

In this issue we feature stories of new visa arrangements in a range of areas including the significant investor visa, new specialist temporary entrant visas, a programme for Afghan at-risk employees who had worked to support Australia's Mission in Afghanistan. Other changes are to APEC businesses, longer parent tourist visas, air crew visas, and work and holiday visas. New Guinea is to benefit by the use of new electronic visas.

### Cutting Visa Red Tape for Temporary Entrants

The Minister of Immigration and Citizenship, Chris Bowen MP, has announced that the government will make it simpler for people to apply for a specialist temporary work visa. "It is delivering on a pledge to simplify the application process by halving the number of specialist temporary work visa subclasses from 17 to 8."

"On 24 November, we will roll out a simplified specialist temporary work visa framework as part of the Government's Better Regulation Ministerial Partnership: Simpler Visas. This initiative seeks to make it easier for people to understand and engage with Australia's visa requirements."

The Minister for deregulation, Mr Bradbury, said the visa reform was part of the government's broader deregulation agenda. "This visa reform is aimed at reducing the costs imposed on business and the not-for-profit sector by unnecessary or poorly designed regulation. Criteria across these visas have been standardised to provide a more consistent approach to requirements to reduce unnecessary complexity for applicants and decision makers."

Specialist temporary work visas include religious workers, diplomats, visiting academics and entertainers. The 457 visa program will be unaffected by the changes.

Further details of the new specialist temporary work visa group can be found on the Department of Immigration and Citizenship website.

**See:** [Temporary Work Visa](#)

<http://www.minister.immi.gov.au/media/cb/2012/cb191403.htm>.

For more information on the new visa arrangements contact [Diana Tong](#) or [Tina Nematian](#) on (02) 9286 8700.

### Significant Investor visa opens to business migrants

The Minister for Immigration and Citizenship, Chris Bowen MP, has launched a new visa designed to encourage significant migration investment into Australia.

"From, 24 November, business migrants with \$5 million or more to invest in our economy can apply for a provisional significant investor visa, a new stream within the Business Innovation and Investment program. The Significant Investor visa is an important new tool in the armoury of Australia's financial services sector as Australia looks to compete in our region for high wealth and high skilled migrants and the capital that comes with them," Mr Bowen said. The new visa makes it easier for

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migrant investors by offering concessions on visa requirements, such as a not having to meet a points test and no age restriction.

It has a low residence requirement of 160 days spent here over four years, after which migrant investors are eligible for permanent residence provided they have maintained their investment. Significant Investors can also extend their four-year provisional visa by two years, with a maximum of two extensions.

**See:** [Significant Investor Visa](http://www.minister.immi.gov.au/media/cb/2012/cb191999.htm)  
<http://www.minister.immi.gov.au/media/cb/2012/cb191999.htm>.

Parish Patience Immigration Lawyers can help intending applicants for this important new visa. For information contact [Diana Tong](#).

### **Longer tourist visas now open to parents of Australians**

"From, November 24, more generous tourist visas will enable regular extended family visits for those patiently waiting in the queue for a parent visa. Tourist visas will be considered on a case-by-case basis and will enable parents to spend more time in Australia with their families without needing to apply for a new visa each time they visit."

"I know many Australians are looking forward to spending a longer period of time with their parents and I am pleased the government has been able to facilitate this. My department will consider granting five-year tourist visas with a 12-month stay on each entry to parents who are in the parent visa queue outside Australia," Mr Bowen said.

<http://www.minister.immi.gov.au/media/cb/2012/cb192003.htm>

For more information generally on parent visas contact [David Bitel](#) or [Thong Nguyen](#).

### **New support for family violence victims**

New measures to help victims of family violence on provisional partner visas begin on, November 24, the Minister for Immigration and Citizenship, Chris Bowen MP, and the Minister for the Status of Women, Julie Collins MP, said. The changes would improve the assessment of family violence under migration law and provide for a wider range of evidence to support such claims.

