

NEWSLETTER

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DHA PRIORITIZING SKILLED VISA APPLICATION

Department of Home Affairs to process more skilled applications faster and respond quickly to labour market needs. Prioritizing offshore applications for permanent and temporary skilled visas will also help more people enter Australia, contribute to the economy, and alleviate the labour shortage. Applications relating to occupations in regional Australia continue to have priority, helping to support agricultural and other regional work force needs.

"QUEENSLAND LABOUR-HIRE COMPANY FACES COURT FOR ALLEGED UNDERPAYMENT OF 87 VISA HOLDERS - COMMENCED LEGAL ACTION AGAINST A LABOUR-HIRE COMPANY THAT OPERATED ON FARMS IN FAR NORTH QUEENSLAND"

FOLLOW-UP FROM OUTREACH SESSIONS FOR AFGHAN FAMILY VISA PROCESSING - SUBCLASS 870 - GENUINE INTENTION TO STAY

The following guidance is provided in response to your question regarding applicants from Afghanistan meeting the genuine intention to stay in Australia temporarily for the purposes of the Subclass 870 visa:

- The Subclass 870 visa will now allow parents to stay with children in Australia on temporary basis. Community complaints over the limited number of parent spots in the migration programme and related protracted waiting periods led to the implementation of the visa.
- For this visa, the applicant must truly intend to stay in Australia for a short period of time. This requirement is meant to make it crystal apparent that the Subclass 870 visa is only valid temporarily and does not have a pathway to permanent residency.
- As at 30 September 2022, there are 17 on hand applications for a Subclass 870 visa lodged by Afghan applicants.
- From 1 July 2022 - 30 September 2022, there have been 6 Afghan applicants who were granted a Subclass 870 visa. Previously, in 2021-2022, there were 24 Afghan applicants who were granted a Subclass 870 visa

MIGRATION QUEENSLANDS BUSINESS PROGRAM- BIIP TEMPORARILY SUSPENDED SKILLED PROGRAM REMAINS OPEN

As of 8 November 2022, Migration Queensland will temporarily suspend its business nomination programme (BIIP), as they have met interim quota for business nominations.

For qualified skilled applicants, Migration Queensland is still available.

HUMANITARIAN VISAS FOR MYANMAR NATIONALS PRIORITISED

The Department of Home Affairs will give priority to applications for protection from Myanmar citizens presently residing in Australia who arrived with a valid visa, cutting waiting times and giving those in need of it confidence. Due to the severe humanitarian and security conditions in Myanmar

SUBCLASS 191 - WAIVER NO FURTHER STAY CONDITION

This makes it possible for family members to join an application for a Subclass 191 (Permanent Residence (Skilled Regional)) visa without leaving Australia.

To be eligible to apply for a SC 191 visa, the major applicant must have a "pathway" visa, such as a SC 491 or SC 494, and have met the three-year regional residency requirements. The same is applicable to those with Hong Kong and BNO passports who have SC 457, SC 482 or SC 485 visas.

Family members and dependents who may currently hold another visa with a No Further Stay condition and are exempt from these conditions.

COVID-19 PANDEMIC EVENT - SUBCLASS 408 - UPDATE TO CONDITIONS

The following information has been received on Subclass 408 visas in the Pandemic stream. The following updates and clarification of conditions include:

- the Department implementing a less restrictive policy on visa condition 8107 work limitation for these visa holders, due to ongoing labour and skills shortage which allows them to work unrestricted
- these visa applicants and holders may change employment and work for more than one employer. There is no need to contact the Department to advise of changes in employment
- visa holders working in Australia should continue to work while they have their SC 408 visa. If they are no longer employed, they should find new employment or make arrangements to leave Australia
- SC 408 visa holders who had visa condition 8101 applied to their previously held substantive visa, do not carry over that visa condition to their 408 visa when granted, as this is a substantive visa, not a bridging visa.

WARNING - WITHDRAW UNWANTED APPLICATIONS

Members are urged to withdraw any unnecessary visa applications as soon as other visa applications are approved. There are SC 408 and other temporary visa applications—such as those for student and visiting visas—filed during COVID are being approved, displacing earlier-awarded, more advantageous, or more sought visas.

AGRICULTURAL VISA FOR VIETNAM

A media release has confirmed that the current government will honor the 'Agriculture Visa' agreement with Vietnam, established by a Memorandum of Understanding before the Federal Election.

The visa will be given another name. The full media release is available [here](#).

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GENERAL SKILLED MIGRATION (GSM)

PATHWAY

SEMINAR on 2nd December @Deer Park

