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Minister – Visa changes to benefit northern economy

Working Holiday Maker (WHM) visa holders who secure work in certain high demand industries in northern Australia will be able to remain with their employer for up to 12 months from November 21, 2015.

Under the change, both Working Holiday (Subclass 417) and Work and Holiday (Subclass 462) visa holders who undertake work in northern Australia will be able to apply to work for a single employer for up to 12 months, compared to the usual limit of six months.

The Minister for Immigration and Border Protection Peter Dutton said the changes - an initiative of the Government's recent White Paper on Developing Northern Australia - will be of significant benefit to the agriculture and tourism sectors in the north of the country.

"These industries are highly seasonal and rely on short term workers to provide labour flexibility in peak periods," Mr Dutton said.

The changes will also apply to work in northern Australia in aged and disability care, construction and mining.

Mr Dutton said the WHM visa programme provides a fabulous opportunity to experience life in Australia. This change will encourage young people to have the unique cultural experience of living and working in Australia's north.

"Beyond giving visa holders more options when visiting and working in Australia this will also support employers in the north seeking to attract and retain staff who are trained in their roles and keen to stay on for longer than six months."

Further changes to follow in 2016 will allow Work and Holiday (Subclass 462) visa holders to extend their stay in Australia by a further 12 months if they work for at least three months in agriculture or tourism in northern Australia.

<http://www.minister.border.gov.au/peterdutton/2015/Pages/visa-changes-to-benefit-northern-economy.aspx>

Australia's offshore processing policy examined by High Court

The future of Australia's offshore detention regime has come under the spotlight in the High Court of Australia in Canberra.

Lawyers for a Bangladeshi woman argued it was illegal for the Australian Government to operate and pay for offshore detention in a third country.

If the court agrees, the whole offshore detention regime could be invalid.

Nauru has announced it would end detention and process refugee applications for the remaining 600 asylum seekers by the end of the week.

But the Australian and Nauruan governments deny the move had anything to do with the imminent High Court hearing.

Human Rights Law Centre's director of legal advocacy Daniel Webb said the changes to the detention arrangements on Nauru were "one of the issues before the court".

"Irrespective of these changes, there remain important and untested constitutional questions about the power of the Australian Government to pay and to control the detention of innocent people in other countries," he said.

"Allowing people the freedom to go for a walk does not address the fundamental injustice inherent in leaving them languishing indefinitely on a tiny pacific island."

Mr Webb said the case was being run on behalf of the Bangladeshi woman who was brought to Australia due to a serious deterioration in her health during the late stages of pregnancy and "who was now facing imminent return to Nauru with her 10-month-old baby".

"This is the lead case linked to a series of challenges being run on behalf of more than 200 people in similar situations who have been brought to Australia from Nauru and Manus," he said.

"They include men subjected to serious violence on Manus, women who've been sexually assaulted on Nauru and over 50 children, including 23 babies."

The High Court heard the argument that the woman's return and continued detention at Nauru would be illegal because Australian laws set up to support the offshore program were unconstitutional.

The case centres around whether the Government has the power to spend on large programs without parliamentary approval.

In June, 2015 the Government passed changes to the Migration Act with the support of the Opposition to close a loophole it feared would see the High Court declare the entire system illegal.

The issue of parliamentary approval for funds for major policies was brought to light by the earlier school chaplains' case where the High Court ruled large sums could not be allocated to programs without parliamentary approval.

<http://www.abc.net.au/news/2015-10-07/australian-offshore-processing-examined-by-high-court/6828464>

Subclass 457 – Clarifying amendments

Select Legislative Instrument No. 185, 2015- F2015L01808 - Migration Amendment (Clarifying Subclass 457 Requirements) Regulation 2015 amends the Migration Regulations 1994 to clarify various aspects of these regulation for Subclass 457 applications.

Schedule 1: Terms and conditions no less favourable, include enterprise agreements

The requirement that the terms and conditions of employment of a person identified in a nomination will be no less favourable than those of Australian citizens or permanent residents, includes terms and conditions provided by an enterprise agreement under the Fair Work Act 2009.

This amendment to Schedule 1 applies to an application for approval of a nomination made on or after 1 December 2015.

Schedule 1: LMT; work agreement requirements; project agreements

The Commonwealth **must not** enter into a work agreement (labour agreement) unless the Minister is satisfied that the other party has undertaken recent and genuine labour market testing. This LMT does not apply to the occupations of Minister of Religion or Religious Assistant.

