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Department of Immigration and Border Protection

Cabinet reshuffle: Scott Morrison moves to Social Services

Prime Minister Tony Abbott has announced a major reshuffle of his frontbench as he moves to “reset and refocus” his Government for next year. Scott Morrison has been appointed the Minister for Social Services, taking on an expanded portfolio which includes welfare, families, child care and the paid parental leave scheme.

Peter Dutton, M.P. for the Brisbane seat of Dickson moves to Immigration and his former portfolio of Health will be held by Susan Ley, who has been promoted, making her the second woman in the upper ranks of the ministry.

<http://www.abc.net.au/news/2014-12-21/prime-minister-announces-cabinet-reshuffle/5981952>

Government needs to get the balance right on overseas skilled workers

Getting the balance between overseas skilled workers and Australian born workers into skilled jobs is critical to the long term continued economic development of Australia, said Migration Institute of Australia National President Angela Chan FMIA.

“There will always be a need for any country to use foreign workers, and Australia is not immune to this. In many specialised professions like healthcare and education, Australia simply does not have enough Australian born people to do these jobs due to our relatively small population, large geographical area and the huge community need for these professionals, so foreign workers in these circumstances will be needed,” said Ms Chan. The Department of Immigration and Border Protection has released a proposal paper into the review of Skilled Migration and Temporary Activity Visa Programmes which would see the creation of a short term 12 month mobility visas for overseas skilled workers and a reduction in red tape.

“This type of visa would apply only to a small number of people, including company directors and high-level executives who were coming to Australia to set up divisions and subsidiaries, or software developers creating specialised programmes for Australian companies.” Ms Chan also noted the large social and economic benefit overseas skilled workers bring to Australia when filling true skill shortage vacancies, even though overseas workers make up only one percent of the total Australian workforce.

“When overseas skilled workers come to Australia, often it means they are helping the Australian organisation they are working for innovate, grow and develop their services which in turn helps that business continue to employ Australians. Overseas skilled workers create solutions for Australian employers where skills gaps in their workforce have led to the business stagnating,” said Ms Chan. The need for overseas skilled workers to fill true skills vacancies, needs to be balanced with ensuring qualified Australian workers are still given a fair

go when these vacancies arise. Regulation is one way to ensure the visa programme and rights of Australian workers are maintained however where possible it should be streamlined and regulation which is proven to not make any substantial benefit should be removed.

MIA Bulletin – Thursday 8 January

Easy entry for skilled foreigners

Companies would be allowed to bring employees to Australia for up to a year without applying for 457 skilled worker visas under a migration-rule revamp being considered by the government.

The Department of Immigration and Border Protection is proposing a new temporary entry visa for foreign workers that would not require the candidates to pass language or skills requirements. Nor would employers have to prove they cannot find an Australian to fill the position. The proposed “short-term mobility” subclass of visas would be available for “specialised work which may include intra-company transfers and foreign correspondents”, says a proposed paper obtained by *The Australian Financial Review*.

A short-term mobility category would replace the existing category 400 visa, which allows skilled or specialist entrants to work for up to six weeks. There were 4587 visas of this type granted when it was first offered in 2012-13. That jumped to 32,984 in 2013-14. Applicants are concentrated in mining, manufacturing, construction and education. Employer groups have been pushing for a less onerous visa than the 457 to allow them to bring in specialists for shorter-term projects. They say the six weeks offered under the 400 visa is too short and the department often redirects applicants to 457. Australian Council of Trade Unions president Ged Kearney said with unemployment at a 12-year-high of 6.3 percent, the focus should be on employing and training locals.

“The review of Australia’s skilled migration system must strengthen requirements for employers to advertise jobs locally before recruiting workers from overseas, not make it easier for companies to bypass Australian workers, university graduates and apprentices,” she said. There would also be “permanent-independent” and “permanent-skilled” subclasses. The “permanent-independent” subclass would be for “highly skilled individuals to independently apply for permanent residence to work in Australia”. It would replace existing distinguished talent visas.

