

NEWSLETTER

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UKRAINIAN SC 786 VISA HOLDER - APPLYING FOR FURTHER VISAS

Ukrainian Subclass 786 visa holders who wish to apply for a further visa to remain in Australia can now do so.

While they are still in Australia, the Department may lift the bar limiting the submission of any more visa applications.

This only applies when there are exceptional circumstances. Extraordinary situations could arise in, but are not limited to:

- where a person may demonstrate that by requesting and receiving another visa, they are making a contribution to the Australian economy or society, or
- that the visa they intend to apply for will guarantee they may keep their family together as long as Australian citizens are engaged.

MIGRATION AMENDMENT (AGGREGATE SENTENCES) ACT 2023

If a person did not appeal a visa cancellation or rejection decision before the Pearson decision and was still within the applicable timelines to do so, the Aggregate Sentences Act has measures to restore that person's right to do so.

The Migration Amendment (Aggregate Sentences) Act 2023 has received Royal Assent and came into effect from, 17 February 2023.

TPV/SHEV HOLDERS - RESOLUTION OF STATUS PROCESSING ARRANGEMENTS

Update your information in ImmiAccount, especially if your address or contact information changes. Existing TPV/SHV applications shouldn't be withdrawn because they will be treated as ROS visa applications by default.

The amount of slots available for other humanitarian entrants won't be impacted by the ROS visas because they will be delivered and funded independently to the Humanitarian intake places.

The processing system was created to be "light touch" and to cut down on unnecessary red tape.

PACIFIC ENGAGEMENT VISA: STRENGTHENING TIES WITH THE PACIFIC FAMILY

Up to 3,000 citizens of Timor-Leste and Pacific island nations will be able to immigrate to Australia each year as permanent residents thanks to a new visa called the Pacific Engagement Visa.

Increased permanent migration from the Pacific to Australia is a crucial component of the government's strategy to fortify the Pacific family.

The Pacific Engagement Visa will expand Australia's diaspora in the Pacific and in Timor-Leste, strengthen interpersonal ties, and promote more cross-cultural, commercial, and academic engagement.

The programme will begin accepting applicants in July 2023 according to legislation that was tabled into Parliament today by the Hon. Andrew Giles MP, Minister for Immigration, Citizenship, and Multicultural Affairs.

In order to ensure fair and open access to the programme, applicants must register themselves, their partners, and any dependent children in the ballot. If successful, they must then apply for the visa.

Age between 18 and 45, a valid job offer for a full-time position in Australia, and basic English language, health, and character requirements must all be met in order to be granted a visa.

To make sure the programme satisfies common needs and priorities, the Pacific Engagement Visa is being developed in close consultation with Pacific island nations and Timor-Leste.

Only in cases when it is absolutely necessary, such as changes in personal circumstances or travel, will applicants be requested for more details.

There will be no need for a second evaluation of protection claims.

Only applicants who reside in Australia are eligible for this programme. Family members who live abroad cannot be added.

Once the ROS is granted, the applicants will instantly be entitled for social benefits, the NDIS, and higher education fee assistance in addition to their present counselling and other services.

Extremely vulnerable applicants and holders, such as those in need of NDIS support, should get in touch with the supported legal services for help communicating with Home Affairs.

TIMEFRAME FOR ROS

The majority of ROS matters will be handled within a year, while some, including those that are referred to the Tribunal or courts, may take longer.

Applications can be submitted online starting in late March 2023.

A small cohort will be invited early by letter to apply for the ROS if their present TPV/SHEV visas expire before late March.

ELIGIBILITY

Any TPV/SHEV holders who were in Australia before 14 February 2023 who held or had sought for one of these visas are eligible to apply.

Applicants who have been judged to have violated Australia's protection requirements are ineligible.

Individuals whose cases are pending before a Tribunal or Court may qualify, depending on how those reviews turn out.

ROL/TRT OCCUPATIONS

The Department of Home Affairs has acknowledged that ROL vocations are covered by the TRT provisions, but more information is pending confirmation.

Home Affairs has stated that although the concessions' expiration date of 1 July 2024 has been publicized, it is not included in the statute and that the decision to enforce it would be made by the current administration.