The Minister must also publish on the Department's website the policy guidelines in relation to the negotiation of work agreements and 'project agreements' that relate to work agreements including eligibility requirements and obligations of the parties entering the agreements.

Project agreements under policy are defined as umbrella agreements in relation to large infrastructure or resource development projects under which a number of work agreements may arise.

These amendments to Schedule 1 apply to a work agreement entered into on or after 1 December 2015.

Schedule 8: 8107 – Commencement of work on 457 visa – 90 days

The holder of a 457 visa must commence work within 90 days after arriving in Australia or within 90 days after being granted the visa, if onshore at the time of grant.

Schedule 8: 8107- Mandatory licensing, registration or membership – 90 days

If the holder of a 457 visa is required to hold mandatory licensing, registration or membership in the location where the position is located, they must hold the licence, registration or membership while performing the occupation.

If the visa holder must obtain the licence, registration or membership within 90 days of arrival in Australia if the visa was granted offshore or within 90 days of the visa granted if granted onshore.

The visa holder must notify the Department in writing as soon as possible if the licence, registration or membership is refused, revoked or ceases to be in force.

The visa holder must not engage in work that is inconsistent the conditions or requirements of the license, registration or membership.

These amendments to Schedule 8 apply to a visa granted on or after 1 December 2015.

Migration Institute of Australia – 101:2015 18 November 2015

Helping Hand for International Students in Victoria

The Andrews Labor Government is taking action in light of recent reports of international student workers who have been overworked and underpaid.

Minister for Training and Skills, Steve Herbert, recently visited the Study Melbourne Student Centre and announced more than \$300,000 to strengthen international student welfare.

The package includes \$150,000 to address exploitation with free legal support to international students at the Study Melbourne Student Centre and for an integrated campaign to improve students' understanding of their workplace rights.

The announcement follows the recent media focus and scrutiny on international worker exploitation at a number of large and small employers where students were being paid below minimum wage and worked more hours than legally allowed.

International education is Victoria's largest export worth \$5.3 billion with more than 150,000 international students studying in the state at any one time and supports 30,000 jobs.

Mr Herbert said the State Government has an obligation to look after international students who come to study in Victoria.

<https://www.viclabor.com.au/media-releases/helping-hand-for-international-students/>

'One of the rare good days': Peter Dutton gives first visas to Syrian, Iraqi families under expanded program

Amman. Peter Dutton is considering offering more refugees a chance to live and work in Australia, expanding the temporarily-extended resettlement visa program, after a day he ranked as "one of the best" in his time as Immigration Minister.

In Amman Mr Dutton gave out the first refugee visas granted under Australia's temporarily-expanded resettlement program.

The visas were handed over personally by the minister to four families: two that fled the war in Syria, and two Christian families who fled Iraq and now want to join relatives already in Australia.

In September the Australian government announced that, in response to the Syrian conflict and the growing migrant crisis in the Mediterranean, it would add 12,000 places for Syrians and Iraqis to the 13,750 it takes through the United Nation's resettlement program – a total of 25,750 vulnerable refugees offered a new life.

Mr Dutton said if this additional intake was a success, he would consider raising that figure.

"What I want to do is to demonstrate that with the 12,000 we can do it right, we can get the security checks in place, we are not going to compromise on making sure that we can establish the bona fides," he told Fairfax Media.

"If we can do that then I think the Australian public will say we do think it's a reasonable thing to look at the prospect of offering more places beyond the 12,000, over coming years.

"There are lots of bad days in this portfolio. This would rank as one of the best," Mr Dutton told Fairfax media after the ceremony at Australia's Amman embassy – held as a dust storm swept the city.

"The thought that these kids were going to be given a new life, and the sacrifice that those parents have made to come this far, knowing that those kids would have the opportunity to be educated... and

that we were providing that next generation with an opportunity. I think that was the most emotional part.

"We are changing these people's lives and saving lives as well. I think that's why Australians are very proud of the program and I think these people are going to make amazing Australians."

The four families have 12 children between them, aged between 8 months and 14 years.

Of the four families in the first wave of approvals, two were Sunni Muslim and two were Christian: Assyrian Christians from Mosul in Iraq, and Chaldean Catholics from Baghdad.

Mr Dutton said religion was not a determining factor in the selection of which refugees won visas.

"We should take those who are most deserving. Those who are persecuted, those who have been in situations where they have lost family members, [or] escaped near-death themselves."

