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Parliament passes Citizenship law

Parliament passed the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015 which updates a long standing provision of Australian law to reflect the new age of terrorism. The legislation will strip Australian citizenship from dual Nationals who are involved in terrorist conduct overseas or convicted of a terrorism offence in Australia.

It will also ensure terrorists who are dual nationals are prevented from returning to Australia and dual nationals who engage in terrorism within Australia can be removed where possible.

The change of the existing legislation was necessary to reflect the current threat that Australia and the rest of the world face.

Australia's current threat level is now 'probable' – meaning that there is credible intelligence assessed by our security agencies that indicates individuals or groups have developed both the intent and capability to conduct the terrorist attack in Australia.

Dual Nationals who engage in terrorism are betraying their allegiance to this country and do not deserve to remain Australian citizens.

The Government's highest priority has been and will always be keeping Australians and the community safe and secure.

Joint media release Attorney- General, Senator the Hon George Brandis QC, Minister for Immigration and Border Protection, The Hon Peter Dutton MP, 4 December 2015.

Parent and Other Family visa numbers 2015/2016

Ministerial Determination – IMMI 15/111 – F2015L01846 – Determination of Granting of Parent and Other Family Visas in the 2015/2016 Financial Year – Migration Act 1958

This Determination specifies the number of visas in the following classes that will be granted in the financial year from 1 July 2015 to 30 June 2016.

Parent (Migrant (Class AX) and Aged Parent (Residence) (Class BP) = 1550 visas

Other Family (Migrant) (Class BO) and Other Family (Residence) (Class BU) = maximum 520 visas

New Zealand citizens are included in this specified maximum number of visas, unless otherwise included in the Migration Programme.

This Determination revokes IMMI 14/050 (F2014L00888)

MIA NOTICE 105: 2015 26 November 2015

Senate passes bill calling for release of all children in immigration detention in Australia.

All children in immigration detention in Australia must be released into the community under legislation passed by the Senate, but the Bill faces being struck down in the government-controlled House of Representatives.

The Migration and Maritime Powers Amendment Bill (No.1) - a technical government-sponsored Bill largely concerning visa application rights – passed the Senate, but with a suite of amendments proposed by Greens Senator Sarah Hanson – Young that mandates the

release of all children from Australian immigration detention centres, unless a Court specifically orders a child's release is not in the public interest.

The amendments would also: impose mandatory reporting of abuse in detention centres to relevant, independent authorities; require all reasonable media requests for access to be granted to detention centres; and reverse the secrecy provisions of the Australian Border Force Act which makes it an offence to disclose information in the public interest about detention.

MIA Newsletter 25 November 2015

Labour hire inquiry hears of mistreatment of refugee workers in horticulture and a community that 'doesn't care'

Cash in hand payments, illegal workers afraid to speak up about being underpaid and deals between accommodation providers and contractors have dominated the Victorian Governments' inquiry into the labour hire industry.

The inquiry is gathering evidence on worker mistreatment around the state.

The Sunraysia Mallee Ethnic Communities Council told the inquiry they have assisted foreign workers and new arrivals who don't know where to turn when they are underpaid, or not paid at all.

MIA Newsletter 25 November 2015

Minister – New visa application centre up and running in Chengdu

Travel to Australia from one of China's fastest growth regions will be easier with the establishment of a new Australian Visa Application centre (AVAC).

The new visa centre in Chengdu will serve the vast populations of Sichuan Province, the huge city of Chongqing and the Western China region generally.

The Minister for Immigration and Border Protection Peter Dutton and the Minister for Tourism and International education, Richard Colbeck said the visa centre will provide more convenient access to Australian immigration services and enhance tourism growth from China.

"We have seen a record number of visitor visa applications from China in the last financial year and it is important we continue to support this growing market and remain competitive in facilitating Chinese visitors to Australia."

"Visa grants to Chinese tourists have doubled in the last five years and we have significantly reduced processing times- the median processing time for tourist visas is three days and for business visas just one day," Mr Dutton said.

Senator Richard Colbeck supported the opening of the new Centre saying that the Chinese tourist market supports the Australian economy by bringing in valuable tourist dollars.

