

AMBER MIGRATION NEWSLETTER

October 2016

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

In this Newsletter, we summarise the changes that have been proposed by DIBP subject to approval by the Governor General. Also, we share some special circumstances that would warrant the grant of a priority allocation request by the 457 Section of the Department of Immigration & Border Protection.

IMMIGRATION UPDATES

457 visa - Condition 8107 change

Currently, 457 visa holders who cease employment with their sponsor are given a grace period of 90 days from the date they cease work to lodge a new 457 nomination, lodge a new visa application or depart the country.

Subject to approval by the Governor-General, DIBP is proposing to reduce this period from 90 days to 60 days. This change would apply to 457 visas granted on or after 19 November 2016.

New Temporary Activity Visa Framework

From 19 November 2016, the following Temporary Activity visas would cease:

- Subclass 401 Temporary Work (Long Stay activity) visa, which covers the Exchange, Sport, Religious Workers and Domestic Worker (Executive) streams;
- Subclass 402 Training and Research visa, which includes Occupational Trainee, Professional Development and Research streams;
- Subclass 416 Special Program visa;
- Subclass 420 Temporary Work (Entertainment) visa; and
- Subclass 488 Superyacht Crew visa.

These visa subclasses will be integrated into the following four visas:

- Subclass 400 Temporary Work (Short Stay Specialist) – for people who want to enter Australia to undertake short-term, highly specialised, non-ongoing work for up to three months. This subclass will include a stream for competitors and teams entering Australia to compete in short term events.

- Subclass 403 Temporary Work (International Relations) – for people who want to enter Australia in relation to a bilateral agreement; to represent a foreign government or to teach a foreign language in an Australian school; to undertake full-time domestic work for a diplomat; as a person with statutory privileges and immunities; or to participate in the Seasonal Worker Program.
- Subclass 407 Training visa – for people who want to enter Australia to undertake occupational training or participate in classroom based professional development activities. Applicants of this visa will require functional English. The visa enables a maximum stay of 24 months.
- Subclass 408 Temporary Activity visa – for people who want to enter Australia to work in the entertainment industry; participate in a non-ongoing cultural or social activity at the invitation of an Australian organisation; observe or participate as an academic in a research project; undertake full-time religious work; participate in a special program to enhance international relations and cultural exchange; participate in high-level sports (including training); work in a skilled position under a staff exchange agreement; participate in an Australian government endorsed event; work as a superyacht crew member; or undertake full-time domestic work in the household of certain senior foreign executives.

Reforms to Working Holiday Maker (WHM) arrangements

To boost the arrivals of working holiday makers (which have been in decline since 2012-13), the government has proposed the following changes:

- From 1 January 2017, lower the income tax rate for all WHMs to 19% on earnings up to \$37,000, with ordinary marginal tax rates applying after;
- From 1 July 2017, reduce the application charge for WHM visas by \$50 to \$390;
- Allow an employer with premises in different regions to employ a WHM for 12 months, with the WHM working up to six months in each region;
- Require employers of WHMs to undertake a one-off registration with the Australian Taxation Office in order to withhold at the 19% tax rate, and the register will be made public.

The Government has also proposed to increase the tax on WHMs' Superannuation payments when they leave Australia to 95%, and to introduce a one-off increase to the Passenger Movement Charge of \$5 from 1 July 2017.

Other changes:

The Government has proposed the introduction of a Temporary Sponsored Parent Visa on 1 July 2017. The visa would be valid for up to 5 years, and would suit parents who cannot afford the expensive Contributory Parent visa, or cannot afford to wait for 30+ years for the grant of a non-contributory Parent visa.

Request for Priority Allocation (of a subclass 457 application)

In our last Newsletter, we wrote about the current allocation/processing time of 10-15 weeks for a subclass 457 application. In certain limited circumstances, DIBP may consider processing an application as a priority. While DIBP will consider each request for priority allocation on a case-by-case basis, DIBP has suggested the following circumstances that may warrant a priority consideration:

- Is your application subject to time constraints which will have a significant negative impact on an Australian business, citizen or permanent resident?
- Will a delay in processing the application seriously and substantially negatively impact on a person's physical and/or mental well-being?
- Will a delay in processing the application negatively impact a high profile project that will contribute significant economic or reputational benefit to Australia?
- Are you applying for a nomination to change employers for an existing subclass 457 visa holder and is there a specific reason for urgency – e.g. the nominee has been unable to work for significant period and are they in financial difficulty?

AMBER MIGRATION UPDATES



We are pleased to announce **Rebecca Matanle** (MARN: 0301439) has joined the Amber Migration family.

Rebecca has had over 14 years of experience in advising clients on corporate and individual immigration matters in both Australia and the United Kingdom. Rebecca is an excellent immigration adviser and manager, while being a great cake maker as well.



Jayson Zhu (MARN: 1280548) is another new family member. Jason holds an LLB and Graduate Certificate in Australian Migration Law and Practice. Jayson says, *"I do not believe immigration advice is solely about advising client on one visa application. I believe migration is a plan, and in some cases, it is a long term plan. Therefore, I provide immigration advice that is tailored to the client's specific migration goal and I personally look after them until they have achieved their migration goal. This may take a few years."* Good on you, Jayson !

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

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