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Migration Newsletter

Peter Bollard and Associates <http://www.peterbollard.com>

Migration Seminars Australia <http://www.migrationseminars.com.au/index.html>

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Supply, demand and fast food businesses

DIAC has issued a discussion paper on the future of the business skills migration program with feedback on the paper required by 11 February 2011.

http://www.immi.gov.au/media/publications/discussion-papers/_pdf/business-skills-discussion-paper.pdf

What is clear from the paper is that demand for places in the current program is exceeding supply and that the government is not happy with the outcomes of the current program.

Below is an extract from the paper on the issue of visa numbers.

The current demand for Business Skills visas exceeds the number of places available in the annual Migration Program and caps on visa grants have been required in recent program years. The allocation of places under the program is based on consideration of the optimal Net Overseas Migration (NOM) figure and other factors, including labour market requirements for skills in critical areas. The allocation of Business Skills places within the overall migration program has remained relatively stable between the 2009-10 and 2010-11 program years, at around 7000 places. At the same time however, 12 439 people (from 3 598 applications) have applied for Business Skills visas in 2009-10 and a total of 13 054 people from 3 753 applications remain unfinalised in the pipeline as at 31 October 2010. Adjustments to the program are required to assist in matching demand with supply.

And another extract from the paper;

The foregoing analysis suggests that the program is producing business outcomes that are reasonably superior to the broader small business community when benchmarked to ABS data. However, with the exception of a small amount of wine exports, the business composition of the program is centred on fast food, convenience and giftware stores. It would be reasonable to assume that this industry mix is not introducing high value innovation and making Australia more productive and competitive.

The existing visa design is concerned with objective business metrics and is useful for assessing a visa application and in determining the outcomes of the program. However it says nothing about the skills possessed by the primary visa applicant. Greater emphasis on the business skills of the primary applicant at the provisional stage could contribute to improved innovation outcomes at the permanent stage.

A points test that awards points for various elements of human capital and business innovation, coupled with objective measures of business performance, may prove to be an effective method for selecting more innovative entrepreneurs to transfer their skills to Australia and diversifying our existing pool of business expertise. Points could be awarded for formal education in business, for patents lodged, trademarks, evidence of existing export arrangements, technological development and English proficiency.

Even though changes to the program are not likely to be implemented until the second half of the year migration agents should be careful when advising clients contemplating lodging business skills applications as the changes (when announced) *may* apply to undecided applications and there is the possibility of the government deciding to cap and cease applications in the queue (as happened with offshore *General Skilled Migration* applications lodged before 1 September 2007).

Boats

New arrangements have been announced for the processing of refugee claims by “irregular maritime arrivals.”

<http://www.minister.immi.gov.au/media/cb/2011/cb157059.htm>

And not everyone is happy about it.

<http://www.theaustralian.com.au/news/features/whos-afraid-of-christmas-island-now/story-e6frg6z6-1225983879634>

<http://www.smh.com.au/national/refugee-changes-entrench-problems-say-critics-20110107-19itf.html>

Citizenship

In November 2010 changed arrangements were introduced for the lodgement and processing of the applications for Australian citizenship.

http://www.immi.gov.au/contacts/visa-enquiries/_pdf/factsheet-citz-to-melb.pdf

However the information is not easy to find on the DIAC website and many overseas posts still have out of date information about applying for Australian citizenship on their own websites.

It is also important to note that the *Australian Citizenship Instructions* that appear on the DIAC website were issued in September 2010.

http://www.citizenship.gov.au/_pdf/acis-sept-2010.pdf

Back for the new year

Migration Seminars Australia will be conducting its first Continuing Professional Development program for the year in Sydney on 11 and 12 February 2011.

<http://www.migrationseminars.com.au/seminars.html#11feb>

http://www.migrationseminars.com.au/2011_MSA.pdf

State Migration Plans-another one

South Australia has finally released its *State Migration Plan*.

http://www.migration.sa.gov.au/sa/immigrate_from_overseas/state_migration_plan_south_australia.jsp

As with all *State Migration Plans* it is important to “read the fine print.”

Criminal + justice + visa

Many migration agents (and DIAC officers) have little to do with criminal justice visas and this can lead to confusion when they are eventually confronted with one.

There are two types of criminal justice visas;

1. Criminal justice *stay* visas.
2. Criminal justice *entry* visas.

When advising people who hold (or who have held such a visa) it is vital to carefully check the provisions found in Sections 141-164 of the Migration Act.