Applicants in the permanent-skilled category would have to prove they are filling a genuine vacancy in the local labour market. This category would subsume the existing 186 and 187 visas. “Competition for migrants amongst growth countries such as China and India, as well as our traditional competitors, will require that our skilled programs are no longer designed to passively receive migrants, but are designed to aggressively target ‘talented’ migrants in a highly competitive environment,” the paper says.

http://www.afr.com/p/national/easy_entry_for_skilled_foreigners_NAsgC6BDewljc4CgdCEgEI

Almost half nation's technology professionals born overseas

Almost half the technology professionals in Australia were born outside the country, which is well above the global average, a survey finds. The Harvey Nash Technology Survey 2015, polled about 2300 technology professionals from 49 countries including Ireland, Britain, the US and Australia. It found 48 percent of Australian technologies were born outside the country, which was 18 percent higher than the global average of 30 percent. Switzerland had the highest proportion of technology workers who were working outside the country they were born in (59 percent), followed by Australian and Germany (35 percent). "From a skills perspective we have to consider that without immigration Australia's technology industry would be really challenged", Harvey Nash managing director Bridget Gray said. The report, now in its third year, also found 44 percent of Australian companies expect to increase their technology team headcount over the next year, up from 33 percent last year.

It noted that the US and Asia-Pacific were more likely to increase headcount than Europe. "I think the market is picking up and people are feeling more confident to they tend to be going ahead with some of the more innovative project work that has been on hold for a while," Ms Gray said. "I still think you will continue to see onshore growth as well as a varied resourcing model." The survey shows 41 percent of technology professionals in Australia believe skills shortage will affect their team, 10 percent less than the global average.

Ms Gray said those with development skills and DevOps, and mobile technology skills such as iOS developers, Android developed and UX, were most in demand locally: "Also project and program managers, but mainly in transformational professionals and people who have got experience of major change." The survey also polled Australian technology professional about what they look for in a new job. Seven out of 10 valued work-life balance, being a member of a valued team and being able to work on innovative projects.

<http://www.theaustralian.com.au/technology/almost-half-nations-technology-professionals-born-overseas/story-e6frgax-1227133434362?nk=9c51bad65e6bf9a0c37d59e9789b159d>

Australia opens settlement facility on Manus Island

The East Lorengau resettlement facility on Manus Island has been officially opened by former Minister for Immigration and Border Protection the Hon Scott Morrison, as part of his visit to Papua New Guinea. "This is a further positive step forward in our offshore policy arrangement with refugees to move into this new facility on Manus Island soon," Minister Morrison said. "On Monday, the Australian Government welcomed the Papua New Guinean government's announcement that a further 40 refugee status determinations have been signed, bringing total determinations to 50.

The Government of PNG has advised me that those transferees found to be refugees will be given visas and moved from the Lombrum Regional Processing Centre to the new East Lorengau resettlement facility."

<http://www.minister.immi.gov.au/media/sm/2014/sm220147.htm>

All asylum seeker children off the island for Christmas

All asylum seeker children on Christmas Island have now been transferred to a Darwin detention centre, as promised by the Immigration Minister Scott Morrison in his negotiations with the Senate crossbenchers. The 194 people, including 94 children, were transferred on three separate charter flights to the Bladin Point immigration facility in Darwin during the week, it was announced in a statement on Sunday. Mr Morrison pledged to crossbenchers that he would remove all the children from the island before Christmas in exchange for their support of his wide-ranging changes to the Migration Act, which was passed earlier this month.

Christmas Island detention centre has long been criticised for being unsuitable for children, especially young babies due to its remote location and harsh environment. An Australian Human Rights Commission observation report in 2012 into Christmas Island found that the detention centre was “an inappropriate place in which to detain asylum seekers, especially child asylum seekers”. Mr Morrison said the government has now reduced the number of “child detainees” in detention centres and Nauru by 50 percent. The 94 children will remain in Bladin Point immigration facility until they are released into the community, Mr Morrison said.

The Minister has only agreed however, to release children from Christmas Island and the mainland – not children detained on Nauru. The Minister has made clear that the 155 children currently detained on Nauru are not part of his deal to release children. The Australian Government continues to maintain that the children and families held on Nauru are not its responsibility.

According to the latest statistics from the Department of Immigration and Border Protection, dated 30 November 2014:

- 556 children are being held in locked detention in Australia; and
- 155 children are being held in a locked detention centre on Nauru.

ChilOut Newsletter – December

<http://www.smh.com.au/federal-politics/political-news/christmas-island-immigration-centre-all-children-removed-and-transferred-to-darwin-20141221-12bl9r.html>

Chinese visitors go online to head Down Under

A new pilot program aimed at streamlining the visa process for Chinese visitors is underway, with the first round of applicants to trial the online system given the green-light to head to our shores.