"The tourism industry remains one of the largest and strongest industries in Australia and tourism from China is booming; visitors are up 22 percent to 896,000, nights up 25 percent to \$39.3 million and spending up a huge 43 percent to \$7.7 billion."

"Enhancing these services to the Chinese market will help ensure visitors continue to find Australia easy to access and attractive as a tourist destination," Mr Colbeck said.

The new Centre complements the AVAC's already in Beijing, Shanghai and Guangzhou, to continue to find Australia's largest source of tourist visa applications.

Mr Dutton said the Chengdu AVAC is just one of many steps being undertaken to enhance visa services in China.

"The recent signing of the China- Australia Free Trade Agreement (ChAFTA) will see significant growth in the economic relationship between our countries and facilitating the movement of people is vital to the opportunities ChAFTA opens up," he said.

"We have numerous initiatives to do that in China including the continuing roll out of online visa lodgement systems, a ten-year visitor visa for eligible Chinese applications, and a 48 hour fast track service.

"In September we also commenced a work and Holiday visa for upto 5,000 young Chinese people annually – the first 1,500 places were taken within minutes of becoming available.

URL: <http://www.minister.border.gov.au/peterdutton/2015/Pages/new-visa-centre-chengdu.aspx>

Minister – Visa reforms to attract innovative talent to Australia

Innovators and entrepreneurs will be encouraged to bring their ideas to Australia with visa reforms to attract talented and highly educated people under the Coalition Government's National Innovation and Science Agenda.

A new Entrepreneur Visa will be introduced to attract innovative talent and changes will be made to retain high achieving foreign students in Australia.

The Minister for Immigration and Border Protection Peter Dutton said ideas, skills and talent were essential to a high performing economy.

"The National Innovation and Science Agenda will change the way Australians work together to shape the nation," Mr Dutton said.

"The Agenda includes initiatives to foster new startups, help businesses to grow, and prepare young Australians for the opportunities of the future.

"The visa system is a key enabler of Australia's ability to attract and capitalise on the expertise and ideas of foreign innovators within a global marketplace.

"We also have a strong interest in retaining highly educated individuals to contribute to a thriving knowledge economy."

Mr Dutton said the new Entrepreneur Visa would attract individuals with unique skillsets, ideas and the entrepreneurial talent to Australia.

"It will be available for emerging entrepreneurs with innovative ideas and financial backing to develop their ideas in Australia.

"Australia's overseas networks will be leveraged to actively encourage entrepreneurial and innovative talent to come to Australia.

"We also want to retain highly educated, talented people whose knowledge base has been developed in Australia.

"We will make changes to facilitate a pathway to permanent residence for foreign students who are recent graduates from Australian institutions with specialised doctorate-level and Masters-by-research qualifications," Mr Dutton said.

The changes would assist graduates in STEM subjects - science, technology, engineering and mathematics or specified ICT and related fields.

"Innovation is an important building block for our nation's growth and through these reforms we will ensure Australia can benefit from the expertise of the global marketplace," Mr Dutton said.

"These changes remove impediments in the visa system to facilitate entry and retention of highly talented people."

The reforms will be introduced in the second half of 2016.

<http://www.minister.border.gov.au/peterdutton/2015/Pages/innovative-talent.aspx>

NSW DEPT of INDUSTRY – BUSINESS & SKILLED MIGRATION UPDATE

NSW Business and Skilled Migration Update is now available. The update contains the following information that will be of interest to potential Business Skills applicants:

The 'excluded industry sector' criteria has been removed from the NSW state nominated business visa criteria from 1 January 2016. This change aligns with the NSW Government's state priorities for growth, investment and jobs. The change allows a broader range of businesses to be included for the following visa applications

BIIP Subclass 188 Business Innovation Stream

Distinguished Talent subclass 132

Significant Business History stream Subclass 188 Business Innovation stream

State/Territory Sponsored Business Owner Subclass 892 visa.

MIA Notice 112:2015 11 December 2015

MYEFO: Government to spend more than \$900 million resettling 12,000 Syrian, Iraqi refugees

The Federal Government will spend more than \$900 million to resettle an additional 12,000 refugees fleeing Syria and Iraq.

