refunds do not apply to Business Innovation or Significant Investor extension streams.

Ongoing processing:

- BIIP applications submitted before 31 July 2024 will continue to be processed.
- Subclass 188 visa holders who meet the criteria can still progress to the subclass 888 visa and will need to apply to the Victorian Government for subclass 888 visa nomination.

For full details on refunds, eligibility, and visa status implications for those in Australia, visit the [Department of Home Affairs BIIP closure and refunds pageexternal link](#).

Victorian visa nomination:

- The Victorian Government continues to provide visa nomination for the permanent (subclass 888) Business Innovation and Investment visa and extensions of the Business Innovation and Significant Investor visas.
- All Victorian visa nomination applications are free of charge.

For further information on the current Business visas, visit our [Business and Investor visas page](#).

8. WA State Migration

Invitations issued on 17 October 2024 for the State nominated migration program. Details here; <https://migration.wa.gov.au/our-services-support/state-nominated-migration-program>

9. ACT Migration

Canberra Matrix Invitation Round: 19 September 2024

The ACT has a fixed number of nomination places available each month (pro-rata against the annual allocation). The highest ranked Matrix in each occupation were invited to apply for ACT nomination. The selection cut-off is determined by various factors, including the priority sectors. Additionally, the cut-off is influenced by the remaining monthly allocation, the date and time of Matrix submission, the occupation cap, and the level of demand. The greater the demand for an occupation, the higher the score of the Matrix invited.

The minimum ranking score is an indication only and not a guarantee that an invitation was issued. Invitations will not be issued if you have an active application in the system; or if you have previously received ACT nomination.

Canberra Matrix submissions in occupations in critical sectors may be prioritised.

Requests for ranking information

Invitations are not guaranteed. We will not respond to requests for information on ranking or the likelihood of receiving an invitation. Matrix will not be prioritised or issued invitations based on personal circumstances. This includes, but is not limited to, visa expiry dates or a change in circumstances including critical birthdays.

Canberra residents

Matrix nominating Small Business Owners

Matrix submissions for Small Business Owners were not considered in this invitation round.

Matrix nominating 457 / 482 visa holders

- 190 nominations: 12 invitations
- 491 nominations: 1 invitation

Matrix nominating Critical Skill Occupations

- 190 nominations: 43 invitations
- 491 nominations: 29 invitations

Overseas applicants

Matrix nominating Critical Skill Occupations:

- 190 nominations: 13 invitations
- 491 nominations: 32 invitations

10. Crackdown sees international student visa applications plummet (Media article from the West Australian newspaper).

Crackdown sees international student visa applications plummet

Visa applications from overseas students have roughly halved since higher fees and tougher rules came into play in July, realising the fears of universities who warned of an economic hit if new government policies lessened the demand for people to study in Australia.

In a sign the federal government's crackdown is flowing through to the sector, there were drastically fewer applications from students in South and South-East Asia in July and August this year compared to the one before, while the vocational education sector had one-fifth of the offshore applicants it did a year ago.

Applications from students in India – the second-biggest source country for international education – were down 66 per cent.

Visa applications from international students have halved since July. Credit: Aresna Villanueva
There were 15,270 student visa applications lodged from offshore in August, less than half the 30,703 that were lodged in August 2023, and the lowest monthly number for August outside pandemic years since 2015.

Numbers were also significantly down in July, with 18,697 students applying offshore compared to 36,207 in 2023. Combined, the data available for this financial year shows 33,967 offshore student applications are almost half of the 66,910 from the year before – the lowest total for those two months since 2016.

The preliminary figures reflect visa application numbers, not visas issued, and the number of students enrolled in Australia remains higher than before the pandemic.

But the early fall in applications suggests the effect of Labor's policies to bring down booming student numbers became more pronounced from July, which is when the government hiked student application fees from \$710 to \$1600.

