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Department of Immigration and Border Protection

UN representatives criticise Abbott government's boat tow-back policy

United Nations representatives have joined the criticism of the Abbott government's boat tow-back policy and called on Australia to process asylum seekers who reach Australian waters instead of returning them to Indonesia.

But Former Immigration Minister Scott Morrison refused to change tack, saying he "completely disagrees" because the "policy is working".

The regional head of the United Nations High Commission for Refugees also revealed that Australia had refused to provide information to its inquiry about three asylum seekers who claim they had their hands deliberately burned during a tow-back mission in January.

And UNHCR senior regional protection advisor Tom Vargas criticised Australia's proposal to send refugees to Cambodia, saying it was "not in the spirit of resettlement".

The frank broad critique came after a two-day conference in Jakarta, attended by Australia's deputy ambassador to Indonesia David Engel and representatives of 14 other countries, to discuss the protection of refugees in the area.

UNHCR regional coordinator James Lynch said that with millions of people displaced around the world, solutions engineered by single countries alone would only work temporarily.

Mr Lynch said he understood the Australian government was worried about loss of life at sea, criminality in the people smuggling trade and economic migration dressed up as asylum seeking.

However, he said Australia's policy of sending boat arrivals to Papua New Guinea or Nauru, and of returning boats to Indonesia even if people had entered Australian water or landed on Australian territory (as happened in a number of recent tow-backs) is against the refugee convention.

"If someone arrived in Australian waters, we'd expect as a requirement of the refugee convention that they be allowed to disembark and have access to asylum procedures ... We'd expect [Australia] to honour their obligations," Mr Lynch said.

Mr Vargas said: "If every state in the region decides they'll close the door, then there will be nowhere safe for people to go."

But the Immigration Minister was unmoved.

"But I'll tell what Australia's national shame was when it comes to this issue, almost 1200 people dead," he said. "That's national shame. That's the regional shame."

Mr Lynch conceded that there had been no increase in asylum seeker numbers seen in either Thailand or Malaysia as a result of Operation Sovereign Borders.

The Jakarta office of the UNHCR has previously said the number of new people registering with them has dropped from 100 per day to 100 per week since Operation Sovereign Borders began.

<http://www.smh.com.au/federal-politics/political-news/un-representatives-criticise-abbott-governments-boat-towback-policy-20140422-zqxz1.html>

Tony Abbott labels Human Rights Commission report into children in detention 'blatantly partisan politicised exercise'

The HRC report, titled *The Forgotten Children*, has found immigration detention is a "dangerous place for children" and has called for a royal commission into the practice of putting asylum seeker children into mandatory detention.

From January 2013 to March 2014 the HRC found there were 233 assaults in detention involving children, 33 incidents of reported sexual assault, with the majority involving children, and 128 children who harmed themselves.

Some 330 children remain in indefinite detention and more than 167 babies have been born in detention within the last two years.

But Mr Abbott has told Parliament the Government will not set up a Royal Commission into the issue, telling the Opposition he was doing it a favour.

"There won't be a Royal Commission into children in detention, because if there were a Royal Commission into children in detention, it would condemn them," he said of the former ALP government.

"It would condemn them. Madam Speaker, frankly, they stand condemned already."

Earlier he had said he felt no guilt "whatsoever" about holding children in detention.

And he questioned why the HRC did not launch an inquiry when the previous Labor government was in power and the number of children in detention reached a peak of almost 2,000.

"Where was the Human Rights Commission when hundreds of people were drowning at sea?" he said on Macquarie Radio.

"Where was the Human Rights Commission when there were almost 2,000 children in detention?"

"This is a blatantly partisan politicised exercise and the Human Rights Commission ought to be ashamed of itself."

<http://www.abc.net.au/news/2015-02-12/human-rights-immigration-report-blattantly-partisan-abbott/6087148>

Triggs 'totally' rejects suggestions of bias

HRC president Gillian Triggs "totally" rejected the suggestion the report was biased and said both sides of politics are responsible for breaches of Australia's international obligations.

"The commission is doing its job, we are doing our job under our statute and according to the law that underpins our work," she said this morning.

