

Iscah Migration Newsletter

Edition Number 211 | 18th January 2016

Hey Folks

Welcome to what I am sure will be a boomer 2016 for all of us. Hopefully DIBP sort out some reviews to the points test and business skills and the Aussie (and especially WA ha) economy picks up a little.

My goals are to shoot a 72 at golf (by playing all 18 holes to ha), enjoy another year of footy/heartache with my Freo Dockers, learn some more wisdom from my 12 year old daughter (who tells me confidently she knows everything about anything at the moment), and enjoy whatever other challenges that get pushed in front of me and my kids. Bring it orrrn ha !!

A fairly light January newsletter after the bumper December edition, so sit back and enjoy ...

Cheers
Steven



Contents

- 1) Student visas – DIBPs acceptable gaps between courses
- 2) DIBP Checklists for 186 (ENS) and 187 (RSMS) applications
- 3) If you applied for a 186/187 visa and are expecting or just had a baby
- 4) DIBP Advice on fingerprint services in WA
- 5) How to distinguish between Cooks, Chefs and Fast Food cooks for ENS/RSMS
- 6) Changes to the TRA skills assessments for 457s
- 7) Hundreds more jobs face axe at Immigration Department
- 8) Why are there so few 489 (family sponsored) invites each round ?
- 9) Review of the 457 Income Threshold (currently \$53,900)
- 10) SkillSelect - 8 January 2016 round results

1) Student visas – DIBPs acceptable gaps between courses

Acceptable gaps between courses

Students applying for packaged courses may do so provided no more than 2 calendar months elapse between courses, except when the first course finishes at the end of the standard academic year and the student is enrolled in a course commencing at the beginning of the following standard academic year (for example, if the academic year generally ends in November and starts again in February of the following year). In these cases, officers should use their discretion, but should generally ensure that no more than 3 months elapses between courses.

Officers need to assess those cases that go beyond these timeframes on a case by case basis. In determining such cases and whether a student should be allowed to remain in Australia during the break officers should consider factors such as whether the student has a good academic record or if it would be unreasonable to expect them to enrol in another course during the gap.

If a student has finished their studies and has applied for a further student visa, officers should be flexible in the application of the course gap policy when the gap is between visas.

For example, students who have either finished their course part way through the academic year (June) or at the end of the academic year will respectively be granted visas which are valid to 2 months after their course end date or to 15 March in the following year. In this situation the student is entitled to remain in Australia for this period and will have up until the visa end date in which to apply for a further visa. Therefore they may legitimately be in a situation where the gap between courses may be more than 2 months.

(Source: DIBP)

2) DIBP Checklists for 186 (ENS) and 187 (RSMS) applications

They are a little lengthy and nowhere near as useful as the ones Iscah provide ha, but ... here are links to DIBPs checklists for these visa categories.

[http://www.border.gov.au/Trav/Visa-1/186-/Employer-Nomination-Scheme-\(subclass-186\)-employer-document-checklist](http://www.border.gov.au/Trav/Visa-1/186-/Employer-Nomination-Scheme-(subclass-186)-employer-document-checklist)

[http://www.border.gov.au/Trav/Visa-1/187-/Regional-Sponsored-Migration-Scheme-visa-\(subclass-187\)-employer-document-checklist](http://www.border.gov.au/Trav/Visa-1/187-/Regional-Sponsored-Migration-Scheme-visa-(subclass-187)-employer-document-checklist)

[http://www.border.gov.au/Trav/Visa-1/186-/Employer-Nomination-Scheme-\(subclass-186\)-applicant-document-checklist](http://www.border.gov.au/Trav/Visa-1/186-/Employer-Nomination-Scheme-(subclass-186)-applicant-document-checklist)

[http://www.border.gov.au/Trav/Visa-1/187-/Regional-Sponsored-Migration-Scheme-visa-\(subclass-187\)-applicant-document-checklist](http://www.border.gov.au/Trav/Visa-1/187-/Regional-Sponsored-Migration-Scheme-visa-(subclass-187)-applicant-document-checklist)

(Source: DIBP)

3) If you applied for a 186/187 visa and are expecting or just had a baby

Currently pregnant:

It is important that you advise the Department of any changes to your circumstances. If you are pregnant and have lodged an application with the Department, please inform the department of your expected due date.

