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Reforming skilled migration

The Government will reform the 457 visa programme for skilled migrants, while maintaining strong safeguards against abuse.

The 457 programme must be a means of filling genuine skills gaps in the local labour market while not placing unnecessary administrative burdens on business.

An effectively managed skilled migration programme ensures foreign workers supplement rather than substitute Australian workers. A business that is forced to close because it is unable to access the labour that it requires employs no-one. That is a lose-lose situation.

Following an independent review of the 457 programme, the Government will:

- streamline the processing of sponsorship, nomination and visa applications to reward low risk applicants and refocus compliance and monitoring activities on high risk applicants;
- increase the sponsorship approval period from 12 to 18 months for start-up businesses, to give start-ups more time to make their businesses sustainable;
- provide greater flexibility in relation to English language testing and skill requirements for 457 applicants, to ensure that the standards required are appropriate for the industries and occupations being sought; and
- retain the Temporary Skilled Migration Income Threshold at \$53 900, ahead of a review within the next two years.

Safeguards will remain in place to ensure that the 457 visa programme is not rorted. It will continue to be a requirement that a foreign worker receives at least the same market rates and conditions that are paid to an Australian doing the same job in the same workplace.

Significant Investor Visa Program

The Government will also expand and improve the Significant Investor Visa programme.

At present, SIVs are available for applicants having an eligible investment in Australia of A\$5 million, for a minimum of four years.

The Government will reform the programme to encourage more high net worth individuals to make Australia home and to leverage and better direct additional foreign investment, while maintaining safeguards to ensure the migration programme is not misused.

Changes will include:

- Streamlining and speeding up visa processing, further promoting the programme globally and strengthening integrity measures, to increase the attractiveness of investing and settling in Australia while ensuring Australia's interests are protected;
- aligning the criteria for eligible investments with the Government's national investment priorities. The investment eligibility criteria will be determined by Austrade in consultation with key economic and industry portfolios;
- introducing a Premium Investor Visa (PIV), offering a more expeditious, 12 month pathway to permanent residency than the SIV, for those meeting a \$15 million threshold; and
- tasking Austrade to become a nominating entity for the SIV (complementing the current State and Territory governments' role as nominators) and to be the sole nominating entity for the PIV.

The changes to the SIV will take effect during 2014-15, with the Premium Investor Visa to be introduced from 1 July 2015.

The Government will soon make further announcements on the recommendations of reviews into both the 457 and SIV programmes.

Billabong International's chief executive, the American retail specialist Neil Fiske, is working in Australia on a 457 visa.

Mr Fiske is the most high-profile – and, at \$1 million a year, best paid – worker on the controversial 457 visa covered in a leaked monitoring report by the Fair Work Ombudsman. The unredacted version of the report, obtained by Fairfax Media, reveals the names of 1800 visa holders and the companies that employ them – or in many cases, the companies that used to employ them.

The audit, which involves less than 1 per cent of the 200,000 foreign workers in Australia, raises concerns over 40 per cent of 457 visa holders, including evidence that many are no longer working for their nominated employer or are not being paid at the rate at which they were promised.

The report also raises questions about the widespread use of the visa, which the government insists is available only to employers who "cannot find an Australian citizen or permanent resident to do the skilled work" they require.

The Fair Work log suggests that certain cafes and restaurants in populated urban areas are almost entirely staffed by foreign workers.

The Federal government announced this week it was making it less burdensome for businesses to apply for 457 visa workers and it would relax rules around English language competency to broaden the pool of potential workers from overseas.

Unions are fighting the expansion, saying it is not the right time to loosen visa requirements because unemployment is at 12-year highs and youth unemployment is at 13 per cent across the country.

A spokesman for the Fair Work Ombudsman said: "Where the Fair Work Ombudsman has concerns that employers may not be meeting these sponsorship obligations, we refer the matters to the Department of Immigration and Border Protection for all further action."

Assistant Immigration Minister Michaelia Cash said: "There could be a number of reasons why a visa holder may not be with their original sponsor, and this does not indicate inappropriate behaviour or a breach of an applicant's obligations.

"If a visa holder has stopped working for their original sponsor, they have 90 days to find a new sponsor or otherwise leave Australia."

A recent report, titled Robust New Foundations, by the government proposes a "fast-track" approvals process for larger companies with good records, relaxed English-language requirements and consideration of a 10 per cent reduction in the \$53,900 minimum income

October 2014 intake NSW nomination 190 visa

Important Information: Opening date and time for October 2014 intake NSW Skilled - Nominated (subclass 190) program and updated NSW Skilled Occupations List

NSW is pleased to announce that the October 2014 intake for the Skilled - Nominated (subclass 190) program will open on 22nd of October at 10:00, Australian Eastern Standard time (UTC+10). This intake will be open for 1,000 applications.