"This is not a politicised exercise. It is a fair-minded report.

"The evidence on which we rely is evidence which covers the period of the former government as well as the nearly 18 months of the current Government.

"The facts frankly speak for themselves."

In the report, Professor Triggs said she made the decision to hold the inquiry last February because the release of children had slowed down over the first six months of the new Coalition Government.

The report has made 16 recommendations, including calling for all children and families currently in detention in Australia and Nauru to be released into the community within the next four weeks.

It also wants the immigration detention facilities on Christmas Island closed, an end to indefinite detention, and an independent person to replace the Immigration Minister as guardian for unaccompanied children.

Mr Abbott said "of course" he wanted to release the children from detention but said "the only way to ensure we don't have children in immigration detention is not to have any boats".

He said the Commission should be praising former immigration minister Scott Morrison for stopping the boats.

"I reckon that the HRC ought to be sending a note of congratulations to Scott Morrison saying 'well done mate.. because your actions have been very good for the human rights and the human flourishing of thousands of people'," he said.

Current Immigration Minister Peter Dutton indicated this morning that a royal commission was unlikely.

He said the Government had long-standing, fundamental differences with Professor Triggs, but said there was no political witch hunt.

"I'm not going to be lectured to by people who want to misinterpret the current situation," he told Radio National this morning.

"We can release children from the detention centres now and let me tell you, the boats start up again, the detention centres will be reoccupied and that is not something that we are going to tolerate."

<http://www.abc.net.au/news/2015-02-12/human-rights-immigration-report-blatantly-partisan-abbott/6087148>

Labor, Greens call for detention changes for children

The Federal Opposition and the Greens are calling for significant changes to Australia's immigration detention network in the wake of a damning report by the Human Rights Commission.

The report, *The Forgotten Children*, recommends setting up a royal commission to investigate the long-term effects of detention on children's physical and mental health, and "remedies for any breaches of the rights of children that have been detained".

The Human Rights Commission report into children in detention unveils a shocking culture of institutionalised abuse.

It is one of 16 recommendations in the most comprehensive inquiry in a decade into the policy of detaining asylum seeker children who arrive in Australia by boat.

The Human Rights Commission is also calling for: all children and families currently in detention in Australia and Nauru to be released into the community within four weeks; the closure of the

immigration detention facilities on Christmas Island; an end to indefinite detention; and an independent person to replace the Immigration Minister as guardian for unaccompanied children.

<http://australia.news.net/article/2861181/labor-greens-call-for-detention-changes-for-children>

Greiner criticises Abbott, wants children freed from detention

Liberal Party elder Nick Greiner has launched a withering attack on the Abbott government's "abhorrent" practice of locking up children in immigration detention, saying Australia should join the rest of the civilised world and scrap the policy.

Mr Greiner described as "very sad" the government's disparaging response last week to an Australian Human Rights Commission report that revealed alarming rates of physical and sexual abuse against children in detention centres.

The strong criticism by the former NSW premier adds to a chorus of concern raised by other Liberal identities. NSW Premier Mike Baird said on Sunday children should be released from immigration detention and former prime minister Malcolm Fraser reportedly believes Prime Minister Tony Abbott handled the report badly.

The commission's report, *The Forgotten Children*, called for a public inquiry into children in mainland and offshore detention after findings of serious abuse.

Mr Abbott dismissed the call and described the report as a "transparent stitch-up". The commission's president, Gillian Triggs, said the report was fair-minded.

Mr Greiner, who was born in Hungary and migrated to Australia as a child, said the government's allegations of political bias served no purpose.

"It's typical of our inability to have a sensible debate on the substance of issues," he said.

"It's totally not surprising that the [commission] found the mandatory detention of children, especially unaccompanied children, has very serious deleterious effects on their mental and physical wellbeing."

He described as "awful" the fact that Australia was the only nation in the Organisation for Economic Co-operation and Development that indefinitely detained children in mandatory detention.

"The principle that Australia ... finds it necessary to be virtually the only civilised nation that does this, I think is just abhorrent," he said.