Given birth and your application is undecided:

If you have given birth and your application is still under consideration, please provide your child's details to the department. Your child will need to be included in your application and relevant health assessments are required prior to a decision being made.

Your child was born while your application was being considered, however you have not informed the department of the birth of your child and your application has now been finalised:

You must inform the Department immediately, please provide your child's details in order to include them on your previous visa application. Your child currently has an undecided permanent visa application that is required to be finalised.

Your child was born after the grant of your permanent visa:

Children born in Australia to permanent residents are considered Australian Citizens. For more information please refer to <http://www.border.gov.au/Trav/Life/Chil>

(Source: DIBP)

4) DIBP Advice on fingerprint services in WA

Currently pregnant:

It is important that you advise the Department of any changes to your circumstances. If you are pregnant and have lodged an application with the Department, please inform the department of your expected due date.

Given birth and your application is undecided:

If you have given birth and your application is still under consideration, please provide your child's details to the department. Your child will need to be included in your application and relevant health assessments are required prior to a decision being made.

Your child was born while your application was being considered, however you have not informed the department of the birth of your child and your application has now been finalised:

You must inform the Department immediately, please provide your child's details in order to include them on your previous visa application. Your child currently has an undecided permanent visa application that is required to be finalised.

Your child was born after the grant of your permanent visa:

Children born in Australia to permanent residents are considered Australian Citizens. For more information please refer to <http://www.border.gov.au/Trav/Life/Chil>

4) DIBP Advice on fingerprint services in WA

The Department of Immigration and Border Protection (DIBP) has been advised that the Australian Federal Police and the WA Police have ceased providing fingerprinting services to members of the public.

DIBP does not have the facility to provide fingerprinting on behalf of other countries which require fingerprints for services such as overseas police clearances or foreign passports.

The need to have fingerprints taken for police clearances or for foreign passports is not a DIBP requirement but a requirement of the issuing country.

If you require fingerprints for the purposes of obtaining any document or service from another country you are advised to contact the embassy or consulate of that country or the relevant agency requiring the finger prints in the country from where you require the certificate or service.

(Source: DIBP)

Note that we are aware of at least one private company that provides fingerprint services in WA however it is believed these will not be accepted by many overseas police clearance authorities.

(Source: Iscah)

5) How to distinguish between Cooks, Chefs and Fast Food cooks for ENS/RSMS

DIBP have provided guidance on how they distinguish between these 3 occupations for ENS (186) and RSMS (187) applications.

The job title of the nominated position should not be relied on in determining whether the position nominated is that of a chef, cook or fast-food cook. In categorising the position, the tasks and related skill level specified in the nomination should be carefully reviewed against the tasks and skill levels of corresponding ANZSCO occupations.

If the tasks of the nominated position and corresponding skills relate to the occupations of chef (351311) or cook (351411), the requirements for the occupation being approvable under the employer sponsored permanent residence program would be satisfied. The occupations Fast Food Cook (851111) and Kitchenhand (851311) are not sufficiently skilled to be considered for approval.

The differentiation between the occupations of chefs and cooks is made based on 2 elements:

- the specific tasks of the nominated position and corresponding skill level and
- the work environment.

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Differentiation based on tasks and skill level

The basic premise is that the role of chef will only be required within an organisational structure if there is at least a cook who will be supervised by that chef. If an organisation has only a single person performing the "cooking" function, the relevant occupation is likely to be that of a cook. This is because in these circumstances, it is likely that the person will spend most of their time on cooking, rather than managerial tasks. If the nominator believes that a stand-alone cooking role is that of a chef, the onus is on them to provide justification.