<http://www.smh.com.au/federal-politics/political-news/one-of-the-rare-good-days-peter-dutton-gives-first-visas-to-syrian-iraqi-families-under-expanded-program-20151103-gkq2nc.html>

More places for Syrian refugees likely: Dutton

Immigration Minister Peter Dutton has again given strong hints that the federal government may increase its emergency intake of Syrian refugees.

Mr Dutton, who has returned from visiting refugee camps in Jordan, told the ABC's Insiders that "more assistance" for Syrians would be needed because "the situation is going to deteriorate".

One of Tony Abbott's last acts as prime minister in September was to announce that Australia would permanently resettle 12,000 refugees from Syria.

Mr Abbott said that women, children and families from persecuted minorities who were sheltering in Jordan, Lebanon and Turkey would take priority. He also announced \$44 million in aid to supply refugees in the Middle East with cash, food, water and blankets.

Although the Coalition had previously suggested that it could provide more support, Mr Dutton reaffirmed the government's open mind on the subject after his trip to Jordan.

He said 4.2 million people had left Syria and 7 million were internally displaced in the country and "it's a situation getting worse",

However, he said Australia needed to demonstrate it could bring the first group into the country without any problems.

Mr Dutton cautioned that "there are a lot of people running around with fraudulent documents pretending to be Syrians".

Last week, Prime Minister Malcolm Turnbull was more cautious about an increase in the special intake of Syrian refugees- which is separate from the 13,750 person per quota for Australia's humanitarian program.

“We have no plans to increase the number that we will take,” Mr Turnbull said. “Any changes to the policy would be taken carefully by the cabinet.”

Mr Dutton said there was a “bidding war” between states and territories in Australia over how many Syrian refugees they would receive. “That’s a great thing. I think people recognise that we have the capacity to help those who are genuinely in need.”

Monday, November 9, 2015 THE SYDNEY MORNING HERALD

Canada ‘committed’ to plan to resettle 25,000 Syrian refugees by January 1

The recently sworn in Canadian Government, led by Prime Minister Justin Trudeau, has 51 days to bring 25,000 Syrian refugees to Canada, an ambitious goal the government set for itself during the recent election campaign.

The new Minister of Immigration, Refugees and Citizenship, John McCallum, said he's sticking to that deadline and vows to do a good job as well.

McCallum hasn't announced a specific plan yet, however a powerful committee which includes the ministers for Defence and Foreign Affairs, has already been created to help guide the process. The Government hasn't released a price tag for the operation, though McCallum admitted it may cost all \$200 million the Government put aside for the plan.

<http://www.cbc.ca/news/canada/toronto/programs/metromorning/canada-committed-to-plan-to-resettle-25k-syrian-refugees-by-jan-1-john-mccallum-1.3311472>

Preparations underway in Wagga Wagga for the arrival of Syrian refugees

It is expected up to 300 Syrian refugees could be settled in Wagga Wagga and the New South Wales Riverina.

Wagga is among the regional centres in New South Wales chosen to take some of the 4000 to 7000 Syrian refugees expected to start arriving in New South Wales soon.

Wagga Wagga City Council’s (WWCC) Director of Environmental and Community Services, Janice Summerhayes, said there could be fewer than 300 arrivals between now and 2018.

“Linked settlement is with existing family and kinship networks, the unlinked are more likely to come to regions like Wagga Wagga,” she said.

MIA NEWSLETTER 18 November 2015

Anti- terror citizenship bill debate delay

DEBATE on draft laws to strip Australian citizenship from dual-national terrorism suspects were delayed yet again.

FEDERAL parliament was finally due to consider the Anti-Terrorism Bill but Labor sought more time for another briefing by the government.

In a letter to Immigration Minister Peter Dutton, Opposition immigration spokesman Richard Marles requested more time to cover all the recommendations of a bipartisan parliamentary inquiry.

Mr Marles says he's only been briefed on 12 of the 27 recommendations which call for greater oversight and protection of rights.

"I would request that the Bill not be brought on for debate until these briefings have been provided," he wrote.

Earlier, Labor leader Bill Shorten said while the Opposition had yet to fully consider all of the amendments it would not unduly delay passage of the legislation through Parliament.

The government is confident the amended laws will withstand a High Court challenge.

"It's gone through a proper process now, and we are confident that it would survive a High Court challenge, but only time will tell," Prime Minister Malcolm Turnbull told reporters in Canberra.