While the government's tough immigration policy had successfully stopped boat arrivals, Australia could "walk and chew gum ... we now ought to look at the humanity of what we do", he said.

<http://www.smh.com.au/nsw/greiner-criticises-abbott-wants-children-freed-from-detention-20150216-13f2oy.html>

Australia's asylum policies singled out by UN Committee Against Torture

A United Nations Committee Against Torture report singled out the Government's Asylum Legacy Caseload Bill for criticism and recommended that asylum seekers have access to a free, independent and fair process for assessing their claims. RCOA said the report confirmed fears that the Bill could strip away the already limited safeguards for people seeking asylum. The report was also critical of the interception and turning back of boats, mandatory detention, children in detention and conditions endured by asylum seekers on Manus Island and Nauru. In a statement, RCOA CEO Paul Power said Australia's adoption of policies found by a United Nations body to violate some of the most basic of

all human rights “shows how low the Government is prepared to go in pursuit of its narrow-minded and short-sighted domestic political strategy.” Read the statement at http://refugeecouncil.org.au/n/mr/141201_UNCAT.pdf. The report is available at http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/AUS/CAT_C_AUS_CO_4-5_18888_E.pdf and the RCOA’s submission to the Committee at <http://refugeecouncil.org.au/r/sub/1410-CAT.pdf>.

Refugee Council of Australia – December Bulletin

Manus Island asylum seeker ‘ringleaders’ held

About 20 asylum seekers were found with weapons and petrol when one of the compounds in the Manus Island detention centre in Papua New Guinea was raided by security guards after a week of escalating protests, a well-placed source told Fairfax Media.

Tensions remained high in the centre of Tuesday night, with many asylum seekers remaining on hunger strike. Refugee advocates said there were no plans for asylum seekers to engage in violent behaviour.

Private security guards stormed a barricaded section of the detention centre in riot gear at 3:30pm on Monday, detaining 58 asylum seekers from Somalia, Iran and Sudan and taking some to Lorengau police station, in the island’s capital.

They entered the detention centre again on Tuesday and conducted more searches. It was these men who were considered the “ring leaders” of the protest by authorities and security guards.

An early morning raid on the Oscar compound on Tuesday then removed a small number of other asylum seekers also considered to be “troublemakers”.

Prime Minister Tony Abbott thanked personnel associated with the government’s Operation Sovereign Borders, which aims to stop asylum seekers arriving by boat.

“There was a major challenge to the policy of the government and I’m pleased to say that that challenge has been defeated,” Mr Abbott said.

A message sent by an asylum seeker claimed men in the centre were “beaten like dogs” by PNG police and said this was witnessed by Wilson security.

“They attacked in Delta compound and put into [Chauka compound]. In front of Wilson Security PNG police beat and abused us.”

The Australian and PNG governments conceded some force was used to end the protest.

Immigration Minister Peter Dutton

Senate passes asylum laws to fast-track vulnerable people in danger

RCOA was dismayed by the passage of the Australian Government’s asylum legislation which will result in asylum seekers facing the grave risk of being returned to danger. The Asylum Legacy Caseload Bill required support from three of the cross-bench Senators. While the Senators secured concessions resulting in the release of children from detention, the reinstatement of some places previously cut

from the refugee and Humanitarian Program and the restoration of work rights to asylum seekers on bridging visas, RCOA said this masked the disturbing reality that: “Some 30,000 asylum seekers in Australia now face the grave risk of being deported to danger without receiving a fair hearing on their refugee claim. The legislation is designed to produce as many negative decisions as possible, but these decisions are a matter of life and death for asylum seekers.” The RCOA statement decried the use of children in detention as bargaining chips to secure passage of a Bill that would seriously weaken refugee protection with CEO Paul Power saying: “To use children as an inducement to pass legislation will be seen for what it is – a desperate and obscene act of political self-interest.” Read the statement at http://refugeecouncil.org.au/n/mr/141205_AsylumBill.pdf.