When the intake opens the link to the application form will appear on this page.

NSW is a highly attractive and competitive destination for skilled migrants. In 2014, NSW implemented a number of measures to maximise the 190 program's effectiveness, flexibility and responsiveness to the needs of the NSW economy. This includes staggered application intakes and regular revision of the NSW Skilled Occupations List (NSW SOL)

NSW has modified the occupations eligible for nomination in the October 2014 intake. This is to ensure that the Skilled – Nominated program is a balanced intake of skilled migrants from a range of occupational groups that will meet NSW medium and long term skills needs.

Occupations listed below will *not* be considered for the October 2014 round of applications.

Occupations temporarily suspended from the SOL for October 2014 intake

ANZSCO code	Occupation	Occupation group
221111	Accountant (General)	Business & Finance
221112	Management Accountant	Business & Finance
221113	Taxation Accountant	Business & Finance

Occupations temporarily suspended from the SOL for October 2014 intake

261111	ICT Business Analyst	ICT
261112	Systems Analyst	ICT
261311	Analyst Programmer	ICT
261312	Developer Programmer	ICT
261313	Software Engineer	ICT
262113	Systems Administrator	ICT
263111	Computer Network & Systems Engineer	ICT
263311	Telecommunications Engineer	ICT
263312	Telecommunications Network Engineer	ICT

Restoring TPVs

The Coalition Government has secured support of the Palmer United Party to reintroduce Temporary Protection Visas (TPVs) to assist resolving Labor's legacy caseload of 30,000 Illegal Maritime Arrivals (IMAs).

'We are stopping the boats, with just one venture having arrived this year, and we are now seeking to resolve the backlog of 30,000 IMAs

TPVs were foolishly abolished by Labor and the Greens in 2008

'Denying permanent protection visas to IMAs has been Coalition policy for over a decade and was overwhelmingly backed by the Australian people at the 2013 election.

'Under new legislation - the *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014* - two new temporary visas will be

established. These visas will not provide a pathway to a permanent protection visa in Australia.

'IMAs found to be owed protection will be offered a TPV for up to 3 years. TPVs do not include family reunion or a right to re-enter Australia. Holders will have access to targeted support arrangements including: work rights, access to employment services and mutual obligation, access to Medicare and income support, torture and trauma counselling, translating and interpreting services, complex case support and access to education for school aged children.

'A further temporary visa, a Safe Haven Enterprise Visa (SHEV) - will be introduced as an alternative to a TPV.

Safe Haven Enterprise Visa

A Safe Haven Enterprise Visa (SHEV) - where holders work in a designated self-nominated regional area to encourage filling of job vacancies - will be introduced as an alternative to a TPV.

'SHEVs will be valid for 5 years and like TPVs will not include family reunion or a right to depart and re-enter Australia.

'SHEV holders who have worked in regional Australia without requiring income support for three and a half years of their visa period will then be eligible to apply for other onshore visas to be granted where they satisfy the relevant criteria. They will not be eligible for a permanent protection visa.

'If a SHEV holder was to access government assistance to study for a degree, diploma or trade certificate in a designated regional area, this would not be classified as accessing social security benefits for the purposes of calculating the period required before the holder becomes eligible to apply for other onshore visas.

'The new visa arrangements will allow the government to commence processing asylum claims of the legacy caseload. More rapid processing and streamlined review arrangements, as detailed at the election, will be implemented.

Refugee Settlement Arrangement

The Cambodian and Australian Governments are pleased to announce a bilateral Memorandum of Understanding (MOU) that provides settlement and integration support in Cambodia for refugees.

The MOU was signed in Phnom Penh by Cambodian Deputy Prime Minister and Minister for the Interior, His Excellency Sar Kheng and Australian Minister for Immigration and Border Protection, the Hon. Scott Morrison on 26 September 2014.

The MOU between Cambodia and Australia will offer settlement of refugees in the Kingdom of Cambodia on a voluntary basis and in conformity with the Refugees Convention. The number and timing of Refugees settlement will be determined by Cambodia.

His Excellency Sar Kheng stated that "Cambodia is signatory to the 1951 Refugees Convention and 1967 Protocol related to Refugees and also it has a sub-decree No. 224 on Procedure for Recognition as a Refugee or Providing Asylum Rights to Foreigners in the Kingdom of Cambodia dated 17 December 2009. Therefore, offering the settlement of refugees is considered a humanitarian activity which will help them start a new life in accordance with Cambodian laws".

As a party to the Refugees Convention, Cambodia, while making countless efforts to develop the country after the civil war, is demonstrating its ability and willingness to contribute positively to this humanitarian issue," Minister Morrison added.

