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Migration News

Working through the maze

Beware the New Temporary Business Visas

by Gerald Santucci

Are you aware there have been subtle changes to the structure of Temporary Business Visas, since November 2003?

A new form was introduced by the Department of Immigration & Multi-cultural & Indigenous Affairs (DIMIA) which provides for the application for sponsorship and nomination by the sponsoring employer in one form (replacing two previous forms).

It is a very good idea to apply for sponsorship and nominate someone at the same time, because DIMIA is able to correspond the position and the person with the employer's needs.

If sponsorship and nomination are both approved, two separate letters are provided, one approving the sponsorship and one approving the nomination.

When the nominee makes their application for a visa on the previous Form 1066, they need to attach the nomination letter and that allows the Department to see that the processes have been met appropriately.

The biggest change that has occurred is that the whole temporary business visa (sponsorship, nomination and application by the nominee) is now able to be done through

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the internet. This is available through the Department's migration website and registered migration agents who are involved in bulk applications can also become registered with the Department directly.

The process is designed to try and speed up the application process as the responsibility for the nominee has been shifted firmly to the sponsor who, under the Regulations, now takes on formal duties and undertakings.

The sponsor will normally nominate the number of nominations they wish to make in the course of the sponsorship and each time they nominate someone, part of the new Form 1196 is completed again for the new nominee, who then makes their own application.

It is still possible to use the temporary employment opportunity for a person to become a part of the structure or management of the business, with a view to making an established business in Australia application in the future. However, it is to be noted that the essence of the application is for temporary employment purposes.

The criteria to be met is that the employee will be undertaking a skill that is set out in the Gazette and if it is a regionally sponsored application, a greater number of skilled and unskilled occupations are included.

In addition, the threshold salary payment of currently \$37,720 per annum (excluding allowances) needs to be made, but again these can be varied in a regionally sponsored application.

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 **MERITAS**
LAW FIRMS WORLDWIDE

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State and Territory Revenues

In relation to the ACT and neighbouring States and Territories, some interesting differences have arisen as budgets have been unrolled and new stamp duty regimes introduced.

In the ACT there has been no further stamp duty development at budget time beyond the exemption made to first home buyers up to \$270,000 for new homes in the ACT.

In particular, no further stamp duty was introduced to investor owners. You will recall that in the budget issued in New South Wales, investors had imposed on them a stamp duty following the sale of investment properties.

In Victoria, the government has abandoned stamp duties on mortgages. The result of this is that investment properties in ACT and Victoria remain stamp duty free on exit. Neither the ACT (which was going to introduce a mortgage duty but abandoned it last year), nor Victoria now have any duties on mortgages but New South Wales continues with both these taxes.

Complicated though that may be, it would seem that investors in some senses will do better at the moment in the ACT and in Victoria than in New South Wales although the capital growth in New South Wales probably remains stronger than in the other two States and Territories.

Migration applications from China

The Australian government has announced some centralising of lodgement of migration visa applications in China.

From 1 July 2004 applications that were lodged in Guangzhou (Southern China) will now be lodged in Shanghai.

These are:

- **partner;**
- **child;**
- **other family;**
- **employer nomination scheme;**
- **regional sponsored migration scheme; and**
- **labour agreement**
- **adoption.**



New Changes to Skills Points

With effect from 14 April 2004, the Government has effectively reduced the number of skilled migrants who can apply to either come or remain in Australia by increasing pass marks for Skilled Independent applicants from 115 to 120. These changes mean that precise advice on your status is essential.

The impact is that those who have not studied in Australia or who have allowed more than 6 months to pass since they obtained Australian qualifications and who are able to apply for migration to Australia, will have to find an additional 5 points to obtain their visa.

This will have significant impact for those people who, for example, have already turned 30 and will lose 5 points for age, or who have never worked in Australia and may not be able to obtain bonus points.

The points will also increase for those who have studied in Australia but there is a grace period until 1 April 2005.



More Tourists from China

The Australian government is recognising that more cities in China are actively looking to Australia as a tourist destination.

The most recent Gazette provides for tourists to apply from Guangdong, Hebei, Jiangsu, Shandong and Zhejiang Provinces and the Municipalities of Beijing, Chongqing, Shanghai and Tianjin.

This increases the number of provinces from 1 to 5 and the Municipalities from 2 to 4.