Refugee Council of Australia – December Bulletin

Campaign to release children from Immigration detention gains momentum

RCOA and members of A Just Australia continued to press the Australian Government to release children from immigration detention. In a letter to the Prime Minister, RCOA compared Australia’s detention of more than 700 children in Australia and Nauru with the approach taken by the United Kingdom where the responsible minister cannot detain a child for longer than seven days. In September, there were no children detained in UK detention and just seven in October. A media release can be accessed at http://refugeecouncil.org.au/r/s&l/141202_Children.pdf. RCOA’s media release can be accessed at http://refugeecouncil.org.au/n/mr/141202_PMChildren.pdf. A Just Australia’s “Write to Be Heard” campaign also mobilised support, urging members to contact MPs and Senators to take action. Details about the “Write to Be Heard” campaign are at <http://www.ajustaustralia.com/>.

Refugee Council of Australia – December Bulletin

Trades Recognition Australia Provisional Skills Assessment – Removal of the International English Language Testing System eligibility requirement

From 16 January 2015 TRA Provisional Skills Assessment (PSA) applicants are no longer required to provide an International English Language Testing System (IELTS) result as part of the eligibility requirements.

When completing a new application through the TRA Online Portal, applicants must select ‘Yes’ to the question ‘Do you hold a passport from and are you a citizen of: United Kingdom, Canada, New Zealand, United States of America or the Republic of Ireland’. This will bypass the IELTS data field requirements.

Please note: When completing the ‘Personal Details’ page of the online application, you must enter your actual Country of Passport.

<http://www.tradesrecognitionaustralia.gov.au/News/Pages/IELTS-Removal.aspx>

High Court ruling that Sri Lankan asylum seekers legally detained at seas welcomed by Immigration Minister Peter Dutton

A High Court ruling that a group of 157 Sri Lankan asylum seekers were legally detained at seas by Australian authorities last year has been welcomed by Immigration Minister Peter Dutton.

The asylum seekers were picked up and held on a Customs boat for nearly a month last June after leaving a port at Pondicherry in southern India.

Around 16 nautical miles from Christmas Island, after their boat was damaged by fire, they called for help and were picked up by the Customs ship Ocean Protector.

They were detained on the ship and, under the Maritime Powers Act, after a direction from the Australian Government, the ship began sailing back to India.

But they were eventually taken to Nauru after efforts to return them to India failed.

Lawyers for the group argued the detention outside Australia was illegal and at odds with international obligations, and their treatment on the Customs boat was inhumane and cruel.

The plaintiff in the case was a Tamil asylum seekers known as "CPCF". He did not have a valid visa entitling him to enter Australia.

But he took the Government to court and claimed damages for wrongful imprisonment.

Asylum seekers advocates were concerned over changes to legislation made late last year that could make it difficult to challenge boat turn-backs and detention at sea in the future.

The changes meant detention powers could not be ruled invalid on the basis of international obligations.

The High Court found Australian authorities were not obliged to offer procedural fairness by asking the group if they were owed protection under international obligations.

The complex legal decision split the court bench four to three.

It also found the Federal Government acted lawfully and the group was not entitled to damages.

My Dutton welcomed the High Court's decision and said the judgement proved the Government was acting within the law.

Lawyers who brought the case to the High Court said at least one of the asylum seekers had already been found to be a genuine refugee.

But the Government remained firm that the asylum seekers would not be allowed to settle in Australia.

Last July, then immigration minister Scott Morrison said the asylum seekers were economic migrants and they would not face persecution if they were sent back to India.

The Government has now changed the law to make any future legal challenges more difficult.

<http://www.abc.net.au/news/2015-01-28/sri-lankan-asylum-seekers-legally-detained-at-sea-high-court/6051426>

Baird's refugee plea

Premier Mike Baird has called on Prime Minister Tony Abbott to “do more” to accept refugees, saying Australia’s economic strength means nothing unless we help the world’s vulnerable.

Speaking at an Australia Day Council of NSW lunch on Friday, Mr Baird said Australia was the lucky country and should “open our arms to those around the world who are much less fortunate than us”.

Mr Baird, congratulated Mr Abbot on recently increasing Australia’s humanitarian intake for refugees, but said he should “do more”. “[There are people] in incredibly difficult circumstances with nowhere to turn,” Mr Baird said.