Development assistance for Cambodia

Australia will provide an additional \$40 million in development assistance to Cambodia over four years as part of a bilateral refugee resettlement agreement.

As a party to the Refugees Convention and a member of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, the Cambodian Government has expressed a desire to contribute to humanitarian outcomes for those genuinely in need of protection. Australia will assist the Cambodian Government build a successful resettlement program and provide financial support to drive further gains in its economy.

The new funding will be targeted to enhancing the competitiveness of Cambodian rice exports, with an aim to boosting productivity through more effective and cost – efficient rice milling, and supporting the Cambodian Government's plans for electoral reform. This funding is additional to the estimated \$79 million in bilateral aid the Australian Government is providing to Cambodia in 2014-15, for upgrading and maintaining critical infrastructure, accelerating agricultural productivity and supporting farmer households to increase their yield, and providing health care services for vulnerable communities in remote areas.

www.foreignminister.gov.au/releases/Pages/2014/jb_mr_1409.html

Work visa scams. Don't pay the price

The Assistant Minister for Immigration and Border Protection, Senator Michaelia Cash has launched a national campaign to investigate allegations of unauthorised payment to visa sponsors in return for visas.

She said although the overwhelming majority of people do the right thing, it is a small minority who don't abide by their obligations or attempt to defraud our migration programmes.

"Visa fraud is not acceptable any anyone who engages in this type of behaviour will face serious penalties," "The campaign will involve an initial assessment of up to 100 visa sponsors who are subject to allegations that they have been in some way connected to receiving payment for arranging sponsorship for individuals under the 457 programme." Minister Cash said.

A public education component of the campaign *Work visa scams. Don't pay the price* will further educate visa sponsors about their obligations and remind visa holders of their rights and responsibilities.

A business that sponsors a visa holder under false pretences may also be committing other offences, such as providing false or misleading information or engaging in misleading or deceptive conduct.

<http://www.minister.immi.gov.au/media/mc/2014/mc218247.htm>

Two countries, one visa for the 2015 Cricket World Cup

People visiting Australia and New Zealand for the 2015 Cricket World Cup will only need to apply for one visa under a new Trans-Tasman visa arrangement, Assistant Minister for Immigration and Border Protection, Michaelia Cash said.

The International Cricket Council's Cricket World Cup will take place from 14 February to 29 March 2015, with all 14 qualifying teams to play matches in both Australia and New Zealand.

The Minister said between 26 January and 5 April 2015, New Zealand will grant a visa on arrival to visitors who already hold an Australian visa.

'This new arrangement will change the visa process for participant and spectators of the Cricket World Cup by only requiring them to apply for one visa in order to follow their teams to both countries.'

Chief Executive of the ICC Cricket World Cup 2015 Josh Harnden said 'This is a real coup for fans travelling to Australia and New Zealand to witness the world's best players compete in the biggest sporting event of 2015,'.

International visitors will still be required to meet the respective health, security and character requirement of both countries and each country will retain the right to refuse entry if a visitor does not meet these requirements.

<http://www.minister.immi.gov.au/media/mc/2014/mc217579.htm>

Robust new foundations for 457 programme

The report of the independent review into integrity in the 457 programme recommends that robust new foundations should be implemented.

'The report identified 22 recommendations that strive to achieve a balance between encouraging flexibility and productivity with strengthening integrity of the 457 programme and ensuring that overseas workers do not displace Australians,'

'The panel have produced a comprehensive analysis of the programme and recommendations to strengthen integrity and guarantee that businesses that sponsor 457 visa holders do not discriminate against Australian workers,'

The panel conducted extensive consultations across Australia – almost 200 submissions were received and 150 organisations from various stakeholder groups were consulted, including employers, unions and individuals.

Robust New Foundations: A Streamlined, Transparent and Responsive System for the 457 Programme is available on the Department of Immigration and Border Protection's website.

See also Migration Institute of Australia notice 107.

<http://www.minister.immi.gov.au/media/mc/2014/mc217716.htm>

Exploited workers owed thousands

Underpaid chicken processing workers are owed \$434,000 after allegedly being short-changed by a labour hire firm that paid them as little as \$11.50 per hour and forced them to live in overcrowded housing.

Australasian Meat Industry Employees Union representative Grant Courtney said the labour hire firm Pham Poultry has paid 10 workers at the Baiada chicken factory near Newcastle \$20,000 in back payments.

But another 30 of the overseas workers were still owed \$434,000 from the labour hire company which recently went into liquidation.

“The Fair Work Ombudsman has cut a deal for the \$20,000 to ensure these workers get paid something.”

