

NEWSLETTER

148



VISION
OVERSEAS
GROUP

MIGRATION CHANGES FROM 1 JULY 2023

GRADUATE SUBCLASS 485 VISAS

485 Graduate work stream nominees must choose a profession from the list, unless new regulations are published that extend this deadline. As yet there has been no indication that a new legislative instrument will be released.

A skills assessment is necessary for the 485 Graduate Workstream.

From 1 July 2023, the 485 Post Study work stream will have its work privileges extended by two years.

STUDENT VISAS

Unless the holder of a student visa was employed in the aged care sector on May 9, 2023, Condition 8104's easing of work rights will be abolished, and on December 31, 2023, it will revert to its original working limits.

On July 1, 2023, the 40-hour work restriction per fortnight for all other holders of student visas will be doubled to 48 hours.

CHANGES TO MEDICAL EXAMINATIONS

Urine tests will no longer be included in the medical examination starting on July 1, 2023. Instead, blood tests will be necessary to complete.

Before July 1, 2023, applicants who are 15 years of age or older and have not finished their medical examinations will have to submit to a blood test.

Urine or blood testing for kids between the ages of 5 and 14 are no longer necessary, unless clinically necessary.

SUBCLASS 407 SECONDARY VISA HOLDERS

Work rights for secondary VH will revert to 40 hours per fortnight on 1 July 2023.

SUBCLASS 417 FOR UK CITIZENS

On July 1, the WHV age restriction for citizens of the UK will rise to 35.

Changes to who is eligible to apply for a second or third WHV won't take effect until July 1, 2024.

SUBCLASS 482 - SHORT TERM STREAM

Up until 1 July 2023, third Subclass 482 ST stream visa applications are only accepted onshore.

AUSTRALIAN DOLLAR ONLY CURRENCY FOR OVERSEAS PAYMENTS

The Department found that just five transactions totalling AUD728 in one currency were made in the first half of this financial year after reviewing fees paid in foreign currencies. The usage of electronic filing and payment has grown, making the need to pay in foreign currency nearly unnecessary.

All payments made in Australia or abroad starting on July 1st, 2023, must be paid in Australian dollars. The exchange rate is 1.000.000 as of July 1, 2023.

The Department will keep an eye on things, and if it looks like foreign currency transactions are necessary, they will be resumed.

FEDERAL COURTS AND TRIBUNALS FEE INCREASES

Fee hikes have been published in the gazette for use in federal courts and tribunals beginning July 1, 2023.

Application fees have increased to \$3,374 from \$3,153 for decisions other than decisions involving protection visas.

The application price has increased from \$1,890 to \$2,076 for the evaluation of Part 7-reviewable decisions involving protection visas.

SC 485 EXTENSIONS AND SC 500 WORK HOURS INCREASE

TRA - REINTRODUCTION OF PROVISIONAL SKILLS ASSESSMENTS

The Job Ready Programme Registration and Eligibility (JRPRE) will no longer be a part of the JRP as of July 1, 2023, and it won't be accessible through the TRA Online Portal either.

The JRPRE will be replaced by the Provisional Skills Assessment (PSA) programme, which will be reinstated. The PSA will continue to be a prerequisite for the JRP while maintaining a separate programme from it. Beginning on July 1, 2023, the PSA will be accessible through the TRA Online Portal.

NZ STREAM 189 PERMANENTLY CLOSED

New Zealand nationals with a Subclass 444 Special Category visa who arrived in Australia after 26 February 2001 and have been there for four years or more are qualified to apply directly for Australian citizenship by conferral as of 1 July 2023. As a result, the New Zealand stream of the Subclass 189 (Skilled - Independent) visa will no longer be required of them.

Partners of SCV 444 holders who become citizens of Australia will be permitted to stay on SC 461 visas until their existing visas expire. They will need a partner visa or another appropriate visa if they want to stay in Australia after that date.

This will take effect on July 1st, 2023.

MIGRATION AMENDMENT (STRENGTHENING EMPLOYER COMPLIANCE) BILL 2023

With a focus on individuals who utilise the migrant programme to enable this exploitation, this Bill aims to strengthen Australia's immigration system and enforcement regimes' abilities to combat worker exploitation.

The Bill includes the following measures:

- making it unlawful to compel or unreasonably pressure someone into violating the terms of their work-related visa
- prohibiting firms who have been found guilty of certain charges from hiring more temporary visa holders for a set amount of time
- the Home Affairs website revealing the names of these illegal employers
- As a deterrent, drastically escalating the monetary and civil penalties
- provide the ABF more authority and resources, such as enforceable undertakings and compliance notifications.
- Encouraging victims to report exploitation, s235 of the Migration Act should be repealed, which now makes it illegal for a visa holder to violate employment requirements or employ illegal aliens.
- specify factors that can be used to give facts pertaining to these circumstances weight in accordance with s116 of the Migration Act.