Under the former federal Labor government, the humanitarian program was set at 20,000 places, but the Abbott government dropped this to 13,750 places in 2013-14. In December the government pledged to increase the annual humanitarian intake to 18,750 over the next four years.

The federal government has also attracted the ire of refugee advocates with its controversial “stop the boats” policy of offshore detention for any arrivals by boat people.

Federal Labor acting immigration spokesman Matt Thistlewaite seized on the comments, saying it was clear the Abbott government had “turned its back on refugees”.

Mr Baird said Australia was part of a global community and “as a lucky country we have a responsibility to play in helping others as part of that community”. “NSW stands ready... to take more than our fair share. Yes, we have strength in our finances but my strong sense is that means nothing, unless we offer to help those who are vulnerable among us.”

http://newsstore.fairfax.com.au/apps/viewDocument.ac;jsessionid=B2ABFF6EA923E07AC555414D17706D11?sy=nstore&pb=all_ffx&dt=selectRange&dr=1month&so=relevance&sf=text&sf=headline&rc=10&rm=200&sp=brs&cls=183&clsPage=1&docID=SMH150124KC6SL6R2BRJ

Nauru asylum seekers turn back on Cambodian plea

Australia's controversial agreement to send refugees to Cambodia is in doubt because of an apparent lack of interest from refugees on the small Pacific island of Nauru.

Only three of more than 800 refugees or asylum seekers on the island agreed to meet a Cambodian delegation to discuss the possibility of resettling in the impoverished South-East Asian nation.

"The others refused to meet us, so we don't know what to do. It's still unclear whether the three who met us will come [to Cambodia] or not," Cambodia's Interior Minister Sar Kheng was quoted by the Phnom Penh Post as saying.

Mr Sar Kheng said "we have not decided yet" on whether the agreement, under which Australia has already pledged almost \$40 million, would go ahead.

"The principle remains but whether they will come or not, we don't know," he said.

Cambodia is planning to send another delegation to Nauru at Australia's expense to try again to speak to refugees.

Officials have made it clear they would not spin what would be in store for any refugees who went to Cambodia, one of Asia's poorest nations. They would be compelled to settle outside Phnom Penh after an initial 12 months, where they would be provided accommodation and some training.

The first visit last week was monitored by Australian officials and officers of the International Organisation for Migration, which has agreed to take part in the resettlement program if four conditions are met. The IOM has refused to say what the conditions are.

In September Mr Sar Kheng sipped champagne with Australia's then Immigration Minister Scott Morrison to toast the agreement, which has been condemned by Cambodia's opposition and human rights and refugee activists.

Australia's new Immigration Minister Peter Dutton said earlier this week he planned to travel to Cambodia soon to discuss the agreement. Under the agreement announced in September, Cambodia will decide the timing and number of refugees who will go voluntarily to the country, while Australia will pay all costs, in addition to the \$40 million in "development assistance".

http://newsstore.fairfax.com.au/apps/viewDocument.ac?sy=nstore&pb=all_ffx&dt=selectRange&dr=1month&so=relevance&sf=text&sf=headline&rc=10&rm=200&sp=brs&cls=183&clsPage=1&docID=SMH150123AG4J03L6BLB

UNHCR Legal Position: Despite court ruling on Sri Lankans detained at seas, Australia bound by international obligations

UNHCR has followed with deep concern Australia's recent policies and practices of interception at sea, detention and removal of individuals who may be seeking Australia's protection.

UNHCR made a submission as amicus curiae (friend of the court) in the recent High Court case of CPCF v Minister for Immigration and Border Protection, decided on 28 January 2015.

UNHCR's submission focused on the application of non-refoulement obligations – that is, Australia's obligation not to return an individual to persecution or other serious harm when intercepting a vessel outside its territorial waters.

Key principles put forward by UNHCR included that the non-refoulement obligation in Article 33(1) of the 1951 Refugee Convention applies to officials of a Contracting State wherever they exercise jurisdiction; that Australia as a party to the Refugee Convention is obliged to fulfil its obligations in good faith; and that Australian laws, while binding on Australian officials and courts, do not change Australia's international obligations.