The role of chef would generally relate to a restaurant environment and would include managerial tasks such as the following seven:

- planning menu • estimating cost
- managing and monitoring stocks • supervision of preparation and presentation of food
- preparing a number of signature dishes • demonstration of cooking techniques
- recruiting and training staff

Fundamentally, the primary role of a cook is one of cooking, whereas that of a chef is managing the kitchen with some limited, specialised cooking tasks.

Although the ANZSCO framework identifies some of the above tasks in relation to the occupation of cook, such tasks are likely to be performed at a lower level of skill. For example, a chef may, for the benefit of cooks, demonstrate how a particular dish is prepared, whereas a cook is likely to instruct a kitchen hand on hygiene and preparing ingredients.

Chefs and cooks are also differentiated on skill level under the ANZSCO framework. The occupation of chef is at skill level 2 (requiring a diploma or higher qualification) whereas the occupation of cook requires only an AQF Certificate IV or an AQF Certificate III including 2 years of on-the-job training. If the duties of the nominated position can be performed by an Australian with on-the-job training, or without the skills, qualifications or employment background specified in the ANZSCO dictionary, this position is not in the occupation of Cook (351411). Tasks such as the following four are not considered appropriate tasks commensurate with the occupation of Cook (351411):

- working on the till (taking orders and receiving payment from clients) • preparing sandwiches, hot chips and other basic food items • washing, measuring and mixing foods for cooking
- arranging delivery of prepared food or beverages.

Differentiation based on work environment (including fast-food cook)

The environment in which the tasks are performed may be an indicator as to whether the occupation is actually that of a chef, cook or fast-food cook.

The occupation of chef will generally relate to a restaurant environment. It is unlikely that the tasks relating to this occupation will need to be performed in an environment such as a take away establishment or an establishment operating in a food court. Establishments providing catering services may employ chefs, depending on the nature and size of their operations.

The occupation of cook may be relevant in the case of smaller restaurants. Delegates will need to assess on a case by case basis whether the tasks performed in the particular environment would require the skills of a cook.

Once the delegate has identified the occupation based on tasks/skills and environment in which the work is undertaken, an assessment must be made as to whether there is a need for the position in the nominator's business.

(Source: DIBP)

6) Changes to the TRA skills assessments for 457s

The China-Australia Free Trades Agreement (ChAFTA) comes into force on the 20 December 2015. The ChAFTA means that applicants with a passport from:

- China and Macau Special Administrative Region (SAR), will no longer be required to have a skills assessment in the following occupations:

Cabinetmaker [394111]

Carpenter [331212]

Carpenter and Joiner [331211]

Joiner [331213]

- China, Hong Kong SAR and Macau SAR will no longer be required to have a skills assessment in the following occupations:

Auto Electrician [321111]

Diesel Motor Mechanic [321212]

Electrician (General) [341111]

Electrician (Special Class) [341112]

Motor Mechanic (General) [321211]

It is recommended that applicants use the TRA Pathfinder to help find which TRA programme is suitable for their needs.

(Source: TRA)

7) Hundreds more jobs face axe at Immigration Department

A recent newspaper article ..

CPSU national secretary Nadine Flood says the plan to fund a pay rise through the loss of nearly 700 jobs is "ridiculous".

Public servants at the Immigration Department have been offered a new wage deal, but it comes at the cost of the jobs of 680 of their colleagues.

The department wants to fund its pay offer of 3 per cent up front with 1.5 per cent for each of the two following years, by axing hundreds of more public servants.

The war of words between the department's bosses and the Community and Public Sector Union is escalating, with both sides accusing the other of misleading and deceptive conduct.

Cuts to conditions, entitlements and allowances paid to former Customs officers who have moved to the new Australian Border Force also remain on the table, according to the union which says that some border officials will be left thousands of dollars worse off each year.

But the department has hit back at the CPSU's claims, with the Department of Immigration and Border Protection insisting that existing allowances would be "grandfathered" for workers who are already receiving them.