"The government recognises that the current process of obtaining statutory declarations with a set of technical requirements can be quite difficult for some women who have experienced violence. Under the new arrangements, we will streamline the evidence requirements claims for a visa on the basis of family violence to make the process easier and more accessible," Mr Bowen said.

The changes to the Migration Act extend protections for people experiencing family violence and build on the amendments to the Family Law Act that commenced on 7 June 2012. "Domestic and family violence is unacceptable. It's important that women do not face obstacles in leaving violent relationships and receive appropriate support and assistance," Ms Collins said. The changes complement the work the government has undertaken to reduce and respond to violence against women.

<http://www.minister.immi.gov.au/media/cb/2012/cb192007.htm>

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## Visa policy for at-risk Afghan employees

The Minister for Immigration and Citizenship, Chris Bowen MP and the Minister for Defence, Stephen Smith MP, have announced that Australia will offer resettlement to Australia to eligible locally engaged Afghan employees at risk of harm due to their employment in support of Australia's mission in Afghanistan. This reflects Australia's view of its moral obligation to current and former employees who have provided valuable support to Australia's efforts in Afghanistan.

In 2008, the government instituted a similar policy to facilitate resettlement to Australia of locally engaged Iraqi employees and their family members who supported Australia's mission in Iraq. Consistent with this approach, the government will offer at-risk Afghan employees, and their direct family members, the opportunity to resettle in Australia.

This visa policy is aimed at those locally engaged Afghan employees at the greatest risk of harm as a consequence of the support they have provided to Australia's mission in Afghanistan.

Relevant Australian agencies include Defence, the Department of Foreign Affairs and Trade, AusAID and the Australian Federal Police. These agencies have employed locally engaged Afghan employees in a range of roles including interpreters and drivers.

Successful applicants will be resettled under Australia's Humanitarian Program, administered by the Department of Immigration and Citizenship. They will have access to the same suite of resettlement services as any other humanitarian entrants. The visas will be granted out of Australia's existing 20,000 person a year refugee intake.

<http://www.minister.immi.gov.au/media/cb/2012/cb192423.htm>

<http://www.smh.com.au/opinion/political-news/australia-to-welcome-afghan-employees>

## Release from detention provides small comfort to some asylum seekers

Thousands of asylum seekers are struggling to live on as little as \$31 a day, less money than the dole, camped in hostels and boarding houses across Australia with no access to government, language training, or official job schemes.

In what threatens to create a new migrant underclass, some people are forced to sleep on the floor without a mattress in share houses after they are given a meagre six weeks to learn English, secure work and long-term accommodation. The chronic overcrowding of immigration detention centres has led to almost 3200 asylum seekers being tipped into the community on bridging visas over the past eight months, putting strain on charity groups looking after their welfare.

Hasan Sahib, an Iraqi asylum seeker, spent 18 months in detention before his release in March and says he feels powerless and without purpose. "I was just released from detention: that's it," he said. "I asked for help to find a job: even when we called Red Cross they did not answer. I wish to learn English but we're not allowed to study". Asylum seekers in a similar predicament are scattered across every state and territory, in suburbs and small country towns.

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Despite the mounting pressure, refugee support groups are convinced the federal government's decision last November to begin releasing asylum seekers into the community while their claims are finalised is far preferable - and cheaper - than long-term detention. Victoria and NSW are home to the most asylum seekers released from detention, with 1530 people living on what are known as "Bridging Visa E", according to the latest figures

<http://www.smh.com.au/national/release-from-detention-provides-small-comfort-to-some-asylum-seekers-20120802-23ih6.html#ixzz2FMRYGtTT>

### **PNG Ministerial Forum and Manus Island visit**

Mr Bowen visited Port Moresby as part of a ministerial delegation attending the Australia-PNG Ministerial Forum, which includes Prime Minister Peter O'Neill, and other members of the PNG Government.

