

## AMBER MIGRATION NEWSLETTER

*April 2020*

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*In this Newsletter, we cover changes made to the temporary visa program as part of the Australian government's response to the COVID-19 crisis.*

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### **Coronavirus and Temporary Visa holders**

On 4 April 2020, the Australian Government released measures designed to protect both the Australian economy and wider community. Australia currently has 2.17 million temporary visa holders which represent about 8.6% of the population. The changes are of particular benefit to temporary visa holders who are now able to work reduced or increased hours or be stood down with no adverse impact on their existing visas.

The Government however strongly encourages temporary visa holders who are unable to support themselves in the next six months to return home.

These changes are also aimed at retaining temporary visa holders in key industries, such as health, aged and disability care, agriculture and food processing in the long term.

### **457/482 Temporary Skilled visa holders**

- Currently there are 139,000 sc457/482 visa holders in Australia who were initially granted visas to fill identified skills shortages that will likely return when the present crisis has passed.
- Visa holders being stood down, but not made redundant, will maintain their visa validity and their employers will be allowed to extend their visas as per normal arrangements, post crisis.
- Employers can temporarily reduce the work hours of their 457/482 visa holders without any sponsorship/visa breach.
- Affected visa holders are able to access up to \$10,000 of their superannuation in FY 2019-20.
- Should a 4-year 457/482 visa holder be re-employed post crisis, any time already spent in Australia will count towards their 186 permanent residency work experience requirements.
- Visa holders made redundant should leave the country in line with existing visa conditions if they are unable to secure a new sponsor - *please contact Amber Migration for options.*

### **417/462/485 Working Holiday Makers supporting critical sectors**

- There are about 118,000 Working Holiday (417) or Work & Holiday (462) visa holders in Australia.
- 417/462 visa holders employed in critical sectors (health, aged and disability care, childcare, agriculture and food processing) are exempt from the 6-month work limitation with the one employer. They are also eligible for a further 417/462 visa enabling them to keep working in these critical sectors if their current visa is due to expire in the next 6 months.
- The Government expects 417/462 visa holders who are unable to sustain themselves over the next 6 months to make arrangements to depart Australia.

### ***Other temporary visa holders***

There are around 185,000 other temporary visa holders in Australia, about an half of them 485 temporary graduate visa holders. They will also be able to access their Australian superannuation if needed.

### ***Visitor visa holders***

Currently there are about 203,000 international visitors in Australia. Visitor Visa holders are expected to return to their home country as quickly as possible, especially those without family support.

### ***New Zealanders on 444 visas***

- Currently there are over 672,000 New Zealanders in Australia on a subclass 444 visa.
- 444 visa holders who arrived **before** 26 Feb 2001 can access welfare and JobKeeper payments.
- 444 visa holders who arrived **after** 26 Feb 2001 can access the JobKeeper payment.
- 444 visa holders who have lived in Australia for 10 years or more have access to JobSeeker payments for 6 months.
- New Zealanders should consider departing Australia if they are unable to support themselves through the above provisions, work or family support.

### ***International students***

- There are currently an estimated 565,000 students in Australia, mainly in the higher or vocational education sector. They are an important contributor to the tertiary sector and Australian economy as a whole, supporting 240,000 Australian jobs.
- Students are encouraged to rely on family support, part-time work (where available) and their own savings to sustain themselves while in Australia. International students are expected to be able to support themselves in their first 12 months in Australia and gave a commitment of such in their initial visa application.
- Students who have been here for more than 12 months and are in financial hardship will be able to access their Australian superannuation.
- The Government will continue to engage with the international education sector who already provide some financial support for international students facing hardship, including discounted fees etc. They will also take a flexible approach to students not meeting their visa conditions, such as attendance.
- Students continue to be able to work up to 40 hours per fortnight, unless they fall in the following categories:
  - Students working in aged care and as nurses have had these hours extended,
  - Students working in supermarkets have had their working hours increased for the interim period, however these will return to normal on 1 May as more Australians are being recruited into these roles.

### ***Seasonal and Pacific Labour Scheme workers***

Such workers can extend their stay for up to 12 months to work for approved employers. These workers are required to be in self-isolation for 14 days before taking up employment in a different region.

### **Temporary visa holders currently overseas**

Despite the current travel ban, temporary visa holders who are currently overseas may apply with the Australian Border Force Commissioner to return to Australia if they have a compassionate or compelling reason to do so. *Please contact Amber Migration if this applies to you/your sponsored employee.*

### **Request for a waiver of the No Further Stay visa condition**

Temporary visa holders who have a No Further Stay (NFS) visa condition (including 8503, 8534 and 8535) may apply for a waiver of the condition if their departure has been affected by Covid-19.

DoHA is prioritising waiver requests by visa expiry dates so a waiver decision may take a few days or up to a months. It's only after the NFS condition has been waived that a new visa application can be lodged.

It is the onus of the visa holder to ensure they do not overstay their visa in Australia. *Please contact Amber Migration for further advice if you are currently in Australia on a visa with one of these NFS conditions*

**The Amber Migration team will continue to provide updates as further information is released.**

If you have any questions concerning the information provided in this newsletter, please contact:

**Monique Ly - 02 9146 5288 - [mly@ambermigration.com.au](mailto:mly@ambermigration.com.au) - MARN: 9251174**

**Surinder Singh – 02 9146 5284 - [ssingh@ambermigration.com.au](mailto:ssingh@ambermigration.com.au) - MARN: 1174421**

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***We Care and We Deliver***