The number of Indian students applying dropped by more than 8000 – from 13,047 visa lodgments in July and August last year to 4383 this year – while Nepali applicants fell from 4672 to 1944 and Vietnamese applicants dropped from 2617 to 1074.

Applications from prospective students in the Philippines and Pakistan almost dried up: Filipino applications went from 5126 to 849, and Pakistani applications from 4234 to 616.

But Chinese applications were far more steady, with the 12,012 applications lodged in July and August this year, representing 1100 fewer than the same period the year before.

The figures show the effect of Ministerial Direction 107, which Labor introduced in December to slow visa processing and identify non-genuine students. In practice, it has meant fewer students from South Asia have been approved for visas, and regional universities in particular have lost enrolments.

Education Minister Jason Clare said the government was implementing a “managed system for the international education sector, which strengthens integrity and makes it more sustainable”.

“Australia will continue to welcome international students in a way that is sustainable and reinforces quality for all students,” he said.

Professor Andrew Norton, a higher education expert, said a range of migration policies had made things more difficult for students and was putting them off applying to study in Australia.

“What's driving it is a mix of very low success rates, the visa fee has more than doubled, the English language requirement has increased, the amount of money they need to show they have,” he said.

“The Indian market is very sensitive to migration policy and costs, so we're seeing them way down. The Chinese market is less sensitive to those issues so it's been reasonably resilient.”

Norton said university applications had dropped, from 36,015 in July and August 2023 to 20,445 this year, although they were fairly similar to pre-COVID-19 levels.

But visa applications for vocational education and training were “way, way down”, from 10,916 to 2239, as shonky operators had been targeted by the government.

Immigration expert Abul Rizvi said it was difficult to say which of the many changes from the last 12 months was having the greatest effect, but the most recent major change was hiking student visa fees.

“The government would be happy in the sense it will help them to get to the lower net overseas migration [figures] they are promising,” he said. “But if I were the government, I would be asking myself: ‘why am I going through all this pain with student caps if I don’t need to?’”

Both Rizvi and Norton said the figures suggested many institutions wouldn’t reach the new international student caps that the government wants to introduce from next year. Universities Australia chief executive Luke Sheehy said the government’s crackdown had so far cost Australia’s economy \$4 billion.

“This is what happens when international students are told to stay home, which is effectively what the government has been saying since it introduced Ministerial Direction 107 last December,” he said.

“Every day this direction is in place is another day the economy and our universities take a financial hit. It needs to go now.”

11. Student visa evidence levels remain the same

The Department of Home Affairs - September 2024 Evidence Level Update - 03/10/2024

Following a review of the Evidence Level outcomes for the period 1 July 2023 to 30 June 2024, on 25 September the Minister for Home Affairs, The Hon Tony Burke MP, decided to pause the country and education provider Evidence Level changes that were scheduled to occur at the end of September 2024.

The Evidence Level update is now intended to occur to align with the passage of the ESOS legislation and the removal or replacement of Ministerial Direction 107, subject to the decision of the Minister. The pause will allow education providers to revise their recruitment processes following the passage of the ESOS legislation introducing the National Planning Level. Should the ESOS legislation not pass, the Minister will determine the appropriate timeframe for application of the Evidence Level changes.

About Evidence Levels

The Department of Home Affairs updates the evidence levels of countries and education providers twice yearly in March and September to ensure that the Simplified Student Visa Framework (SSVF) and risk response is aligned to recent trends in Student visa outcomes.

An education provider’s Evidence Level is calculated based on the rate of adverse immigration outcomes from their students, including the rate of visa cancellations and visa refusals due to fraud. Therefore, under SSVF, education providers have a responsibility to enrol genuine students qualified to study their intended course. Education providers also have an interest and responsibility to ensure their students submit complete and truthful applications.

The combined country and education provider Evidence Levels are then used to guide financial and English evidence requirements for Student visa applicants.