"It is an important opportunity for our governments to come together to discuss issues of mutual interest, including discussion on immigration cooperation between the countries. This visit also presented a timely opportunity to visit Manus Island, with the newly established regional processing centre now up and running. The Australian Government appreciates the cooperation of the PNG Government in working together on this important regional issue," Mr Bowen said.

<http://www.minister.immi.gov.au/media/cb/2012/cb192179.htm>

### **First transfer to Papua New Guinea**

First transfer of irregular maritime arrivals – made up entirely of family groups – to Manus Island in Papua New Guinea (PNG) has taken place. A group of seven families, including 15 adults and four children of Sri Lankan and Iranian nationalities, departed Christmas Island on a charter aircraft. They were accompanied by Australian Federal Police, Immigration staff, interpreters, children's services and medical staff.

"This transfer to Manus Island –will be the first of many – sending the clear message that people arriving by boat risk being sent to a regional processing centre in either Nauru or Papua New Guinea," Mr Bowen said.

On arrival in PNG, the group has undergone local immigration clearance processes before being moved into the regional processing centre at Manus Island, which is currently a combination of temporary and refurbished structures.

The minister also announced that specialised children's services on Manus Island would be provided by Save the Children, including child protection and education activities.

<http://www.minister.immi.gov.au/media/cb/2012/cb191879.htm>

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### **No advantage onshore for boat arrivals**

People who arrived by boat post-13 August and all future arrivals will have the 'no advantage' principle applied to their cases onshore, even if they are not transferred offshore for regional processing, the Minister for Immigration and Citizenship, Chris Bowen MP, announced today.

Mr Bowen said given the number of people who had arrived by boat since 13 August, it would not be possible to transfer them all to Nauru or Manus Island in the immediate future.

“Accordingly, some of these people will be processed in the Australian community. They will not however be issued with a permanent Protection visa if found to be a refugee, until such time that they would have been resettled in Australia after being processed in our region.”

“People arriving by boat are subject to this 'no advantage' principle, whether that means being transferred offshore to have their claims processed, remaining in detention, or being placed in the community.”

“Consistent with 'no advantage', people from this cohort going onto bridging visas will have no work rights and will receive only basic accommodation assistance, and limited financial support,” Mr Bowen said.

People's claims will be processed while in the community under this same principle. However, consideration can be given to transfer these people offshore at a future date. Their status as offshore entry people is unchanged.

<http://www.minister.immi.gov.au/media/cb/2012/cb191883.htm>

### **Afghan Visa Applicants in Pakistan**

As an agent who currently represents clients residing in Pakistan, the Australian Consulate-General Dubai wishes to inform all of new visa application lodgement arrangements for applicants in Pakistan, effective from 10 December 2012, which will include the collection of biometrics.

The AVAC will provide convenient, fast and accessible way for clients to apply for visas to enter Australia. To enable the lodgement of visa applications, the collection of biometrics and to improve the quality of service to clients, Australia will enter into a new service delivery partnership with United Kingdom Border Agency (UKBA) in Pakistan.

There will be three Australian Visa Application Centres (AVACs) located in Pakistan:

- Islamabad – Australian Visa Application Centre Islamabad 14-B, Sadiq Plaza, G-9 Markaz, Islamabad
- Karachi – Australian Visa Application Centre Karachi, 43/1/D, Razi Road, PECHS, Shahrah-e-Faisal, Karachi
- Lahore – Australian Visa Application Centre Lahore, 20, Ex American Centre Building, Opp. Ganga Ram Hospital, Queens Road, Lahore

As of 10 December 2012, all residents of Pakistan will be able to lodge applications at any of the three VACS listed above. This includes Family Migration applications from Afghan nationals who live in Pakistan. The Australian Consulate-General in Dubai would prefer that all applications are lodged via an AVAC in Pakistan. Clients will not be charged an additional fee for the collection of their biometrics. However client will still be required to pay the Australian Visa Application Charge. This should be submitted to the AVAC at the time the visa application is lodged.