AAT RECRUITMENT ANNOUNCEMENT

The Expert Advisory Committee that will direct the AAT reform has been announced by the Attorney General.

Also, it has been declared that the search for a new AAT president would start immediately in order to carry out the Government's transformation process for that Tribunal.

To help with the Tribunal's backlog, positions have also been posted for an extra 75 new members.

Media release Expert Panel

Media release AAT Recruitment

GOVERNMENT FUNDING - FREE ACCESS TO MIGRATION ASSISTANCE

Legal Aid will arrange free migration aid for all applicants who qualify for a ROS visa.

For these TPV/SHEV holders and applicants, the government has established a funding mechanism that entitles them to free help from the designated providers. On the Home Affairs website, these service providers are included in the [Factsheets](#).

AFTER GRANT OF AN ROS

If they have fulfilled the standard conditions, holders of the ROS will be qualified to apply for Australian citizenship. The TPV/SHEV visa holders' time in Australia will be used to fulfil the residency criteria for citizenship.

After receiving the visa, ROS holders can immediately sponsor family members.

Sponsorship of family members is required through the program's Family Reunion stream. They are ineligible to receive sponsorship through the ROS sponsors' Humanitarian Stream.

QUEENSLAND CONSIDERATION FOR PRIORITY PROCESSING - CLOSED!

CHATGPT'S RISE MEANS BILLABLE HOURS WILL 'INEVITABLY DECLINE'

Since the advent of ChatGPT, the time-based billing model has come under intense criticism. As a result, billables are now even more at risk.

The emergence of ChatGPT and undoubtedly similar platforms in the near future will alter legal services delivery, initially gradually but ultimately perhaps significantly.

Although while ChatGPT can be used to cheat on law school exams and is, in some people's eyes, "no different from Wikipedia," there are concerns that the advent of AI will lead to the demise of attorneys. This is true even if it should be used cautiously in courts and requires new employment laws.

How, if at all, the development of this technology affects the billing procedures of providers of legal services is one of many professional issues to be taken into account.

SPECIAL PURPOSE VISAS FOR FIJI AND TIMOR-LESTE DEFENCE FORCES AND PERSONNEL

Addition of Fijian and Timor-Leste armed forces, civilian component personnel and their dependents to the list of defense forces who are eligible for Special Purpose Visas under the Reciprocal Access Agreements.

MIGRATION AND REFUGEE DIVISION - AAT UPDATE

- the MRD Division's new Migration and Refugee Practice Direction
 - the revised President's Direction – Prioritizing Cases in the Migration and Refugee Division
- which take effect on 1 March 2023.

REGIONAL OCCUPATION LIST - SC 186 TRT - WORKAROUND

Some ROL professions not showing up in the drop-down ANZSCO list for SC 186 TRT applications.

The following workaround has been authorized by the ENS area for online lodgments:

1. On page 3 of the ImmiAccount application select any ANZSCO code from the drop down menu - this will allow you to continue with the application.
2. Once the application has been lodged complete the Notification of incorrect answer(s) form providing the incorrect code chosen and the correct code.
3. Once you have completed the form please contact the e-service Helpdesk and they will notify the ENS area who will then update the code in the system

INCREASED WORK RIGHTS FOR STUDENT VISA HOLDERS

To help Australia's economy recover and expand, work rights for those on student visas will be increased starting on July 1, 2023.

During the COVID pandemic, work right limits for students were lifted, however this will come to an end on June 30, 2023. Starting July 1, 2023, the maximum number of hours per fortnight that people with student visas can work will be 48.

THAPA PRECEDENT AND EXPIRED ENGLISH LANGUAGE TESTS FOR EOIS

Home Affairs has indicated that it will accept skills assessments that have expired and been renewed within the invitation period for GSM applications, this does not apply to English language tests.

ONLY 7% OF LAWYERS TRUST CHATGPT (FOR NOW)

As ChatGPT continues to trend globally, more legal professionals are exploring how the platform, and similar artificial intelligence (AI) technologies, can improve their day-to-day and drive efficiency.

But Lawyers Weekly can reveal that only a small number of lawyers actually trust the tech fully.

The poll conducted was, of course, not a scientific study.