JOBS AND SKILLS COUNCILS

Employers and unions can collaborate with governments, the education and training sectors, and other organisations through the network of Jobs and Skills Councils (JSC), which is owned and run by business.

First to be established, the Agribusiness JSC is joined by the:

- Manufacturing Industry Skills Alliance: Manufacturing JSC
- Mining and Automotive JSC: The Mining and Automotive Skills Alliance
- Transport and Logistics JSC: Industry Skills Australia

Over the next four years, a total of 10 Jobs and Skills Councils will be established.

UPDATING ANZSCO CONSULTATION - ROUND 2

Air and space transport	Allied health
Architectural, engineering and technical services	Construction
Electricity, gas, water and waste services	Manufacturing
Medical, nursing and other health care services	Mining
Property operators and real estate	Repair and maintenance
Spatial, surveying and mapping services	Telecommunications
Tourism services	

VISA APPLICATION CHARGES - INCREASES

The CPI increase announced for this year is 3.25% and different visas have different further percentage amounts added according to the Federal Budget announcements.

THREE BILLS ARE CURRENTLY BEFORE PARLIAMENT THAT SEEK TO AMEND THE MIGRATION ACT

This Act:

- mandates that all papers relating to cancellation be provided in writing and specifies how to provide documents
- assures that the handing of the document is valid in cases where the minister delivers it to a person in error, such as
- the document is assumed to have complied with the content-related requirements when it is delivered to the person, and the minister has substantially complied with those content requirements so that the inaccuracy does not materially impair the person's rights.
- Remove the restriction on non-citizens with dual citizenship, as well as some other cohorts, being able to submit a legitimate application for a protection visa.

SC 191 PERMANENT RESIDENCE REGIONAL - UPDATE

A principal applicant for a subclass 191 visa is not required to have been either the primary or secondary applicant in the provisional visa application, according to the regulations. Therefore, regardless of whether they obtained the subclass 491 visa as the primary or secondary applicant, someone who has a subclass 491 visa may apply for a subclass 191 visa if they match the necessary criteria.

VETASSESS UPDATE

There are articles on the following in the June edition of the VETASSESS Migration Agents and Lawyers newsletter:

- Login to the Skills Assessment Support service
- Graduate (Subclass 485) temporary visas
- updates to trade fact sheets
- Pathway 1 trade applicant procedures
- Identifying NEC professions

STUDENT CLAIMS LEGAL ADMISSION BOARD DISCRIMINATED AGAINST DISABILITY

After being denied permission to study legal subjects out of sequence, a former law student demanded the Legal Profession Admission Board (LPAB) publicly apologise and hand over more than \$45,000. Daniel Makowski, a former law student, requested that the Federal Court of Australia deny his plea to file a lawsuit against the LPAB on the basis that it discriminated against this mental health handicap.

"There was no information before the board to support how Mr Makowski's mental health prevented him from studying subjects in the usual order," Justice Thawley said in concluding remarks.

"Mr. Makowski claims that his inability to follow the advancement rules was caused by the stress he had as a person with a disability working in the legal profession. He also claims that he dreaded having to use his condition as an excuse for requesting that the progression rules be relaxed.

Even if we accept this, it still doesn't explain why his impairment called for a waiver of the progression norms. There is no plausible defence of direct discrimination, according to the board's rationale in the appeals ruling.

LAWYER X SPECIAL INVESTIGATOR SAYS DPP REFUSES TO LAY CHARGES

In response to his frustration that the state's Director of Public Prosecutions (DPP) was unwilling to bring charges against important police officers implicated in the scandal, Lawyer X's special investigator warned the Victorian government to shut down the office or prepare for his resignation.

Former High Court justice Geoffrey Nettle's job as a special investigator was to determine whether there was enough proof to bring criminal or disciplinary charges against individuals who used barrister Nicola Gobbo as an informant on her own clients.

When the OSI went back over the eight cases, it discovered that three of them taken together may "sustain a charge against one senior police officer" for knowing not to report, look into, or file charges for violations involving attempts to obstruct the administration of justice.

Mr. Nettle said the office had determined "the most important consequence of the alleged offending... was the damage done to the fundamental integrity of the criminal justice system" despite the absence of an alleged immediate victim who might be ready to provide a statement.

It would be challenging to "prove 'wilful misconduct' beyond reasonable doubt," Ms. Judd wrote in a letter dated May 2023.

Despite Mr. Nettle's prediction that the brief would not be finalised until 2024, he came to the conclusion that the letter made it unlikely that he would receive approval for charges from the DPP's office.