The AVAC website ([www.australiavisa-pakistan.com](http://www.australiavisa-pakistan.com)) will provide up-to-date visa lodgement information for clients residing in Pakistan from 10 December 2012. It also provides information on how to schedule an appointment.

Biometric data is an important tool in identity management globally, helping countries facilitate the arrival of travellers and combat fraud and integrity risks. Biometrics will be collected using a quick, discreet and non-intrusive process that captures a facial image with a digital camera and a 10-digit fingerprint scan with a digital finger scanner.

### **Priority regions announced for refugee intake boost.**

Australia's 20 000 place humanitarian program will provide increased resettlement options for people in need from priority regions in the Middle East, Africa and Asia, the Minister for Immigration and Citizenship, Chris Bowen MP, announced recently.

Mr Bowen, who has been visiting refugee shelters and camps in Lebanon, said, following the recommendations of the Expert Panel on Asylum Seekers, the government had increased its humanitarian program from 13 750 to 20 000 places for 2012–13. 'We are providing more opportunities for vulnerable and displaced people to pursue safer resettlement options in Australia as part of an orderly humanitarian program.'

The increased 2012–13 program targets refugees from source and transit countries, including:

- up to 2000 refugees of African nationality including people from the Democratic Republic of the Congo, Ethiopia, South Sudan and Eritrea
- up to 3800 Iraqi refugees from Syria, Turkey, Jordan and Lebanon
- up to 2000 Afghan refugees out of countries in the region
- 1350 Burmese, Afghans, Iranians and other refugee populations in Malaysia
- up to 1200 Bhutanese refugees out of Nepal
- up to 800 Burmese refugees from Thailand
- around 600 Afghan, Iraqi and Iranian refugees in Indonesia
- around 200 Burmese refugees in India and
- around 200 UNHCR referred caseloads outside these target groups.

The government has already announced an increased allocation of 400 places for people already referred by the UNHCR from within Indonesia, and 1000 places for mainly Iraqi refugees caught up in the conflict in Syria.

"With the program increased by more than 40 per cent, we are the second largest resettlement country in the world behind the United States – a huge achievement that provides for refugees, but also helps to relieve the burden of countries like Lebanon," Mr Bowen said.

Australia works closely with the UNHCR on resettlement, as well as with other resettlement countries to find suitable outcomes for refugees, particularly those in protracted situations.

<http://www.minister.immi.gov.au/media/cb/2012/cb191007.htm>

## **A fairer approach to migration for people with disability**

The government will act to ensure a fairer, more flexible and individualized approach to people wanting to migrate to Australia who have a disability or health issues, the Minister for Immigration and Citizenship, Chris Bowen MP, has announced.

“The government will now take into account all of the circumstances when assessing prospective visa applicants against the visa health requirement. A 'net benefit' approach will allow decision makers to consider the social and economic benefits an applicant and their family bring to Australia compared to the cost of their health care. This will mean an individual's health costs can be offset by the benefit their family will bring to Australian society,” Mr Bowen said.

From 1 July 2013, the government proposes to increase the Significant Cost Threshold - the level at which an applicant's health costs are considered to result in significant health care and community service costs - from \$21 000 to \$35 000.

The government will also streamline health waivers for offshore humanitarian applicants who fail to meet the health requirement on cost grounds, bringing the offshore policy into line with onshore arrangements.

In order to maintain Australia's health standards, people who want to migrate permanently to Australia must satisfy the health requirement. “People who are considered to pose a significant health risk to the community will not be granted a visa,” Mr Bowen said.

<http://www.minister.immi.gov.au/media/cb/2012/cb191379.htm>

## **Greater access to APEC Business Travel Card**

More small and medium-sized businesses will now have access to the Asia Pacific Economic Cooperation (APEC) Business Travel Card (ABTC), the Minister for Immigration and Citizenship, Chris Bowen MP, said.