While the majority of the High Court found that Australia's detention of the 157 asylum-seekers at sea was permitted under the Maritime Powers Act, subject to some limits, including in relation to ensuring their safety, it did not find it necessary to decide on the scope of Australia's non-refoulement obligations on the facts before it.

The High Court judgment contains some references to judicial decisions in Australia, the UK, and the US as supporting the contention that the refugee non-refoulement obligation only applies within a receiving State's territory but, importantly, also acknowledges that non-refoulement obligations may have extraterritorial effect.

<http://www.unhcr.org/54d1e4ac9.html>

International students forced to work for just \$8 an hour

International students are being exploited in workplaces across Sydney, paid as little as \$8 an hour by employers who take advantage of their desperate need for work.

The underpayments, well below the legal entitlement, are pushing many to break visa restrictions that limit their work to 40 hours a fortnight, putting the students at risk of deportation.

Fairfax Media visited an English language school in the city this week where more than 50 international students said they were being paid below the minimum wage of \$16.87 an hour.

At least a dozen of those students claimed they received \$10 an hour in cash at Chinese, Thai, Korean and Turkish restaurants in suburbs including Gladesville, Marrickville, Haymarket and Chatswood.

One Chinese student said she was paid \$9, while many students said they knew of others earning \$8.

A young Italian student said she was working up to 70 hours each week – at a coffee shop and an Italian restaurant – as well as spending four hours each weekday in class.

“What can I do? I have to work,” she said. “I know it’s illegal but I cannot work less [than 20 hours a week as required by the student visa work limitation condition]. I would not survive.”

It seems little has changed since a major Fairfax Media investigation in 2013 revealed more than 40 restaurants in Sydney were paying their staff wages as low as \$8 an hour.

The Redfern Legal Centre runs an international student service and dealt with 53 cases of workplace exploitation last year.

Chief executive Jo Shulman said students were often afraid to speak out for fear of reprisal.

“Their employers will often threaten to report them to immigration and have them deported if they make a complaint,” she said.

The Fair Work Ombudsmen recouped \$1.1 million in wages and entitlements for about 700 visa holders last financial year.

A spokesman said foreign workers were often not fully aware of their workplace rights under Australian laws and “youth, language and cultural barriers” made them vulnerable to exploitation.

The Ombudsman is currently investigating the PappaRich Malaysian restaurant in Broadway after receiving four complaints from former employees.

One of those complaints was lodged by Wan, a 25-year-old Malaysian university graduate, who says he was paid \$13 an hour and received no penalty rates or superannuation. Under the industry award, he should have been paid \$21.

“They probably assume because we are students we have no idea of our rights,” he said. “This is a big international franchise, so it’s no longer just small business.”

His co-worker Michelle, who recently graduated from the University of Sydney, said she sought employment with the Malaysian restaurant because it made her feel connected to her home country.

“We thought we would be part of the community but I guess they don’t see it that way,” she said. “Sometimes I would work for 30 hours a week when my bills were due and then 10 hours the next [so as not to exceed visa restrictions]. Living like that for four months was just insane. It’s not a sustainable way of living.”

Thomson Ch’ng, the president of the Council of International Students Australia, said the problem was widespread and many students were “distressed and despaired” about how to cope.

"It is too common to the point where everyone thinks it is OK," he said. "The government and industry are encouraging more and more international students to come to Australia and that makes the situation worse because the demand for jobs is going up but there is little supply out there. That leads to the point where students are willing to engage in this environment."

Jason Stewart has been teaching English to international students in Sydney for almost a decade and says workplace exploitation is "rampant" and worsening.

"Definitely most of these students are doing over the 20 hours a week they're permitted by law to do," he said. "But they can't survive on \$200 a week."

Australia is the world's most expensive destination for international students, with high fees and living costs.

"They aren't happy but they feel there aren't many choices available to them, Mr Stewart said.