Mr Courtney who is the AMIEU's Newcastle and Northern NSW branch secretary said “We estimate that there are over 13,000 temporary international workers that are engaged in meat and poultry processing across the country and a large majority of those workers are being ripped off,”

The union is seeking a total of \$1.26 million in underpayments from four labour-hire companies, owed to 150 overseas workers on visas.

“We have four sets of proceedings against four labour hire companies that engage temporary international labour in the Federal Circuit Court ,” he said.

The workers from Hong Kong and Taiwan were in Australia on 417 working holiday visas.

Ombudsman Natalie James said the entire meat processing industry was under review and findings would be reported publicly.

<http://www.smh.com.au/nsw/exploited-chicken-processing-workers-owed-thousands-20140819-105vy2.html>

‘Phoney’ Coalition refugee intake

Australia will quarantine one third of its humanitarian program for Iraqis and Syrians fleeing the violence of terrorist group Islamic State, but refugee advocates have condemned the government for reducing its refugee intake despite the crisis in the Middle East.

Sweden has announced it will take unlimited numbers of Syrian refugees and Germany said it would take an additional 10,000, bringing its intake to 20,000. Norway will accept an extra 1000.

Australia reduced its humanitarian program refugee intake last year from 20,000 to 13,750. For this financial year 4400 of those 13,750 places will be reserved for Iraqis and Syrians who have fled violence and genocide in their countries.

Immigration Minister Scott Morrison said more places were available under Australia’s special humanitarian program (a sub-category of the humanitarian program) because of the government’s “success ... in stopping the flow of boats”.

Refugee Action Coalition spokesman Ian Rintoul condemned the “false dichotomy” of separating refugees who received visas to Australia offshore from those who reached Australia by boat.

David Manne, from the Refugee and Immigration Legal Centre, said that Australia has reduced its humanitarian intake at a time when there has never been greater need in the world for humanitarian protection,”

“Currently, more than 50 million people are refugees or displaced within their own countries.”

Human Rights Law Centre director Daniel Webb said at a time of unprecedented need, the simple fact is Australia is doing less than it can, less than it should and less than it has done previously.”

<http://www.smh.com.au/federal-politics/political-news/advocates-slam-coalition-over-refugee-intake-20140817-1053jz.html>

We want children out of detention

Human Rights Commission president Gillian Triggs wants all children released from detention, including Nauru, saying Australia is responsible for the welfare of the children it is detaining.

A draft of the commission’s inquiry into children in detention has been provided to the immigration department. The inquiry has heard from workers in the detention centre and from Immigration Minister Scott Morrison and former Labor Immigration Minister Chris Bowen.

In light of allegations of child abuse on Nauru that has emerged Professor Triggs said the report would also contain one chapter on Nauru exclusively.

The allegations, which are now subject to an independent review by the Federal government, clearly want Australians to understand the facts and legal principles that lie behind the rights of asylum seekers [and] to give Australians a better and more accurate base of evidence to understand the role of detaining children and the impact on their health and welfare,” she said.

During the third hearing of the inquiry into children in detention, Dr Peter Young revealed that the department has explicitly told International Health and Medical Services not to publish a report should children in detention suffered high levels of mental illness because of the harsh environment.

Professor Triggs said the commission has been campaigning for children to be released from detention since 1994.

<http://www.smh.com.au/federal-politics/political-news/human-rights-commission-president-gillian-triggs-we-want-children-out-of-detention-20141007-10rihe.html>

New Indonesian President warns Australia over trespassing

Indonesia’s president has issued a blunt warning to Prime Minister Tony Abbott that is unacceptable for the Australian Navy to enter Indonesian waters uninvited while turning back asylum seeker boats.

President Joko “Jokowi” Widodo has told media that Australia and Indonesia have closely overlapping strategic interests but he promised a tough approach to issues of sovereignty.

The former Jakarta governor outlined plans to strengthen ties, including boosting military and intelligence links.

President Joko raised concerns about Australian asylum seeker policies and warned against Australian naval vessel venturing into Indonesian waters without permission as they did on five occasions last year.

“We will give a warning that this is not acceptable,” he said. “We have international law, you must respect international law.”

But he said he would rebuild security ties, including cooperation to combat terrorism.

<http://pacific.scoop.co.nz/2014/10/jokowi-warns-abbott-over-navy-trespassing-in-indonesian-waters/>

Leaked report raises concerns over 457 visa

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<http://www.smh.com.au/federal-politics/political-news/leaked-report-raises-concerns-over-457-visa-20141018-117wfc.html>

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<http://www.minister.immi.gov.au/media/sm/2014/sm218127.htm>

A.P.B. Education

Specialist IELTS Test Training and Coaching

Passing an IELTS test is now an essential requirement for all applicant for General Skilled 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
- Speaking
- Writing
- Listening

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

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

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