



Skilled Visa eNews – November 2018

November systems changes

ImmiAccount system outage

ImmiAccount will be unavailable from 8.30pm (AEDT) Friday 16 November until 10am Saturday 17 November. Please make sure that any urgent applications are submitted well before this time to avoid your client becoming unlawful.

Online labour agreement requests

As you are aware, we are introducing a new online labour agreement request form in this release. Previously submitted paper applications will continue to be processed but any paper applications received after the online form is switched on will be returned to you.

The form can be found in your ImmiAccount under a new 'Labour Agreement' category on the 'New application' page.



The same form is used to request all of the different types of Labour Agreements currently available.

Depending on the type of agreement you are requesting, different pages and/or different combinations of questions on the page may display.

'Labour Agreement Request Form – Guide for applicants' documents for *Company specific* and *GTS - Established business* requests have been developed and are attached to this newsletter to assist you in navigating through and completing the new form.

Guides for other Labour Agreement types will be available in the near future.

Until specific guides are developed for the other Labour Agreement types, you should use the *Company specific* guide as a reference.

Important note: You should gather all documentary evidence before commencing the request in your ImmiAccount – as with the TSS forms a document checklist will appear once you have completed the form, however, unlike the TSS forms, you will be prevented from submitting a Labour Agreement request until all documents listed as 'Required' in the checklist are attached.

TSS Sponsorship form

The *Owners, Directors, Principals and/or Partners* question on the TSS Sponsorship form has been updated to allow a Company to be entered as an owner – this question currently only allows for details of individuals to be entered.

The *TSS Sponsorship Application Form – Guide for applicants* has been updated to include these changes and is attached to this newsletter for your reference.


TSS Nomination form

A new section has been added to the LMT section of the TSS Nomination form to cater for the alternative evidence provisions relating to select occupations and select positions. Completing this section will also prompt you to attach the required LMT submission when you get to the end of the form.

The 'workaround' advised in previous editions of the *Skilled Visa eNews* will no longer be required.

The *TSS Nomination Form – Guide for applicants* has been updated to include these changes and is attached to this newsletter for your reference.

Reminder: As advised in roadshows prior to TSS implementation and in previous editions of the *Skilled Visa eNews*, the Department assesses whether international trade obligations apply to a nomination in relation to either LMT or visa period, based on whether the applicant indicates that they are seeking concessions under the provisions of an international trade agreement. To access such concessions you must answer 'Yes' to the following question on the first page of the nomination form.

International trade agreement Is the applicant seeking concessions under the provisions of an international trade agreement? <input type="radio"/> Yes <input type="radio"/> No 

You will then be required to answer additional questions that will enable us to determine whether any ITOs are applicable.

If you do not indicate that you are seeking concessions under an international trade agreement in this question, it will be deemed that you are not seeking any concessions in relation to either Visa period or Labour Market Testing and standard requirements will apply (irrespective of whether you complete the Intra-corporate Transfer question in the next section or not). This cannot be changed post-lodgement.

Indicating that LMT is not required due to an international trade obligation relating to an Intra-corporate transfer on the LMT page later in the form will not change this.

Our systems runs some basic checks to determine whether an ITO may apply based on the answers you provided in *International trade agreement* section on the *Application context* page of the form. If these checks do not indicate that an ITO applies to your nomination, a warning message will appear.

These checks do not cover every specific scenario and some subjective assessment may still be required to determine whether an ITO applies or not. However, if you click *Confirm* and continue to lodge the nomination without providing LMT evidence, and it is subsequently determined that an ITO does not apply, your nomination will be refused.

Do not ignore the warning message on the LMT page – if you are seeking LMT concessions due to an international trade obligation and see a warning message, go back to the first page and make sure you have completed the *International trade agreement* section, including indicating that you are seeking concessions under the provisions of an international trade agreement.

Important note:

SAF refund provisions are contained in regulation 2.73AA. There are no provisions for refund of a nomination fee or SAF levy in the case of a refused nomination so please take care that all requirements are met when lodging your nomination.

TSS Visa forms

The *Travel history details* and *Details of country of residence* questions tables on the TSS Visa and Subsequent Entrant application forms have been updated to provide new functionality that allows you to enter details for multiple applicants (primary and secondary) at the same time, rather than having to enter each trip separately for each applicant.