Under the stage 2 eligibility criteria, businesses will be able to have their organisation or business entity certified by an approved body as being genuinely engaged in international trade or investment in the APEC region.

“This better recognises the broad range of employees on which businesses rely to conduct trade and investment activities on their behalf. It also ensures that most small to medium-sized businesses can enjoy the same level of access to the ABTC as large global companies. The ABTC is an important tool, as it saves businesspeople the time and effort involved in applying for individual visas or entry permits each time they wish to travel for business,” Mr Bowen said.

This follows the implementation of stage 1 eligibility criteria that allow applications from businesses recognised as being engaged in trade in the APEC region. More information about the ABTC and Australia's eligibility arrangements can be found on the department's website.

**See** APEC Business Travel Card Eligibility.

<http://www.minister.immi.gov.au/media/cb/2012/cb191387.htm>

## **UK citizen arrested in Sydney for immigration fraud**

Immigration investigators are using the arrest of a man allegedly involved in multiple instances of immigration fraud as a testament to the value of cross-agency cooperation. A 43 year-old UK man was stopped at the border following a joint investigation involving the Departments of Immigration and Citizenship (DIAC), and Foreign Affairs and Trade (DFAT).

A DIAC spokesman said it would be alleged the man fraudulently obtained Australian permanent resident status by providing false information. He provided false information to enter Australia on a number of occasions over the past nine years. "If convicted, the multiple offences carry penalties of up to 10 years' imprisonment and fines of up to \$110 000," the spokesman said. DIAC treats immigration fraud very seriously and actively pursues the prosecution of people found engaging in this serious crime," he added.

Electronic facial recognition software can be used to identify people who are believed to have created, stolen or assumed a false identity to facilitate crime.

<http://www.newsroom.immi.gov.au/releases/uk-citizen-arrested-in-sydney-for-immigration-fraud>

## **Clearing Customs now easier for US travelers**

The Government has announced a trial extending Australia's automated border processing system SmartGate to US travellers. The trial gives eligible US Global Entry Program members arriving at Australia's major international airports the opportunity to use SmartGate.

Members must hold a valid US ePassport, be flying into Australia and be aged 16 years or older. US Global Entry Program members are the first non-Australians to use the self-processing solution since SmartGate was opened to New Zealand ePassport holders in 2007.

The trial is part of the Australian Customs and Border Protection Service's goal to securely process an increasing number of travellers arriving at Australia's international airports. The extension of SmartGate to US Global Entry Program members will mean more travellers than ever before will have a choice about how they are processed when they arrive in Australia. SmartGate uses the data in an ePassport and facial recognition technology to perform the checks usually manually completed.

"SmartGate is an automatic border control system with sophisticated technical capabilities that verify the identity of the travellers through our borders – it is an approved computer-based system under migration law to process travellers at Australian airports. Australian and New Zealand travellers with ePassports have enjoyed the benefits of streamlined SmartGate processing for almost five years. My department is working with the Australian Customs and Border Protection Service to explore extending this facility to other nationalities in the future," Mr Bowen said.

The trial is expected to last four months and the results will be used to guide planning for the progressive introduction of SmartGate to other foreign holders of ePassports.

<http://www.minister.immi.gov.au/media/cb/2012/cb191399.htm>

## **Australia and Uruguay sign work and holiday deal**

Young Australians and Uruguayans will now be able to enjoy an extended holiday in each other's countries thanks to a new work and holiday agreement. "This agreement provides for university educated Australian and Uruguayan travellers aged between 18 and 30 years old to work and holiday in each other's country for up to 12 months. This work and holiday agreement will enable young

people to immerse themselves in a new and different cultural experience, while also fostering dialogue and economic ties between Australia and Uruguay,” Mr Bowen said.