A department spokesman told Fairfax that the union was "misleading" its members with "straw man" arguments about cuts to conditions and entitlements.

The revised offer comes after workers at the 13,000-strong department voted, in a 91 per cent to 9 per cent landslide in September, to reject a lower pay deal.

The job-loss proposal is a significant escalation of a plan to part-fund the previous offer by culling 184 jobs and union negotiators say they were taken aback by the scale of the latest gambit.

It is unclear what areas of the massive merged department would be targeted for the job losses, should the proposal be carried in a ballot of the workforce.

But the Community and Public Sector Union's national secretary, Nadine Flood, said the plan to fund a pay rise through the loss of nearly 700 jobs was "ridiculous".

"This attempt to slash nearly 700 jobs is outrageous and shows just how ridiculous the government's funding of Immigration and Border Protection is, if the department has to cut this many jobs just to get closer to maintaining existing pay.

These cuts would amount to 5 per cent of the total workforce, in a department that's already struggling to deal with rapidly growing international passenger and freight numbers.

"This department was under-resourced even before this ugly dispute began 18 months ago."

The departmental spokesman said the union was not being truthful in its position on allowances and conditions.

"The offer provides new allowances and grandfathers many existing allowances, protecting our employees' take-home pay," he said.

"The CPSU is trying to distort the fact this is a much improved offer with exaggerated claims and straw man arguments of 'deep cuts' and many of our staff 'having thousands of dollars slashed from their take-home pay' which are simply untrue. "The package of employment terms and conditions being proposed includes grandparenting arrangements specifically designed to protect take-home pay for current recipients of other allowances not proposed to continue under a new Enterprise Agreement. "

(Source: Canberra Times)

8) Why are there so few 489 (family sponsored) invites each round ?

Those directly affected, and other eagle eyes will see that the invites per round for the 489 (family sponsored) visa has plummeted from 40, to 20 to just 5 per round recently. This has had the affect of pushing the passmark now for that category to 70 points.

We have been advised that the reason for this is that the OLD priority 5 applicants in similar family categories (487 and 886) who have been waiting for in many cases around 5 years are now moving at last. They have taken some of the places allocated to the 489 category and hence the lower invites per round.

9) Review of the 457 Income Threshold (currently \$53,900)

Mr John Azarias has been appointed to undertake an evidence-based review of the Temporary Skilled Migration Income Threshold (TSMIT).

The review was recommended by the recent Independent Review into Integrity in the Subclass 457 Programme.

The review will consider a range of issues including the factors that should determine the settings, the appropriate base level, and the roles of indexation and regional concessions for the TSMIT.

The TSMIT defines the salary threshold for jobs that can be filled by a 457 visa holder and is designed to protect Australian workers and ensure that visa holders are undertaking skilled employment.

The Minister for Immigration and Border Protection Peter Dutton said the review's terms of reference were consistent with the Government's commitment to ensuring the 457 programme acted as a supplement to, and not a substitute for, local workers and the protection of potentially vulnerable foreign workers in Australia.

"As the chair of the independent panel which undertook the 457 Integrity Review in 2014, Mr Azarias brings extensive knowledge of the 457 programme to the conduct of this review," Mr Dutton said. The Government has brought forward the review as part of an agreement with the Opposition to ensure passage through Parliament of legislation to implement the landmark China-Australia Free Trade Agreement.

Mr Azarias will provide a report to Government at the end of April 2016.

(Source: DIBP)

14) Skill Select results 4th December 2015

The table below shows the number of invitations issued in the SkillSelect invitation round on 8 January 2016.