Travel history details	
Select the applicants that these details apply to.	
Name	<input type="text"/>
Country	<input type="text"/>
Reason for visit	<input type="text"/>
Give details	<input type="text"/>
Date from	<input type="text"/>
Date to	<input type="text"/>

Details of country of residence	
Select the applicants that these details apply to.	
Name	<input type="text"/>
Date from	<input type="text"/>
Date to may be left blank if this address is current.	
Date to	<input type="text"/>
Residential address	
Country	<input type="text"/>
Address	<input type="text"/>
Suburb / Town	<input type="text"/>
State / Territory	<input type="text"/>
Postcode	<input type="text"/>
Suburb / Town	<input type="text"/>
State or Province	<input type="text"/>
State or Province	<input type="text"/>
Postal code	<input type="text"/>

Application withdrawal questions on the TSS Visa application form have been amended to seek additional details in relation to secondary applicants wishing to withdraw their application in certain circumstances.

Application withdrawal

If the application for any associated sponsorship or nomination is refused or withdrawn, does the applicant wish to withdraw the visa application? Note: If the application is withdrawn, the case will be considered closed and any review rights to which the applicant might have been entitled are foregone.

Yes No

If the applicant has paid the visa application charge and withdraws the application, is the applicant seeking a refund?

Yes No

Do all of the secondary applicants also wish to withdraw their application(s) if the application for any associated sponsorship or nomination is refused or withdrawn?

Yes No

Provide the name and date of birth for each secondary applicant who does not wish to withdraw their application

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Finally, functionality has been enabled to allow you to request withdrawal of an unfinalised TSS or 457 visa application via a new form access from the 'Update details' link on the relevant application in your *ImmiAccount*.

Application for a Temporary Business Entry visa Reference Number: EGN96V7VWM

<p>Menu</p> <p>Application home</p> <p>Messages</p> <p>Update details</p> <p>Actions</p> <p>Attach documents</p> <p>Health assessment</p>	<p>Update details</p> <p>You can provide updated information to the department using the links below:</p> <p>Appointment or withdrawal of an authorised recipient (including migration agent)</p> <p>Change of address details</p> <p>Change of email address details</p> <p>Change of passport details</p> <p>Notification of changes in circumstances</p> <p>Notification of incorrect answer(s)</p> <p>Withdrawal of a visa application</p>
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Notification of Sponsorship Changes form

As with the TSS Sponsorship form, the *Owners, Directors, Principals and/or Partners* section on the NoSC form has been updated to allow a Company to be entered as an owner.

The *Insolvency / Bankruptcy / Receivership / Liquidation / Administration* section has also been updated to cater for company details to be added.

Part 3 of the *TSS Sponsorship Application Form – Guide for applicants* (attached to this newsletter) has been updated to reflect these changes.

ENS / RSMS Nomination form

The defect where the caveat page is displaying for RSMS nominations has been rectified. This page will no longer appear for occupations that have an ENS caveat that does not apply to RSMS nominations.

Again, as with the TSS Sponsorship form and the NoSC form, the *Owners, Directors, Principals and/or Partners* section on the ENS / RSMS form has been updated to allow a Company to be entered as an owner.

Regional Certifying Body questions that were inadvertently hidden earlier this year have been reinstated. The list of Regional Certifying Bodies was not able to be amended in this release but will be updated early next year. In the meantime, functionality has been added so that you are able to leave the Regional Certifying Body field blank if the relevant certifying body does not appear in the drop-down list.

Regional certification details

Has this nomination been certified by a Regional Certifying Body?

Yes No

Note: If the certifying body does not exist in the list leave it blank. The applicant will be required to attach evidence of the certification to this application.

Regional Certifying Body

Date of certification

ENS / RSMS Visa form

The ENS / RSMS visa application form has been updated to include more comprehensive English language questions - similar to those on the TSS visa application form. You will now be asked to enter specific details of individual test scores and indicate whether the applicant has undertaken any secondary / tertiary education where the instruction was in English.

The *Travel history details* and *Details of country of residence* questions tables have also been updated in the same way as those on the TSS visa application form described earlier.

Lodgement problems

As we have previously advised, if you are experiencing lodgement problems, please complete the *ImmiAccount Technical Support Form*.

Please **do not** email program management or the service delivery network as this will only delay rectification of the problem.

The following link will assist you in finding this page on the Department's new website:

www.immi.homeaffairs.gov.au/help-support/departmental-forms/online-forms/immiaccount-technical-support-form