There will be an annual limit of 200 work and holiday visas for both countries. The work and holiday visa (subclass 462) differs from a working holiday visa (subclass 417). It requires an applicant to have the support of their government, hold or be studying for tertiary qualifications, and to speak functional English.

<http://www.minister.immi.gov.au/media/cb/2012/cb192100.htm>

### **Review of visa arrangements for international airline crew**

The Minister for Immigration and Citizenship, Chris Bowen MP, has announced a review of the visa arrangements for international airline crew operating on domestic routes in Australia. Mr Bowen said the purpose of the review was to consult on enhanced regulatory options for foreign aircrew working on international flights entering and departing Australia.

“Visa arrangements for foreign aircrew, which were put in place 18 years ago, must keep pace with contemporary business and crew rostering practices,” Mr Bowen said, he was considering policy options and regulatory arrangements to clarify the intent of the special purpose visa (SPV) for foreign aircrew working on international flights entering and departing Australia.

As part of this process, the Minister has released a discussion paper on the issue seeking input in relation to the development of future options.

The discussion paper is available online.

**See:** [Discussion Papers](#)

<http://www.minister.immi.gov.au/media/cb/2012/cb191159.htm>

### **Phone scam warning for visa-holders in Australia**

The Department of Immigration and Citizenship has urged visa holders to hang up on individuals impersonating departmental officers seeking payment to fix ‘visa irregularities’. The phone scammers are targeting international communities in Australia, including Indian nationals holding temporary resident visas.

Students from overseas and subclass 457 visa holders in the information and communications technology industry are among those in the fraudsters’ sights. A departmental spokesman said it was a well organised ruse to con visa holders into transferring a purported ‘penalty payment’ offshore when none is needed.

“Conmen claiming to be from fabricated ‘Immigration’ or ‘border security’ agencies tell targets their visa details are out of date, specifying an identification number. Anyone phoned by people seeking such payments should refuse to pay, tell the caller you are aware of their scam, that you will be reporting the matter to police, and then hang up,” the departmental spokesman said. It is important to report such incidents to the relevant state or territory police and to the Immigration Dob-In Line on 1800 009 623.”

<http://www.newsroom.immi.gov.au/releases/phone-scam-warning-for-visa-holders-in-australia>

## **New work and holiday negotiations to get underway**

Australia will begin talks with the governments of the Czech Republic, Hungary, Israel, Latvia, Poland, and the Slovak Republic on establishing reciprocal work and holiday visa arrangements, the Minister for Immigration and Citizenship, Chris Bowen MP, announced.

“The start of discussions for these new work and holiday arrangements recognises the value of Australia's evolving bilateral relationships with these countries and will strengthen our cultural and people-to-people links,” Mr Bowen said.

Once implemented, the arrangements would allow young Australians and citizens of the partner countries – who are aged between 18 and 30 – to enjoy an extended holiday in the guest country. Participants would be able to stay for up to 12 months and engage in short-term work and study during that time. Each arrangement would have an annual cap on visa grant numbers.

The work and holiday visa differs from a working holiday visa as it requires applicants to have the support of their government, hold or be studying towards tertiary qualifications and to speak functional English.

Further information will be provided on the Immigration Department's website as developments occur.

[www.minister.immi.gov.au/media/cb/2012/cb191761.htm](http://www.minister.immi.gov.au/media/cb/2012/cb191761.htm)

## **Aid package a boost for Manus Island**

The Minister for Immigration and Citizenship, Chris Bowen MP, has announced the first elements of the assistance package for Manus Province.

“When Australia and PNG agreed to open the Manus Island regional processing centre, we said that we wanted to ensure the arrangement would benefit all involved – especially the people of Manus Island. Along with the opportunities associated with the regional processing centre, this assistance package will help promote economic development, as well as provide vital infrastructure for the local community,” Mr Bowen said.

