

ARRIVAL

Migration Alert

August 2006



⇄ TIP

Always check visa and work rights status during recruitment and keep documents on file.

Many temporary residents' work rights status will change. Check with DIMA: www.immi.gov.au/e_visual/evofoms/request-immi-status-form.pdf

⇄ TIP

Applications for same sex partners must include evidence that the couple have lived together for at least 6 months. If a partner applies separately from the sponsored employee, the employer must also provide a letter confirming the partner (and any children) are included in the sponsorship.

INCREASE TO MINIMUM SALARY FOR 457 VISAS & EMPLOYER NOMINATED PERMANENT VISAS

On 3 May 2006 minimum base salary levels (MBSL) were increased.

The exemption from the MBSL requirement for regional employment was removed on 1 July 2006 and regional MBSL are now set at 90% of the standard MBSL.

New MBSL are:

- A\$41,850
- A\$37,655 – regional
- A\$57,300 for IT occupations
- A\$51,570 for IT occupations – regional

From 1 July 2006:

- any employees not already granted a 457 visa will need to be paid the new MBSL, regardless of the MBSL at the time of nomination
- any new sponsored employee paid the MBSL only, must not work more than 38 hours a week
- employees working 40 hours a week must be paid at least \$44,053 base salary.

There is NO need to increase the salary or alter the working hours of existing 457 visa holders.

MBSL excludes any salary packaged items, Living Away From Home Allowance (LAFHA), superannuation, vehicles, accommodation, bonuses, commissions, shares, travel and other non-salary benefits.

To find out more, come to our Twilight Seminar on Thursday, 7 September 2006 at The Menzies Hotel Sydney: *Recent changes in tax, salary packaging and immigration law for expatriates*. Details overleaf.

DIMA APPLICATION FEE INCREASE

From 1 July 2006 fees have increased:

- A\$260 Sponsorship
- A\$55 Nomination (no change)
- A\$185 457 visa
- A\$350 Nomination for permanent residence
- A\$1,990 Permanent visa in Australia
- A\$1,340 Permanent visa if outside Australia

SEX PARTNERS FOR 457 VISAS

From 1 July 2006, same sex partners (and their dependant children) can be included in a 457 visa application or can apply for a 457 as the partner of a 457 visa holder.

Same sex partners may be included in skilled permanent and student visa applications by the end of 2006

CRIMINAL CHARGES FOR EMPLOYMENT OF ILLEGAL WORKERS

Knowingly or recklessly employing or supplying illegal workers will attract criminal charges if new legislation before Parliament is passed. Maximum proposed penalties for each illegal worker are:

- 2 years imprisonment and/or
- penalty of A\$66,000 for companies and A\$13,200 for individuals

First time offenders may be issued with a warning notice. Higher penalties may apply where exploitation, forced labour or sexual servitude are involved. An estimated 60,000 people from overseas are working illegally in Australia at any one time.



:: TIP

A common misunderstanding is that employees must work in Australia for 2 years before applying under the ENS. However, this is just one of 3 alternatives.

Employees who are paid at least A\$165,000 or who can obtain a favourable skills assessment and have worked full-time (anywhere) in their occupation for 3 years are also eligible.

:: TIP

If communications with overseas clients or suppliers are hampered by distance, consider seeking approval as a Sponsor of Business Visitors.

EMPLOYER NOMINATION SCHEME (ENS)

DIMA's dedication of resources to ENS promotion and processing has seen:

- reduced application processing time
- record application levels with 15,200 visas granted from July 2005 to June 2006

SKILLS SHORTAGE

DIMA has initiated a number of specific measures to help address Australia's skills shortage.

Extended Work rights for working holiday makers

From 1 July 2006, working holiday makers (WHMs) will be permitted to work with any employer for 6 months, double the 3 months formerly allowed.

WHMs who undertake seasonal work in regional Australia, can also apply for a second WHM visa on which they can work for another 6 months with any employer.

2006 Skills Expos

The 2006 schedule of Expos for employers to target skilled overseas workers has been finalised:

Australia

- 1-2 September Melbourne
- 23 September Sydney
- 11 November Perth

Americas

- 26-27 August Detroit
- 29-30 August Houston
- 2-3 September Sao Paulo
- 6-7 September Lima

Europe

- 14-15 October London
- 17-18 October Manchester
- 21-22 October Dublin

Streamlined processing for trades

The Migration Occupation in Demand List (MODL) has been expanded with the inclusion of 16 additional trades occupations.

Applications associated with MODL occupations are prioritised by DIMA. Trades Recognition Australia, which assesses trade skills, have dramatically improved processing time to 10 working days for occupations on the MODL.

CITIZENSHIP

In legislation currently before Parliament, permanent residents will need to wait for 3 years (not 2) before becoming eligible to apply for Australian Citizenship.



Photo-Journalist James Morgan with Mary Baltrop, Minister Amanda Vanstone, Katie Malyon and Helen McCulloch moments after James and Mary became proud Australian citizens. James and Mary are 2 of a handful of people granted Distinguished Talent visas each year.

SPONSORED BUSINESS VISITORS

Business visitors from high risk countries who might not otherwise be granted a visa may be sponsored by a gazetted organisation, including an Australian business.

From 1 July 2006, the Sponsored Business Visitor visa will be more flexible allowing multiple trips to Australia. Selected Business Visitors may also apply for a further visa in Australia.

TWILIGHT SEMINAR

Tax and visa update for expatriates

When: 6.00 pm (for 6.15 pm start)
Thursday, 7 September 2006

Where: The Menzies Hotel,
Carrington Street, Sydney

Speakers: Peter Bembrick,
Tax Partner, HLB Mann Judd
Rick Watt,
Director Global Rewards, Unisys Australia
Katie Malyon,
Immigration Lawyer
Helen McCulloch,
Registered Migration Agent

Cost: Free for clients –
others \$44 (incl GST)

Bookings: Essential – numbers
are restricted
seminars@hlbns.com.au
or call Christina Kennedy
(02) 9020 4132
by 1 September 2006

Join us afterwards for complimentary drinks and canapés



Australian employers take their pick from the pool of talent at the Manila Skills Expo.

Under Australian law, anyone who uses knowledge of immigration law or procedures to offer advice or assistance to a person wishing to sponsor or nominate an expatriate for residence or to obtain a visa to enter or remain in Australia must be registered with the Migration Agents Registration Authority.