Minister for Trade and Investment Andrew Robb said the online visa application trial, which commenced on 1 December 2014, is aimed at ensuring Australia is well placed to capture the ever-increasing Chinese tourist market. In 2013 Chinese outbound tourist numbers stood at 100 million, that number is expected to grow to 200 million by 2020. “Tourism is a globally competitive industry and since taking office, I have been working with colleagues and

stakeholders to find ways to make it easier for visitors – particularly those from our key target market in China – to travel to our shores,” Mr Robb said.

“China is already our most valuable tourism export market, not to mention our largest source of visitor visa applications; providing Chinese travellers with the ability to trial online visitor visa processing, is all part of a broader strategy to ensure Australia maintains its position as a preferred destination for Chinese tourists and investors,” he said. Negotiations have also recently been finalised under which Australia will grant visas for up to 5,000 Chinese work and holiday makers every year. In 2013-14, nearly 760,000 Chinese travellers spent \$4.8 billion in Australia. In the same period, there were over 150,000 Chinese enrolments at Australia institutions – or around 27 percent of the market – while two-way trade between our countries is worth \$160 billion.

http://trademinister.gov.au/releases/Pages/2014/ar_mr_141218.aspx

Australian Government launched online visa applications for Indians

Australian Government is all set to initiate an online visa trial programme for India. Now, with the launch of the programme Indian visitors to Australia can apply for the visa online without any hassle of visiting the Immigration office.

The programme which is under a trial run covers the subclass 600 visa, under which tourist and business visitors can apply. It should be noted that Indian visitors to Australia reached 159,886 for the year ended September 2014 which is almost 14.5 percent increase over last year.

As per the Australian Government’s national tourism strategy Tourism 2020, India has the potential to contribute between \$1.9 and \$2.3 billion annually to our tourism industry by 2020.

The trial for online visa applications is being launched in the first half of 2015 with the aim of capitalising on the visitor market and creating jobs. The online visa application will initially be rolled out through selected travel agents in India.

The trade mission and this visa trial has been put under run in the board under the Australia-India Memorandum of Understanding on Tourism signed during Prime Minister Modi’s visit to Australia in November 2014. As per the MoU, Australia and India will work together to encourage cooperation between tourism stakeholders in Australia and India.

<http://indiatoday.intoday.in/education/story/australian--government--launched-online-visa-applications-for-indians/1/413007.html>

Condemnation of New Asylum Seeker and Refugee Laws

On 5 December 2014, the Australian Senate passed the *Asylum Legacy Caseload Bill*, which will deny asylum seekers and refugees many of the protections they were previously entitled to. The new law will also have negative consequences for children and their families, including making it harder to meet the criteria for refugee status and introducing three-year temporary protection visas for those granted refugee status who arrived as IMAs. IMAs will no longer be allowed permanent protection or family reunion. A more detailed analysis of these changes will appear in a future newsletter.

Slowing migration for half the states and territories

Population growth due to overseas migration has slowed in Queensland, Western Australia, the Northern Territory and the Australian Capital Territory in the year to June 2014, according to figures released by the Australian Bureau of Statistics (ABS).

“Compared with last year, population gains from migration were lower by almost 20,000 people for WA or a drop of close to 40 percent,” said Denise Carlton from the ABS. “Similarly Queensland saw a fall of nearly 10,000 people or 24 percent in its growth due to overseas migration, along with Northern Territory, down 2,000 people or 40 percent, and the Australian Capital Territory, down 700 people or 25 percent.

“New South Wales and Victoria continued to experience growth in net overseas migration, adding 6,300 people in NSW and 2,300 people in Victoria. “Although Western Australia continued to have the fastest overall population growth rate – 2. Percent in the year to June 2014 – it is down by more than one percentage point from the previous year and it is the state’s lowest growth rate in eight years.

“The Northern Territory’s growth rate also dropped from 2.8 percent in June 2013 to just one percent in 2014, partly due to a record net interstate migration loss”, said Ms Carlton. Australia’s total population increased by 364,900 people to reach 23.5 million by the end of June 2014, for a growth rate of 1.6 percent.

Overseas migration contributed 212,700 people to the population (9.7 percent lower than the previous year), and accounted for 58 percent of Australia’s total population growth.