The Department of Immigration and Border Protection has been allocated \$35.2 million of the \$909 million, a small part of the \$1 billion overall boost in the department's budget unveiled in the Mid-Year Economic and Fiscal Outlook (MYEFO) yesterday.

The additional expenditure comes as Treasurer Scott Morrison faces down a deficit stretching beyond the end of the decade, with a surplus now not expected until 2020-21.

MYEFO documents outlined an increased federal budget deficit of \$37.4 billion, with Finance Minister Mathias Cormann citing unavoidable expenditures such as the increased refugee intake.

8000 STUDENTS IN LURCH AFTER 'MODEL' COLLEGE DEREGISTERED

Thousands of students will be left in limbo next year after a private Sydney college had its registration cancelled by the federal government.

The Australian Institute of Professional Education – owned by a former Royal North Shore hospital doctor; a real estate mogul and an award-winning CEO – had its registration cancelled after an investigation by the Australian Skills Quality Authority.

Up to 8000 students have been enrolled in class-based and online courses in business and marketing at the 11-floor campus in the Sydney CBD, one of the largest private colleges in the country.

AIPE cost taxpayers nearly \$1 million per graduate last year.

It handed out 117 diplomas for \$110 million in Commonwealth funding, receiving \$10 million more than the federal government's entire anti-domestic violence initiative.

The decision comes after a Fairfax Media investigation in December revealed the college had signed up students from some of the state's poorest areas to tens of thousands of dollars' worth of debt.

ASQA found that some had been signed up without their knowledge.

In July the college's CEO, Amjad Khanche, boasted at a federal senate committee hearing that AIPE was a poster-child for vocational education, labelling it the "Mercedes" of the sector after it received a further \$104 million in Commonwealth Funding in 2015.

Two other colleges, the \$57 million Unique International College in Granville, and Phoenix Institute in Melbourne, have also had their registration cancelled by ASQA.

Both are facing action from the Australian Competition and Consumer Commission to recover more than a hundred million dollars in student debt.

A third, Empower Institute in Blacktown, is also facing action in the Federal Court after just five out of 4000 students graduated, costing taxpayers \$90 million. **Sydney Morning Herald – 23 December 2015**

MINISTER – EXPERT REVIEW OF THE 457 TEMPORARY SKILLED MIGRATION INCOME THRESHOLD

Mr John Azarias has been appointed to undertake an evidence-based review of the Temporary Skilled Migration Income Threshold (TSMIT).

The review was recommended by the recent Independent Review into Integrity in the Subclass 457 Programme.

The review will consider a range of issues including the factors that should determine the settings, the appropriate base level, and the roles of indexation and regional concessions for the TSMIT.

The TSMIT defines the salary threshold for jobs that can be filled by a 457 visa holder and is designed to protect Australian workers and ensure that visa holders are undertaking skilled employment.

The Minister for Immigration and Border Protection Peter Dutton said the review's terms of reference were consistent with the Government's commitment to ensuring the 457 programme acted as a supplement to, and not a substitute for, best workers and the protection of potentially vulnerable foreign workers in Australia.

"As the chair of the independent panel which undertook the 457 Integrity Review in 2014, Mr Azarias brings extensive knowledge of the 457 programme to the conduct of this review," Mr Dutton said.

The Government has brought forward the review as parts of an agreement with the Opposition to ensure passage through Parliament of legislation to implement the landmark China-Australia Free Trade Agreement.

Mr Azarias will provide a report to Government at the end of April 2016.

As recommended by the 457 Integrity Review, the TSMIT will be retained at \$53,900 until the findings of the review are considered by Government.

<http://www.minister.border.gov.au/peterdutton/2015/Pages/Expert-review-of-the-457-temporary-skilled-migration-income-threshold.aspx>

Jail for unregistered practice in Western Australia

A 51 year old Western Australian man has been sentenced to a total of seven years jail after being convicted for a string of criminal and migration offences which has cost his victims more than \$730,000.