Invitations issued on 8 January 2016

Visa Subclass	Number
Skilled - Independent (subclass 189)	2,400
Skilled - Regional Provisional (subclass 489)	5

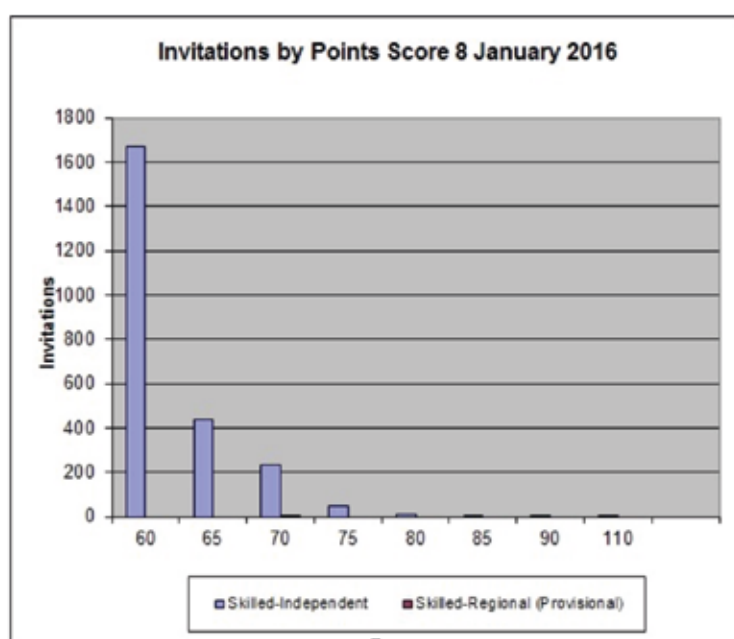
During 2015-16 the following number of invitations have been issued:
Invitations issued during 2015-16

Visa Subclass	July	Aug	Sep	Oct	Nov	Dec	Jan	Total
Skilled - Independent (subclass 189)	2300	2300	2300	2000	2300	700	2,400	15,000
Skilled - Regional Provisional (subclass 489)	80	80	80	40	40	5	5	335
TOTAL	2380	2380	2380	2040	2340	705	2,405	15,335

The above figures do not include invitations issued for State and Territory Government nominated visa subclasses. State and Territory Governments nominate throughout the month for specific points tested skilled migration and business innovation and investment visas. Separate results for these visa subclasses are provided monthly.

8 January 2016 results

The following graph shows the points for clients who were invited to apply in the 8 January round.



Invitation process and cut offs

The highest ranked clients by points score are invited to apply for the relevant visa. For clients who have equal points scores, the time at which they reached their points score for that subclass (referred to as the visa date of effect) determines their order of invitation. Expressions of Interest with earlier dates of effect are invited before later dates.

Visa Subclass	Number	Visa date of effect
Skilled - Independent (subclass 189)	60	14/12/2015 3:04PM
Skilled - Regional Provisional (subclass 489)	70	15/12/2015 1:47AM

Due to the continuing high numbers of EOIs received for the below occupations, invitations for these occupations will be issued on a pro rata basis in each monthly invitation round over the 2015-16 programme year. These arrangements are subject to change throughout the programme year. SkillSelect first allocates available places to Skilled – Independent (subclass 189) visas and then remaining to Skilled – Regional (subclass 489) (Provisional – Family Sponsored) visas. If all places are taken up by subclass 189 visas then there will be no invitations issued for subclass 489 visas in these occupations:

- ICT Business and Systems Analysts
- Accountants
- Software and Applications Programmers.

The points score and the visa date of effect cut-off for the above occupations in the 7 September 2015 invitation round is as follows. Below points score and visa date of effect is for Skilled Independent (subclass 189).

Points scores and the visa dates of effect cut off for the above occupations in the 7 September 2015 invitation round

Points	Description	Points score	Visa date of effect
2211	Accountants	70	19/11/2015 10:13AM
2611	ICT Business and System Analysts	65	3/10/2015 2:08AM
2613	Software and Applications Programmers	60	26/06/2015 9:30PM

Note: the following occupation group has reached its ceiling and no more invitations will be issue during the 2015-16 programme year:

- 2212 – Auditors, Company Secretaries and Corporate Treasures

(Source: DIBP)

Ok that's me all done and dusted for another month. Have a great few weeks and see you all fit and healthy on Monday 15th February

Cheers




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