Australian Bureau of Statistics – 3101.0 Australian Demographic Statistics , Jun 2014

Australian Department of Immigration to shift focus from resettlement to enforcement

New Immigration Minister, Peter Dutton is preparing to merge the Department of Immigration and Border Protection and the Australian Customs and Border Protection Service into a single Department of Immigration and Border Protection.

The Australian Border Force (ABF), a single frontline operational border agency, will be established within the department. The ABF will draw together the operational border, investigations, compliance, detention and enforcement functions of the two existing agencies. The purpose of this overhaul is to shift the purpose of the department from settlement and migration towards guarding the country's borders.

"The [ABF's] focus will be getting on with the job of border protection and building a system where criminals are faced with the hardest borders possible, but legitimate traders and travellers are unimpeded by border processes," said a spokesman for Mr Dutton. As part of this shift Minister Dutton announced this week that customs officers will be able to carry guns and personal protection equipment at all Australian airports. He intends to create the "hardest borders possible" for criminals.

"If you're an illegal bkie, if you're part of an outlaw motorcycle gang involved in organised criminal activity, you've just made it to the top of my list," wrote Mr Dutton on his fan page. "Coming to Australia is a privilege and if you're coming here harming Australians, ripping off our welfare system, committing serious crimes, then you're at the top of my list for deporting."

CCLA Rights Watch, 31 Dec 2014

Migration Act

Migration Amendment (2014 Measures No 2) Regulation 2014 (SLI No 199 of 2014)

This regulation amends the Migration Regulations 1994 in the following ways:

- to strengthen immigration policy, in particular, to remove the lengthy prescribed periods that an applicant outside Australia must be given to respond to a request for information or to an invitation to comment,
- broaden the definitions of 'managed fund' to include both statutory funds and benefit funds operated by friendly societies registered under the Life Insurance Act 1995,
- provide that it is a criterion for the grant of a visa that, if requested, a statement from an appropriate authority about a person's criminal history and a completed Form 80 (Personal particulars for assessment including character assessment) must be provided,
- provide that where a person has had a visa cancelled under section 501 of the Migration Act (character grounds), they cannot be granted a further visa except in prescribed circumstances,
- provide that where a person has had a visa cancelled under new subsections 116(1AA) or 116(1AB) (for providing incorrect information) or the Minister's new 'set-aside and cancel' powers in sections 133A or 133C of the Migration Act, they cannot be granted a further visa for three years (except in certain circumstances),
- And harmonise the manner and time periods in which a person can make representations in relation to visa cancellation decisions.

<http://www.comlaw.gov.au/Details/F2014L01696>

More than 62,000 people living illegally in Australia

People from China , Malaysia and the United States were the highest number of visa overstayers in Australia in 2013, with the Chinese topping the list at 7690.

According to an Immigration Department report, *Migration Trends 2012-2013* visitors (44,800) and students (10,720) were the largest cohort of visa holders to overstay their visit. The highest number of visa overstayers in 2013 by nationality came from China (7690), Malaysia (6420), the US (5220) and the UK (3766).

The department says an estimated 62,100 people were unaccounted for in Australia during 2014, which is roughly 1.2 percent of the 5.6 million people who enter the country each year on temporary visas.

The national president of the Migration Institute of Australia, Angela Chan, said the government needed more resources to track these people down, but also needed to be “realistic” about what to do with visa overstayers. “Traditionally the highest number of the unlawfully have come from the USA and the UK. A lot of them think they are Australian, and they get a bit confused,” she said.

“Some of these people might have been here for a very long period of time,” she said. “They may have been here for 20 years and you know, have just forgotten to do something about their visa and they have become a part of their community, they are employed and they have connections here.”

The figures come as newly appointed Immigration Minister Peter Dutton has vowed to crack down on illegal bikie-gang members.

One day after Mr Dutton was sworn in as the Immigration Minister this month he took to Facebook to list his priorities as the incoming Minister.

“If you an illegal bikie, if you’re part of an outlaw motorcycle gang involved in organised criminal activity, you’ve just made it to the top of my list”, wrote Mr Dutton in his web page. “Coming to Australia is a privilege and if you’re coming here harming Australians, ripping off our welfare system, committing serious crimes, then you’re at the top of my list for deporting.” An Immigration spokesman said people found with expired visas could be detained and removed if located by the department in the community. Unlawful non-citizens also face a three-year re-entry ban, he said.