<http://www.theaustralian.com.au/news/latest-news/labor-wont-stall-citizenship-bill/story-fn3dxiwe-1227604158883>

Price- based migration system could open up new market for people smugglers: Productivity Commission

A proposal to charge permanent migrants an increased fee for entry to Australia has been slammed amid concerns such a move could open up a new market to people smugglers.

Charging for permanent visas could boost funding for the Federal Government, but a draft report issued by the Productivity Commission warned it was likely to hurt the economy in the long term.

The proposal was initially put forward by Liberal Democratic senator David Leyonhjelm, who called for a full investigation into the option as part of negotiations with the former Abbott government.

The Commission said Australia's immigration system was not well suited to a price-based approach, though it conceded such a move would reduce the current time delays as well as limit the need for migration agents.

It also noted the introduction of a price-based system could reduce the attraction of travelling to Australia by boat, stating that asylum seekers already paid people smugglers up to \$22,000.

"People who would risk paying people smugglers to undertake a dangerous journey to Australia and still have no guarantee of obtaining a visa would likely be willing to pay as much, if not more, for a guaranteed permanent visa," it read.

But concerns were raised over the potential for exploitation of migrants seeking money for the proposed visa fee.

"Potential migrants might also obtain loans through informal channels, such as people smuggling organisations," it read.

"However, as the sureties for payment including holding people hostage, indentured labour of family members or the threat of reprisals for non-payment, it would be highly undesirable if a price-based system encouraged the growth of such 'services'."

Commissioner Paul Lindwall said the current system allowed Australia to focus on education and skills.

"Most of Australia's immigrants and their children integrate well into the labour market and society as a whole, and become self-reliant citizens," he said.

"Additionally the humanitarian intake and programs such as the seasonal worker scheme help Australia to meet its international obligations."

But Senator Leyonhjelm said he believed the Commission would be "more enthusiastic" about the proposal once research was finalised, citing the potential to raise \$7.5 billion.

He said a \$40,000 charge for permanent visas could pay for tax cuts, and the Government could avoid potential exploitation by offering HECS-style loans to applicants.

"In recent years, people from the poorest countries have paid tens of thousands of dollars to get to Australia, and risked their lives to get here," he said.

"Australia could offer loans in the same way that we offer loans to poor university students ... Placing a value on immigration will encourage hard working immigrants and create greater acceptance of them."

Senator Leyonhjelm said the proposed system could also address skill shortages in regional areas, by encouraging communities to pay fees for skilled migrants in exchange for working in that particular location.

He has not yet discussed the proposal with Immigration Minister Peter Dutton.

The current immigration system already generates around \$1.6 billion a year, based on 2013-14 figures, equating to a fee of around \$8,500 per permanent immigrant.

Despite recommending against the introduction of a price-based system, the Commission did suggest a number of changes to Australia's immigration system, including:

- Improving access to humanitarian immigrants
- Removing barriers to immigrants integrating into the labour market
- Improving the targeting of visas to ease skill shortages

<http://www.abc.net.au/news/2015-11-13/proposal-to-charge-permanent-migrants-for-visas-slammed/6936216>

Obama rejects call to just take Christians

President Barack Obama has angrily rejected calls by Republican presidential candidates – and echoed by Rupert Murdoch – that the US accept only Christian refugees fleeing Islamic State.

"Obama is facing enormous opposition in accepting refugees. Maybe make special exception for proven Christians," Mr Murdoch tweeted in the US, as news broke that up to 30 US states were opposing the settlement of Syrian refugees.

Presidential candidates Jeb Bush and Senator Ted Cruz suggested that Christian refugees should be given priority over Muslims fleeing the horrors of IS in Syria and Iraq, a suggestion angrily rejected by President Barack Obama during a press conference at the G20 meeting in Turkey.

"President Obama and Hillary Clinton's idea that we should bring tens of thousands of Syrian Muslim refugees to America – it is nothing less than lunacy," Senator Cruz said on Fox News the day after the attacks on Paris.

Syrian Muslims fleeing IS should be resettled in "majority Muslim countries", he said.

"On the other hand Christians who are being targeted for genocide, for persecution, Christians who are being beheaded or crucified, we should be providing safe haven to them. But President Obama refuses to do that," Senator Cruz said.

Speaking at a campaign event the following day, he said: "There is no meaningful risk of Christians committing acts of terror."

Also, Mr Bush told CNN that America should focus on accepting Christian rather than Muslim refugees.