Section 161 is of particular importance.

http://www.austlii.edu.au/au/legis/cth/consol_act/ma1958118/s161.html

Australian news

Stress

<http://www.canberratimes.com.au/news/national/national/general/immigration-department-under-stress/2040629.aspx>

Medical students

<http://www.smh.com.au/national/education/intern-rules-leave-medical-students-on-the-outer-20110103-19dwp.html>

A logjam

<http://www.theaustralian.com.au/national-affairs/migration-logjam-hits-skilled-workers/story-fn59niix-1225982007455>

<http://www.theaustralian.com.au/national-affairs/students-head-to-18-month-dead-end/story-fn59niix-1225982644551>

<http://www.abc.net.au/pm/content/2010/s3107064.htm>

Employers

<http://www.abc.net.au/news/stories/2011/01/04/3106165.htm>

An echo

<http://www.irishecho.com.au/category/immigration>

Albury-Wodonga

<http://www.bordermail.com.au/news/local/news/general/indian-influx-hits-alburywodonga/2038188.aspx>

Engineers Australia

<http://www.engineersaustralia.org.au/index.cfm?0FA76D91-D0CB-1145-12C8-16FF03511C24>

Music, bricks and visas

Below is a link to a story from *The Australian*.

<http://www.theaustralian.com.au/news/nation/between-a-brick-and-a-hard-place/story-e6frg6nf-1225982639680>

The Migration Review Tribunal

Work

1005679 [2010] MRTA 2648 (16 December 2010)
<http://www.austlii.edu.au/au/cases/cth/MRTA/2010/2648.html>

Red and gold

1007147 [2010] MRTA 2617 (10 December 2010)
<http://www.austlii.edu.au/au/cases/cth/MRTA/2010/2617.html>

Deregistered

1008042 [2010] MRTA 2619 (10 December 2010)
<http://www.austlii.edu.au/au/cases/cth/MRTA/2010/2619.html>

Residence

1005637 [2010] MRTA 2630 (14 December 2010)
<http://www.austlii.edu.au/au/cases/cth/MRTA/2010/2630.html>

Public interest

0902507 [2010] MRTA 2633 (14 December 2010)
<http://www.austlii.edu.au/au/cases/cth/MRTA/2010/2633.html>

Complicated

1003474 [2010] MRTA 2635 (14 December 2010)
<http://www.austlii.edu.au/au/cases/cth/MRTA/2010/2635.html>

Cook/Chef

1001994 [2010] MRTA 2644 (15 December 2010)
<http://www.austlii.edu.au/au/cases/cth/MRTA/2010/2644.html>

Subclass 485 x 3

0907137 [2010] MRTA 2640 (16 December 2010)
<http://www.austlii.edu.au/au/cases/cth/MRTA/2010/2640.html>

0905643 [2010] MRTA 2639 (15 December 2010)
<http://www.austlii.edu.au/au/cases/cth/MRTA/2010/2639.html>

0905688 [2010] MRTA 2628 (14 December 2010)
<http://www.austlii.edu.au/au/cases/cth/MRTA/2010/2628.html>

From the courts

Bail

O'Donoghue v Minister for Immigration and Citizenship [2010] FCA 1486 (24 December 2010)
http://www.austlii.edu.au/au/cases/cth/federal_ct/2010/1486.html

False imprisonment

Fernando v Commonwealth of Australia (No 4) [2010] FCA 1475 (24 December 2010)
http://www.austlii.edu.au/au/cases/cth/federal_ct/2010/1475.html

Legal news

Films

<http://www.nytimes.com/2011/01/03/us/03crude.html?amp>

The history of an Act

http://en.wikipedia.org/wiki/Vagrancy_Act_1824

Writing an essay for the court

Mindshare Communications Limited (Taiwan Branch) v Eckett [2010] NSWSC 1511 (23 December 2010)

<http://www.austlii.edu.au/au/cases/nsw/NSWSC/2010/1511.html>

Mobile phones

http://www.nytimes.com/2011/01/03/us/03prisoners.html?_r=1

Anything but migration

Words

http://www.alphadictionary.com/articles/100_most_beautiful_words.html

A status symbol

<http://www.nytimes.com/2011/01/02/realestate/02cov.html?scp=1&sq=Manhattan%20Status%20Symbols:%20Washer%20and%20Dryers&st=cse>

Landscapes

<http://www.pbase.com/jle56/landscape>

Recommended by the writer's daughter

<http://musicfeeds.com.au/news/cocorosie-announce-australian-tour/>

<http://www.sydneyoperahouse.com/About/11EventMediarelease.aspx>

Universities

<http://www.dirjournal.com/info/worlds-best-universities-the-top-30-world-universities-in-the-world/>

Containers

<http://1800recycling.com/2010/12/shipping-container-recycling-restaurants/>

Shrimps

http://www.nytimes.com/2011/01/07/us/07shrimp.html?_r=1&hpw

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