Education Providers have a shared responsibility to maintain the integrity of the Student visa program

The reputation of Australia's international education industry depends on a Student visa program with high integrity. The integrity of Australia's student visa program is the responsibility of all relevant parties in the international education sector, including registered education providers and other Australian government agencies. The Department of Home Affairs is focused on supporting the sustainability of the education sector through maintaining the integrity of the Student visa program.

12. TRA -Current processing times and expedition requests for MSA & MPA programs

The Migration Skills Assessment (MSA) and Migration Points Advice (MPA) programs are currently experiencing a significant increase in application rates. This is affecting processing times and assessments are taking longer than 120 days to complete.

<https://www.tradesrecognitionaustralia.gov.au/news/current-processing-times-and-expedition-requests-msa-mpa-programs-1>

13. VETASSESS - Answers by Experts in trade occupations - October 2024

<https://www.vetassess.com.au/news/answers-by-experts-in-trade-occupations-october-2024>

VETASSESS - Change in assessment fees for professional and general occupations

From November 20 application fees for professional and general occupation assessments will increase in line with movements in inflation.

This increase does not apply to assessments for trade occupations.

The fee for Priority Processing will not increase.

This is our first increase since July 2023. Fees will rise in line with the Consumer Price Index and have been reviewed according to Australian Government guidance.

Please note that any application received before November 20 will be charged at the current rates.

You can find the new fees via [this link](#).

14. Hamas-Israel Conflict: Visa Support and financial assistance

The Department of Home Affairs is progressing visa applications from people impacted by the conflict. Information on seeking a visa to travel to Australia is available here;

https://www.homeaffairs.gov.au/help-and-support/hamas-israel-conflict?fbclid=IwY2xjawGFFdJleHRuA2FlbQlxMAABHSQIaad2bi_cwpfqgHcmx0ulzZ3NsTc6d4vMvXPvb2tlpMa9aD6dpgBeHg_aem_QNe4jSNdji9ZpvRLAwrLLw

15. Administrative Appeals

The Administrative Review Tribunal has replaced the Administrative Appeals Tribunal (AAT). If you submitted your application for review with the AAT on or before 13 October 2024, you do not need to do anything as your case was automatically transferred to the new Tribunal;

<https://www.art.gov.au/>

16. News

Education Minister Jason Clare says migrant blowout due to international students, backpackers and visa overstays

<https://www.theaustralian.com.au/breaking-news/australias-population-officially-peaks-at-271-million-people-abs/news-story/cdf6f4fb0b4074ac2595d60213e4b503>

Australia's migration intake will exceed 400,000 as the population surges under Prime Minister Anthony Albanese

<https://www.dailymail.co.uk/news/article-13871149/Australias-migration-intake-exceed-400-000-population-surges-Prime-Minister-Anthony-Albanese.html>

Australia tightens temporary work visa rules: Here are the key changes

https://www.business-standard.com/finance/personal-finance/australia-tightens-temporary-work-visa-rules-here-are-the-key-changes-124092500332_1.html

'Does he understand the difference?': Dutton criticised for international student remarks

<https://www.sbs.com.au/news/article/dutton-criticised-for-international-student-remarks/ejsy6wcyj>

International student cap wins Senate committee support, but it comes with conditions

<https://www.sbs.com.au/news/article/international-student-cap-should-be-brought-into-force-senate-report-finds/nzlevo3r0>

40,000 Indians apply for Australia's work and holiday visa with only 1,000 spots

<https://www.indiatoday.in/india/story/australias-working-holiday-visa-sees-high-demand-from-indian-applicants-2617478-2024-10-15>

'You need us': International students protest visa changes

<https://www.news.com.au/finance/economy/australian-economy/you-need-us-international-students-protest-visa-changes/news-story/42315168f2d3d4614176afce63bf4328>

The government says Australia needs 60,000 new houses a year. Who will build them?

<https://www.sbs.com.au/news/article/the-government-says-australia-needs-60-000-new-houses-a-year-who-will-build-them/glqwbc0z4>

Ok folks

That's all for this month, stay safe

See you all on 18th November 2024

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