During an hour-long press conference in Turkey in which he was repeatedly forced to defend his administration's strategy to counter the threat from IS, the only time Mr Obama appeared angry was when he rejected these suggestions.

"That's not American. It's not who we are. We don't add religious tests to our compassion," he said.

"The values that we are defending, the values that we're fighting against ISIL for, are precisely that we don't discriminate against people because of their faith," he said

"We don't kill people because they're different than us. That's what separates us from them. And we don't feed that kind of notion that somehow Christians and Muslims are at war."

Apparently referring to Mr Bush's comments, Mr Obama mentioned his brother, former President George W. Bush.

"I had a lot of disagreements with George W. Bush on policy, but I was very proud after 9/11 when he was adamant and clear about the fact that this is not a war on Islam," he said. "And the notion that some of those who have taken on leadership in his party would ignore all of that, that's not who we are."

The Obama administration is standing by its plan to resettle 10,000 Syrian refugees, noting that refugees are already subjected to more vetting than any other category of immigrant.

Many state governors signalled their opposition to settling refugees via Twitter or media statements.

<http://www.smh.com.au/world/paris-attacks-barack-obama-rejects-rupert-murdochs-call-on-christian-refugees-20151117-gl0ry7.html>

Orana closes the door on 489 sponsorship applications

The Orana region of Regional Development Australia has closed its doors to any further sponsorship applications.

Without warning of an impending closure, they released the following statement via their [website](#);

"Please be advised, as of 18/11/2015 Regional Development Australia Orana will no longer accept applications for nomination under the Skilled Regional (Provisional) visa (Subclass 489) stream at the

request of NSW Department of Industry. All applications received to date, that have received a RDA reference number, will be assessed in due course. Please do not call to check the status of your application."

It is not expected that Orana will re-open its sponsorship program until the beginning of the next financial year. For all those who have already lodged their applications we are sure they will be processed and finalised so there is no need for concern for those who have recently applied.

IMMIGRATION NEWS Volume 387 Wednesday the 18th November 2015.

Migrants left penniless and suicidal over alleged visa scam

A man who allegedly duped dozens of migrants into paying for non-existent working visas has been arrested by the Australian Federal Police.

Abel Prasad of SVC Legal Australia allegedly ripped off unsuspecting migrants, mostly international students, by promising jobs with one of his companies and then supplying bogus visas.

Most of Prasad's companies exist only in name and there are no jobs.

Police sources have told the ABC that both the NSW and Queensland Police as well as the Immigration Department are "very interested" in talking to Mr Prasad.

"We have been investigating him for some time," a police source said.

Prasad has been extradited to South Australia where he will face 23 charges relating to GST fraud.

These charges are not related to the alleged visa scams.

Prasad, who was living in Brisbane, denied any wrongdoing.

"I have never acted as a migration agent," he said.

"I acted as a sales rep to sell SVC Legal as a registered migration law firm."

Prasad said he had not scammed anyone.

"No no no no — that was my business partner, and our lawyers can help you out with any of that information," he said.

The lawyers Prasad said were acting for him denied that he is a client.

In a statement, Immigration Minister Peter Dutton said his department had been working on the case with the Australian Federal Police, as well as police in NSW, South Australia and Queensland.

"Unfortunately there have been instances of people pretending to be migration agents and providing false or misleading information to take advantage of a person's desire to travel to Australia," he said.

"This calendar year, my department has sanctioned eight migration agents resulting in either a caution, suspension, cancellation or a barring decision on their registration.

"Additionally, my department has found breaches in regard to 93 complaints made against registered migration agents during the same period."

According to the head of the Migrants Alliance, Mr. Prasad has allegedly scammed at least 20 people.

"Abel Prasad is, quite frankly, a con man," Liana Allan said.

"He Indian student Jaspal Marok said Prasad told him he would be a business consultant in his company Snappy Digital on a salary of \$65,000.

"He told me you would be the manager of that division trying to negotiate with our Indian counterparts and organise stuff," he said.

Mr Marok handed over his life savings of \$17,000 to Prasad to get a visa.

But not only was there no job, there was no visa either.

Mr Marok was informed by the Immigration Department that the visa he received from Prasad had been forged by Prasad's business.

"At that time, I was like oh my God, what has happened to me? I was so shocked. I can't describe it," Mr Marok said.

"He destroyed all my dreams.

<http://www.abc.net.au/news/2015-11-11/abel-prasad-arrested-over-alleged-migrant-visa-scam/6932040>

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