Paul Gregory Harrison was sentenced on 22 December 2015 in the Perth Magistrates Court to four years imprisonment in relation to 26 criminal fraud and stealing charges and three years imprisonment for 19 charges under the Migration Act related to unregistered migration advice, providing false or forged documents and misleading information to DIPB.

The charges arose from a joint investigation between DIPB and the WA major Fraud Squad, involving a fictitious cattle deal with overseas buyers.

This sentencing follows the recent successful prosecution of another West Australian man, Mr Charanvir Charanvir, who was jailed for four years for similar offences and was ordered to repay costs of \$390,000 to his victims.

MIA Notice 309:2016 06 January 2016

FOUR ARRESTED IN IDENTITY CRIME INVESTIGATION – JOINT AGENCY OPERATION.

Four people were arrested during raids on six Sydney properties recently as part of a joint agency investigation into alleged identity crime offences.

The Identity Security Strike Team (ISST) is a joint agency strike force into serious and organised identity crime and comprises the NSW Police Force, the Australian Federal Police, and the Australian Border Force.

The ISST established Operation Drax last year to investigate the manufacture and use of false identity documents in NSW.

It will be alleged in court that fraudulent identity documents, including high quality drivers' licences, were being made to order for use in other crimes.

On (17 December 2015), officers attached to Operation Drax executed search warrants on six properties in the Sydney suburbs of Campsie, Carlton, Waterloo, Homebush West and Parramatta.

Police seized a large number of items, including computers, hard drives, mobile phones, along with bank documents, drivers' licences and items used in their production.

Police also seized prohibited drugs, a large quantity of cash and further identification documents.

Four men – aged 50, 44, 33 and 37 – were arrested and taken to various police stations.

The 50-year-old Campsie man was charged with possession of equipment to make false document. He was given bail to appear at Burwood Local Court on Tuesday 12 January 2016.

The 44-year-old Carlton man was charged with possession of equipment to make a false document and possess prohibited drug. He was given bail to appear at Sutherland Local Court on Thursday 14 January 2016.

The 33-year-old Homebush West man was charged with five counts of deal with identity information and was bailed to appear at Burwood Local Court on Tuesday 19 January 2016.

The 37-year-old, also from Homebush West, was charged with five counts of deal with identity information and was given bail to appear at Burwood Local Court on Tuesday 19 January 2016.

A 51-year-old female Chinese national from Carlton was detained by the ABF as an illegal immigrant and later transferred to Villawood Immigration Detention Facility, pending her removal from Australia.

Commander of the NSW Police Fraud and Cybercrime Squad, Detective Superintendent Arthur Katsogiannis, said the arrests were the culmination of months of outstanding police work by the ISST.

"This is a great example of how law enforcement agencies collaborate to combat identity crime which can result in substantial financial and emotional distress for individual victims," Det Supt Katsogiannis said.

"Identity crime is ever advancing and poses one of the greatest challenges to modern day policing."

AFP Manager Criminal Assets, Fraud and Anti-Corruption, Commander Peter Crozier agreed that the impacts of identity crime are significant and far reaching.

"Law enforcement agencies across Australia will continue to work closely with one another and the community to ensure that offenders are uncovered and brought to account for their actions," Commander Crozier said.

“Identity crime impacts on each and every one of us in society, on our economy and on our national security, and acts as a facilitator for transnational and serious crime.”

ABF Acting Assistant Commissioner, David Nockels, said the ABF is committed to continuing working with its law enforcement partners to combat the serious threat posed by identity crime.

“This type of criminal activity often involves international criminal networks targeting the Australian community, so it is imperative we take decisive action, either at our border entry points or within Australia,” he said.

<http://newsroom.border.gov.au/releases/four-arrested-in-identity-crime-investigation-joint-agency-operation>

7- Eleven: Two thirds of stores underpaid, inquiry hears

Two-thirds of all 7-eleven stores in Australia appear to have been underpaying workers, a Senate inquiry has heard.

The panel reviewing wage compensation claims for 7-Eleven workers has received 600 claims since September, panel member Dr David Cousins told a hearing in Melbourne recently.