<http://www.smh.com.au/national/education/international-students-forced-to-work-for-just-8-an-hour-20150117-12rwuo.html>

Changes to residency requirements for SIV applicants from 1 July 2015

Following concerns raised by the MIA at meeting with DIBP and the MIA National Conference last October about the effect of the proposed residency changes on the SIV programme, the MIA has been advised that the following residency requirements will apply for SIV applicants from 1 July 2015.

Eligibility for the permanent SIV from 1 July 2015 will require the following residency.

- The primary applicant to reside in Australia for 40 days per year OR the secondary applicant (spouse) to reside in Australia for 180 days per year.
- There will be no residency requirement for all other secondary applicants.
- This residency requirement will be per year and be calculated cumulatively over the four year period of the provisional visa, i.e. 160 days over four years for a primary applicant or 720 days over four years for the secondary applicant (spouse).

MIA Newsletter – 27 January 2015

Overseas born Aussies hit a 120 year peak

The proportion of Australians who were born overseas has hit its highest point in 120 years, with 28 per cent of Australia's population - 6.6 million people - born overseas, according to figures released today by the Australian Bureau of Statistics (ABS).

"Australia traditionally had a high proportion of migrants, but we've now hit a peak not seen since the gold rushes of the late 1800s," said Denise Carlton from the ABS.

"Overseas migration has been a large contributor to the total Australian population growth for several years - it has consistently been the main driver since 2005-06, contributing more than 50 per cent of population growth in Australia.

"While the largest migrant groups were people born in the United Kingdom and New Zealand - with a total of over 1.8 million Australian residents being born in those two countries, the next two most common birth places were from the Asian region.

"These were China and India, with around 450,000 and 400,000 people respectively.

"Of the top ten countries of birth, the number of Australian residents who were born in India increased the most, almost tripling from just 132,800 people in 2004 to 397,200 people in 2014," said Ms Carlton.

"The number of residents born in China also more than doubled, going from 205,200 persons to 447,400 persons over those ten years.

"In contrast, the proportion of the population born in the United Kingdom saw a drop, falling from 5.6 to 5.2 per cent over the last ten years. Over the same time, New Zealand born migrants have grown from 2.1 to 2.6 per cent."

Top 10 countries of birth, selected characteristics - Australia - 30 June 2014(a)

| Country of birth | Persons | % of Australian population | Median age | Sex ratio |
|------------------|-----------|----------------------------|------------|-----------------------|
| | no. | | years | males per 100 females |
| United Kingdom | 1,221,300 | 5.2 | 54.4 | 104.6 |
| New Zealand | 617,000 | 2.6 | 39.7 | 105.2 |
| China | 447,400 | 1.9 | 35.5 | 81.9 |
| India | 397,200 | 1.7 | 33.2 | 119.7 |
| Philippines | 225,100 | 1.0 | 39.5 | 63.7 |
| Vietnam | 223,200 | 1.0 | 44.5 | 85.0 |
| Italy | 201,800 | 0.9 | 68.8 | 108.5 |
| South Africa | 176,300 | 0.8 | 40.9 | 99.8 |
| Malaysia | 153,900 | 0.7 | 38.6 | 88.3 |
| Germany | 129,000 | 0.5 | 62.9 | 92.4 |

Australia's larger states gained the biggest share of net overseas migration, with New South Wales gaining 73,300, Victoria 59,400, Western Australia 32,300 and Queensland 30,300. Tasmania had the smallest net overseas migration gain, adding 1,300 people.

Looking at migration within Australia, net interstate migration contributed to population gains for Victoria (8,800 persons), Queensland (5,800 persons) and Western Australia (1,000 persons). Those states that experienced population loss through interstate migration were New South Wales (6,900 persons), the Northern Territory (3,300 persons), South Australia (3,000 persons) and the Australian Capital Territory and Tasmania (each 1,200 persons).

<http://www.abs.gov.au/ausstats/abs@.nsf/latestProducts/3412.0Media%20Release12013-14>

Passions rise over visa fee hike for foreign spouses

A ‘TAX on international romance’ that charges citizens almost \$7000 to bring foreign spouses to Australia has been criticised by migration agents, who warn that new government fees are unfair and discriminatory.