The elements of the assistance package announced include:

Upgrading roads and other transport infrastructure

Health improvements, including renovations at Lorengau General Hospital and essential medical equipment worth about AUD230 000

Improving the quality of education in Manus, including doubling Australia's commitment to education infrastructure between now and 2015.

Renovations will also be made to the roof at Lorengau market to support local economic development.

<http://www.minister.immi.gov.au/media/cb/2012/cb192199.htm>

## **Australia agrees to introduce electronic visa for PNG travelers**

Australia and Papua New Guinea will seek to further strengthen their close relationship with the introduction of a special electronic visa arrangement, the Australian Minister for Immigration and Citizenship, Chris Bowen MP, and Papua New Guinea's Minister for Foreign Affairs and Immigration, Rimbink Pato.

"Improving the ease of travel between Papua New Guinea and Australia, particularly for frequent travellers, is an important economic and cultural goal. While Australia maintains a universal visa regime through which we manage the entry and stay of all visitors from around the world, I believe there is an important opportunity to consider practical and meaningful ways to further enhance the visa and travel arrangements for visitors from Papua New Guinea within this universal regime.

"This announcement follows my recent meeting with Prime Minister O'Neill and ongoing discussions with Minister Pato. With about 80 per cent of all visa applications from Papua New Guinea falling into the tourism and business activity categories, it is sensible to focus our attention on these travelers," Mr Bowen said.

The PNG Minister for Foreign Affairs and Immigration, the Hon. Rimbink Pato said: "PNG travellers will welcome this announcement because they will have the privilege of applying for visas using the internet from their work places, homes or through selected travel agents, instead of the long queues experienced in the past."

<http://www.minister.immi.gov.au/media/cb/2012.cb191487.htm>

### **Immigration operation on alleged unregistered migration agent in Sydney**

Business premises believed to be linked to an alleged unregistered migration agent operating in the Chinese community in Sydney were searched and property seized by Department of Immigration and Citizenship (DIAC) investigators.

The operation in Auburn was part of an ongoing campaign to pursue people who provide immigration assistance without being registered or who provide false immigration-related information.

A spokesman for the department said a number of documents and computer equipment were taken by investigators for further examination. "It is too early to say if charges will be laid. This serves as a warning to people providing immigration advice who are not registered migration agents that these unlawful operations will not be tolerated," a DIAC spokesman said.

It is a legal requirement for migration agents to be registered by the Office of the Migration Agents Registration Authority (Office of the MARA) before giving immigration assistance. There are severe criminal penalties under the *Migration Act 1958* for people who give immigration assistance without being registered, as well as those who provide false information in support of visa applications. For matters relating to the conduct of registered migration agents, people are encouraged to contact the Office of the MARA on 1300 226 272.

<http://newsroom.immi.gov.au/releases/immigration-operation-on-alleged-unregistered-migration-agent-in-sydney>

### **Man charged with people smuggling offences**

The Australian Federal Police arrested a 40-year-old Fairfield man charged with people smuggling offences. The arrest follows a five month investigation by the AFP's People Smuggling Strike Team (PSST) in Melbourne into a number of people who have arrived in Australia unlawfully.

They have charged the man with one count of organizing or facilitating the entry into Australia of a group of five or more people, contrary to section 232A(1) of the *Migration Act 1958 (Cth)*. The maximum penalty for this offence is 20 years imprisonment. This arrest brings the total number of alleged people smuggling organisers charged by the AFP in Australia to 18.

<http://www.afp.gov.au/media-centre/news/afp/2012/november/man-charged-with-people-smuggling-offences.aspx>

## **Alleged fake marriage scheme busted**

A sophisticated scheme that allegedly arranged fraudulent weddings between Indian men and Australian women has been shut down following a joint Department of Immigration and Citizenship (DIAC) and Australian Federal Police (AFP) operation today. Nine Queensland properties and several bank accounts linked to the alleged fake marriage scam were also frozen.