MIA Newsletter 25 November 2015

I THOUGHT I WAS AUSTRALIAN’: BRISBANE MAN ON HIS DEPORTATION TO CHILE

Australian-raised Ricardo Bolvaran has become a stranger in a foreign land, lost and confused, after the nation in which he spent 98 per cent of his life deported him to Chile.

Mr Bolvaran, who turned 42 on Thursday, came to Australia as a one-year-old when his family fled the Pinochet regime in 1974 and he has lived in the country since.

Unfortunately for Mr Bolvaran, who lived in Brisbane on a permanent resident visa, got caught up in changes to the Migration Act that saw visas cancelled if the holders were sentenced to 12 months or more in prison.

Mr Bolvaran, who could speak only limited Spanish and had no family support network in Chile, was deported last month.

SKILLED MIGRANT INCOME \$32 BILLION IN 2010-11

Skilled migrant taxpayers contributed \$32 billion, or 72 per cent to the total \$45 billion in migrant income in Statistics (ABS) today.

“This is the second release of experimental data on migrants’ personal income. Results again show some distinct differences influenced by visa stream, number of jobs held, country of birth and gender,” said Jenny Dobak from the ABS.

In 2010-11, skilled migrant taxpayers were most likely to be born in the United Kingdom, India and China, with almost half (49 per cent) hailing from these countries. Migrants from the United Kingdom reported the most income with \$10 billion followed by Indian-born migrant taxpayers with \$6.5 billion.

A case study on migrants born in China showed that they received \$3.3 billion in total income, of which \$3 billion was Employee income. 70 per cent of Chinese-born migrant taxpayers who reported Employee income were in the Skilled stream.

Another case study showed that migrants who held more than one job with a Skilled or Family visa recorded a decrease in their median Employee income whilst those on Humanitarian and Provisional visas who held more than one job recorded an increase in median Employee income.

About two-thirds of migrant taxpayers held a Skilled visa, with most between 25 to 44 years of age.

The data showed that Skilled migrant taxpayers:

- generated 65 per cent (\$1.5 billion) of total Own unincorporated business income.
- reported \$788.9 million in Investment income (62 per cent of the total).
- recorded \$215 million in other income, with males responsible for 77 per cent (\$164.6 million).
- were mainly employed as Professionals (35 per cent) and Managers (11 per cent).

<http://www.abs.gov.au/ausstats/abs@.nsf/latestProducts/3418.0Media%20Release12010-11>

MIGRATION AMENDMENT (Charging for a Migration Outcome and Other Measures) REGULATION 2015

These Regulations prescribe the classes of sponsors, sponsored visa, sponsorship related events, civil and criminal penalties and other related definitions and criteria for this Act. The Regulations include the following:

Sponsored visa subclasses covered by this Act:

- (a) A Subclass 186 (Employer Nomination Scheme) visa;
- (b) A Subclass 187 (Regional Sponsored Migration Scheme) visa;
- (c) A Subclass 401 (Temporary Work (Long Stay Activity)) visa;
- (d) A Subclass 402 (Training and Research) visa in the Research stream;
- (e) A Subclass 420 (Temporary Work (Entertainment)) visa;
- (f) A Subclass 457 (Temporary Work (Skilled)) visa;
- (g) A Subclass 488 (Superyacht Crew) visa.

Sponsor Classes:

Sponsor classes prescribed in section 245AQ of the Act;

- (a) A standard business sponsor;
- (b) An entertainment sponsor;
- (c) A superyacht crew sponsor;
- (d) A long stay activity sponsor;
- (e) A training and research sponsor;
- (f) An exchange sponsor;
- (g) A religious worker sponsor;
- (h) A sport sponsor

No adverse information:

Includes the requirement that there be no adverse information known to Immigration about the employer who made the nomination or a person associated with the employer; or that it is reasonable to disregard any adverse information known to Immigration about the employer who made the nomination or a person associated with the employer who made the nomination or a person associated with the employer.

Commencement: Schedule 1 of Migration Amendment (Charging for a Migration Outcome) Act 2015 commenced in 14 December 2015.

MIA Notice 112:2015 11 December 2015

A.P.B. Education

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