The warning comes as one of the country’s leading demographers says the family migration system is in urgent need of review, with up to 60,000 Australians waiting for departmental approval to bring spouses in to the country. The average length of time for approval is now between 12 and 15 months. From January 1, the cost for someone wanting to migrate to Australia to marry their partner rose to \$4627, up 50 percent from last year’s fee of \$3085.

The cost for onshore permanent partner visas has risen from \$4575 to \$6865.

The price increases announced in December’s mid-year budget review will reap \$373.6 million for the government’s budget repair mission over the next four years.

Migration institute president Angela Chan said the fees were a tax by stealth on vulnerable Australian citizens.

“They are vulnerable because they have no choice, and they are emotionally vulnerable,” she said.

“It is a very difficult situation for people who want to sponsor their partners; they’re citizens of Australia, they don’t have a choice to migrate to another country, so they have to find the money to fork out for these exorbitant fees.”

Australian Bureau of Statistics data shows 55 percent of marriages in 2013 were between partners born in Australia, with 31 percent of marriages between partners born in different countries.

The number of family and partner visas granted by the Department of Immigration is restricted based on the number of other migrants allowed into the country.

Professor McDonald said this quota system needed to be reviewed.

Assistant Immigration Minister Michaelia Cash said the fee increases were needed to “repair the budget and fund whole-of-government policy priorities”.

The fee increase clearly represents a tax rather than a filing fee and as such may be unlawful, commented Managing Partner David Bitel. He called for the Senate to urgently review this impost. For more information on partner visas contact David Bitel or Thong Nguyen in our office.

MIA Bulletin – 14 January 2015

Live & Work in New South Wales – Skilled nomination migration (190)

The NSW government is currently assessing applications lodged in October 2014 and since February 2015 and states it aims to finalise these applications within 12 weeks.

Applications can only be processed once all required information has been provided. The 12 week processing period starts on receipt of a complete application.

They request that applicants to refrain from enquiring about the status of their application and whether information has been received. This will enable a more efficient assessment of the remaining cases and finalisation of applications as quickly as possible.

NSW Nominated Skilled Migration Program – October 2014 Update

The October intake has reached the cap of 1,000 and it is closed. The October intake was capped at 1,000 applications to ensure the annual cap is not exceeded.

NSW has now written to all prospective applicants who successfully submitted an application in the 22 October intake. These applications will now be assessed and applicants will be contacted directly in due course. Applicants who have had receipt of their application confirmed but still need to supply additional information, attachments or complete full payments will be contacted directly as their case progresses through to assessment.

NSW is a highly competitive destination for skilled migrants and as such, demand from NSW nomination under this visa program far exceeds the number of places available. In recognition of ongoing high demand and to ensure that places allocated under the program are well-balanced and aligned to the skills needs of the state's economy, NSW is continuing to implement operational and policy reforms. The application process opened again in February 2015. This will be after an analysis of the intakes to date which will determine the approach to future intakes. Information on future intakes will be posted on the website in January 2015.

NSW anticipates nominating another 2,000 applicants between February-June 2015.

This program is one of many visa options and NSW encourages potential applicants to explore alternative pathways as the program will not be able to accommodate all eligible candidates.

The Skilled Nomination (subclass 190) visa ("the 190 visa") is a points-tested permanent visa for eligible skilled workers who are nominated by a state or territory government.

NSW Trade and Investment runs the skilled nomination program for the 190 visa in order to attract highly skilled migrants in a range of occupations to contribute to the state's medium to long term skill needs.

For the 2014-15 program year, NSW Trade & Investment will nominate up to 4,000 skilled workers for the 190 visa, and has implemented the following process to maximise the program's effectiveness, flexibility and responsiveness to the need of the NSW economy.:

- Applications for nomination are accepted through staggered intakes in the program year. NSW anticipated nominating approximately 2,000 eligible applicants from July-December 2014. NSW anticipates nominating another 2,000 applicants in intakes run from February-June 2015.
- Applications must be lodged through the NSW online application system during each intake. Paper applicants are not accepted.

<http://www.trade.nsw.gov.au/live-and-work-in-nsw/visas-and-immigration/skilled-nominated-migration-190>

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