“DIAC treats allegations of immigration fraud seriously, and activities that undermine the integrity of the visa regime will not be tolerated by Australian authorities,” a DIAC spokesman said. “The operation was part of an ongoing investigation into allegations that a Queensland man and his wife, among others, allegedly operated a sophisticated scheme to arrange fraudulent weddings between Indian men and Australian women. The Australian women were allegedly paid money by the organisers of the scheme and the Indian men lodged visa applications to stay in Australia using the fraudulent marriages as the basis of their claims.”

DIAC estimates that as many as 50 visa applications have been lodged on the basis of the sham marriages. The properties and bank accounts were restrained under Commonwealth proceeds of crime legislation.

<http://www.newsroom.immi.gov.au/releases/alleged-fake-marriage-scheme-busted>.

Readers are reminded the Migration Act contains criminal sanctions for people engaged in sham partner visa applications. For more information on what constitutes a genuine partner relationship contact [David Bitel](#).

## **Santa’s elves consider Australian visa options**

Santa Claus knows obtaining his Australian visa is a streamlined process but the Department of Immigration and Citizenship (DIAC) has reminded him there are trainee elves on student visas who need to consider their options before their visas expire early in the new year.

Given Santa’s intention to engage in limited work of a highly specialised and non-ongoing nature while down under, he applied for a subclass 456 business short stay visa. Santa’s visa was approved quickly, given the happiness that had resulted from previous visits and his excellent record of compliance with past entry conditions.

“Australia has a world-class education system and we frequently have up-and-coming elves travel to Australia on student visas, where they’re seeking to hone their toy-making skills through courses such as industrial design and engineering,” a DIAC spokesman said.

Most elves return to the North Pole upon completion of their studies. Those elves whose studies have come to an end need to think about their options once the Christmas season is over. This may be to make arrangements to depart or apply for another visa. Elves can apply for a skilled visa through SkillSelect and await an outcome offshore if they are hoping to return as permanent skilled migrants.

“Some elves have come to Australia as part of a labour agreement Santa signed with the Australian Government in 2011,” the spokesman said. “The labour agreement allows only highly skilled elves to enter the country, establish operations and train Australian elves.

“Elves are not on the list of approved occupations for the subclass 457 visa, permanent employer nomination scheme or regional sponsored migration scheme but Santa was able to establish there was a genuine shortage of qualified elves here,” the spokesman added.

Santa has advised the department he would be contacting the affected trainee elves early in 2013 to ensure they complied with their visa conditions. He also asked about what options might be available for other young elves hoping to spend time in Australia.

“We told Santa we’re more than happy to enter negotiations with the North Pole to put in place a reciprocal working holiday agreement, meaning elves aged 18-30 can spend up to 12 months living and working in Australia and young Australians would have full work rights at the North Pole,” the spokesman said. “But for elves over 30 who are planning an extended stay involving singing and dancing performances while they visit Australia, they will need to find an Australian sponsor and go through the entertainment visa process.”

<http://www.newsroom.immi.gov.au/releases/santa-s-elves-consider-australian-visa-options>

## Resources

***Principals to promote and protect the human rights of international students*** released at the Australian International Education Conference in Melbourne.

The principles are available at:

[www.humanrights.gov.au/racial\\_discrimination/international\\_students.html](http://www.humanrights.gov.au/racial_discrimination/international_students.html)

## **A.P.B. Education Specialist IELTS Test Training and Coaching**

Passing an IELTS test is now an essential requirement for all applicants for General Skills Migration, student visas, and for many employer sponsored applicants. Adrian Bitel provides individual lessons to assist applicants achieve proficiency to the required levels in:

- Reading
- Writing
- Speaking
- Listening

He gives comprehensive ONE to ONE Personalised Coaching in any or all of the above areas.

Contact: Adrian Bitel on (02) 9286 8700 or Mobile: 0412 656 026

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