“Overstaying is addressed by resolving the person’s immigration status through their voluntary or involuntary departure, or through the grant of a substantive visa, if they are eligible,” a spokesman said. “The reasons for the raw increase is it is partially a function of the fact more people than ever are coming to Australia year on year, so it stands to reason that if the very small percentage of non-compliance stays the same, there will be more overstayers in terms of raw numbers.”

<http://www.smh.com.au/federal-politics/political-news/more-than-62000-people-living-illegally-in-australia-20141226-12dxod.html>

Australian and Cambodian delegations make secret Nauru visit

A convoy of high-ranking Australian and Cambodian officials arrived in Nauru to secretly progress the controversial deal to resettle refugees in Cambodia.

The Australian delegation, including the head of Operation Sovereign Borders, Lieutenant General Angus Campbell, and deputy secretary of Immigration Mark Commack, arrived on the small Pacific Island this week to meet with Cambodian and Nauruan officials. A small number of refugees were expected to voluntarily take up the offer to relocate to Phnom Penh for permanent resettlement by the end of 2014 as a "trial", but so far no refugees have arrived in the country.

A spokesman for Immigration Minister Peter Dutton refused to confirm the meetings were taking place, saying "It would be inappropriate to comment on ongoing discussions between governments on this matter." "The Australian government welcomes Cambodia's commitment and work under way to implement the MOU (Memorandum of Understanding) on refugee settlement, he said.

But the International Organisation for Migration said the meetings would be observed by its Cambodian representative, Leul Mekennon. The delegation's visit coincides with Cambodian Prime Minister Hun Sen marking his 30th year in power on Wednesday, which human rights advocates argue has seen entrenched authoritarian rule and repression.

"Instead of cosying up to Hun Sen for a refugee deal, Australia should be looking at how it can support the Cambodian people in their struggle for free and fair elections, the rule of law and an end to corruption and land grabs," said Elaine Pearson, Australia director at Human Rights Watch.

Fairfax Media understands a number of Rohingya refugees are expected to take up the offer to resettle in the South Asian country, under the deal forged in September last year. At the same time as the deal was signed the Australian government gave Cambodia's Hun Sen government \$40 million in "assistance development" over four years.

The agreement said Cambodia would decide on the timing and number of refugees that would voluntarily come to the country, while Australia was expected to bear the "direct costs" of the arrangement, including initial support to refugees and infrastructure. According to the latest immigration statistics there are 895 people, including 135 children, being held in the Nauruan detention centre. There are another 100 refugees who have been resettled into the Nauruan community.

The meetings, which suggest a movement towards the resettlement deal, comes as the non-government organisation Save The Children has been replaced as the resettlement partners

on Nauru by a consortium of resettlement services including Connect Settlement services. The charity will still work within the detention centre.

A spokeswoman from Save the Children said they were proud of the work they did in a “very difficult environment”.

<http://www.smh.com.au/federal-politics/political-news/australia-and-cambodia-delegations-make-secret-nauru-visit-20150113-12n37h.html>

Migrant memories stirred at National Archives

The latest exhibition at the National Archives *A Ticket to Paradise?* has rekindled memories for former migrants and their families, say the gallery hosts who escort guided tours each week.

“Many of the people coming on our guided tours were migrants themselves, or have heard stories of life as a migrant from their parents,” said gallery host Kristen Krippner. “We’ve had a range of visitors, who enjoy talking about how their own experiences compare to the stories featured in the exhibition.

“But we’ve also had visitors who weren’t migrants but who are interested in gaining an insight into what it means to leave your home and travel across the world to a new country. One school teacher was so impressed she plans to bring her students when school begins.

“The pictures bring back memories that people often feel emotional about as they recall their own experiences. One visitor spoke of her mother being so lonely that she cried every day for two years after she arrived. But there are other aspect as well, such as how landmark migrants were carefully chosen to show the best possible face of migration to Australian citizens.”

Migrants who have left comments in the visitor’s book came from as far afield as South Korea, Croatia, Germany, Italy, Greece, Poland, Hungary, Philippines, New Zealand, Scotland, France, England, Holland, Ireland, Denmark, China, Sweden, Bulgaria, Australia, Eritrea, United States, India, Panama and Croatia.

The comment “Brings back memories” occurs throughout the book while other comments include “emotional and memorable” and “the older videos are amusing”.

<http://www.naa.gov.au/about-us/media/media-releases/2015/2.aspx>

A.P.B. Education

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