

## AMBER MIGRATION NEWSLETTER

November 2016

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Welcome to the November issue of **Amber Migration** Newsletter.

In this Newsletter, we confirm the 8107 Condition change and Temporary Activity Visa framework became law on 19 November 2016. Other changes that happened on the same day included a revised definition of “Member of the Family Unit” and additional requirements for Partner and Prospective Marriage visa applications.

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### IMMIGRATION UPDATES

#### In our October 2016 Newsletter

Following on from our October Newsletter, two impending changes have since become law:

- **457 visa - Condition 8107 change** - 457 visa holders ceasing employment must lodge a new 457 nomination (through a new employer), lodge a new type of visa application or depart Australia within:
  - **60 days** from cessation of work (if the 457 visa was granted **on or after** 19 November 2016);
  - **90 days** from cessation of work (if the 457 visa was granted **before** 19 November 2016).
- **Temporary activity visa framework** - From 19 November 2016 we have a new visa framework which includes visa subclasses 400 Temporary Work (Short Stay Specialist), 403 Temporary Work (International Relations), 407 Training and 408 Temporary Activity visa.

#### Member of the Family Unit (MOFU) definition

Most visa subclasses allow the inclusion of family unit members. Visa applications lodged on or after 19 November 2016 are subject to the following new arrangements:

- only partners and children can meet the MOFU definition (other relatives are no longer permitted);
- ‘children’ are limited to children aged:
  - under 18; or
  - between 18 and 22 only if they are dependent (ie an upper age limit has been added); or
  - 23 or older only if they are physically or mentally incapacitated for work.

These amendments do not apply to refugee, humanitarian and protection visa applications.

#### “Former dependants” to be included in a subsequent visa application

A family member who holds a specified temporary visa (“old visa”) is eligible for a further visa (“new visa”) even when they are no longer a member of the family unit (eg because they are now 23 years of age). These specified old and new visas are:

<b>New visa applied for</b>	<b>Old visa person holds at the time of applying for the new visa</b>
Contributory Parent (Migrant) visa	Contributory Parent (Temporary) visa
Contributory Aged Parent (Residence) visa	Contributory Aged Parent (Temporary) visa
Business Skills (Residence) visa	Business Skills (Provisional) visa
Business Skills (Permanent) visa	Business Skills (Provisional) visa
<b>Employer Nomination (Permanent) visa</b>	<b>457 Temporary Work (Skilled) visa</b>
Regional Employer Nomination (Permanent)	457 Temporary Work (Skilled) visa
Skilled (Residence) visa	Skilled – Independent Regional (Provisional) visa; or Bridging A or Bridging B visa granted on the basis of a valid application for a SIR Provisional visa or a Skilled Provisional visa or a Skilled – Regional Sponsored Provisional visa; or Skilled – Designated Area-sponsored (Provisional); or 475 Skilled – Regional Sponsored visa
<b>457 Temporary Work (Skilled) visa</b>	<b>457 Temporary Work (Skilled) visa</b>

DIBP believes this amendment ensures the family unit is kept together for subsequent visas. This amendment applies to a visa granted on or after 19 November 2016.

#### **457 Allocation Model**

DIPB has adopted the *Global Allocation Model*, under which 457 applications are centrally allocated across five processing centres in the country (ie Sydney, Parramatta, Brisbane, Melbourne and Perth) on the basis of processing capacity rather than on sponsoring businesses' business headquarters. DIBP states that this model has reduced "initial assessment" times from 50 to 35 days.

#### **Changes to approval of sponsorships for Partner and Prospective Marriage visa**

Sponsors of Partner and Prospective Marriage visa applicants who lodge a visa application, on or after 19 November 2016, will be required to:

- provide Australian or foreign police checks to the department when requested; and
- consent to the department disclosing their convictions for relevant offences to the visa applicants.

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

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