

August 2008

Migration News

Working Through the Maze



RECENT CHANGES TO IMMIGRATION LAWS

Businesses in Australia who are employing overseas workers or considering this as an option to address the skills shortage will need to be aware of changes to the migration program.

As part of its budget announcement, the Federal Government has increased Australia's intake of both permanent and temporary workers. This includes an increase in the number of skilled workers coming to Australia and possibilities, therefore, for Australian employers to employ these people.

The popular temporary skilled worker visa, the subclass 457 visa, has also been revamped. The general minimum salary level will be increased from \$41,850.00 to \$43,440.00 on **1 August 2008**. All employers will need to make sure they employ their staff on the new pay scale. This applies to all staff, including those who were employed prior to 1 August 2008. Those in ICT Professions or employed in regional Australia will also experience an increase in their minimum salary. It is also important to understand what is not included in the salary. For example superannuation, meal allowances, living allowances etc are not to be included in the base minimum salary.

In what appears to be good news for future applications, the Department of Immigration and Citizenship has streamlined its application process. At Snedden Hall & Gallop we have access to online visa processing which speeds up the processing time for 457 visas. Visa applications are no longer processed in the ACT and all applications will be processed either in Sydney, Melbourne or Perth, depending on where the business of the sponsoring employer is located.

It is important that businesses are aware of the great potential of 457 and other employer-sponsored visas to boost your productivity and competitiveness in the market place. If you would like more information about how you can benefit from these important schemes, particularly in this time of a skills shortage, please do not hesitate to contact our registered migration agents.

NICK TEBBEY
Phone: (02) 6285 8056

Meet Our Team



GERALD SANTUCCI
Director - Business Services
Registered Migration Agent
MARN 9256528 (M MIA)
geralds@sneddenhall.com.au

- *Business Law & Immigration Law*



NICK TEBBEY
Lawyer - Business Services
Registered Migration Agent
MARN 0533386 (M MIA)
ntebbey@sneddenhall.com.au

- *Business Law & Immigration Law*



LYNNE HEFFERNAN
Registered Migration Agent
(MARN 0641016)
lheffernan@sneddenhall.com.au

- *Immigration Law*



WANLU SHEN (Susu)
Project Administrator
wanlu.shen@sneddenhall.com.au

- *Shenzhen/Canberra Commerce Office Project*

Call us now
on
(02) 6285 8000



THE AUSTRALIAN CITIZENSHIP ACT 2007

The Australian Citizenship Act 2007:

1. Outlines the circumstances by which a person automatically becomes an Australian citizen, (i.e. citizenship by birth, adoption, abandonment and territory).
2. States all the circumstances by which a person must acquire Australian citizenship by application (i.e. citizenship by descent, adoption, conferral and resumption).

Conferral of Australian Citizenship:

1. An applicant for citizenship must be a lawful resident for four years immediately before making an application.
2. Of those 4 years, at least 12 months as a permanent resident, and with no more than 12 months in total absence during the 4 years and no more than 3 months absence in the 12 month permanent residency period prior to application.
3. Circumstances to allow permanent residents to have their residence outside Australia taken to be residence in Australia can be considered, as long as they can demonstrate a close connection with Australia during that period (i.e. people who are outside Australia but are married to an Australian citizen, or members of the Defence Force).

Citizenship Test

1. The Citizenship test as it currently stands is a 45-minute, 20 multiple choice quiz and applies to all applicants under 60 and those who do not have a disability.
2. Applicants are required to score 13 out of 20 correct answers, with three mandatory questions that must be correct. The results of the Citizenship test will be effective indefinitely (that is, there is no time limit of validity) but you can not lodge an application for Citizenship until you have passed the citizenship test.

The Act prohibits the conferral of citizenship on some applicants. To find out if you are eligible for citizenship, contact our team today on (02) 6285 8056.

GERALD SANTUCCI

DOING BUSINESS IN CHINA?

In August 2006, Shenzhen Developments Pty Ltd entered in to a joint venture with the ACT Government to operate the Canberra Commerce Office in Shenzhen, China. The purpose of the office is to strengthen economic and cultural exchange, and develop friendship and co-operation between Australia and China.

Shenzhen Developments Pty Ltd is a company established under the auspices of Snedden Hall & Gallop.

Located in southern China, Shenzhen is the key city (with over 24 million people) in one of China's major Economic Development Zones and a hub for ICT development and manufacturing.

Shenzhen Developments has already hosted two delegations into Australia and looks forward to further assisting businesses in transaction between Australia and China.

Canberra Commerce Office can assist your business in the following ways:

- Provision of office facilities (including office space and technology) for business opportunities in Southern China
- Australian business introductions to the Chinese market, including tailored board meetings and personal introductions to relevant business and government officials
- Facilitation of buyer/seller interaction
- Facilitation of Stakeholder interaction



GERALD SANTUCCI
Phone: (02) 6285 8056

OVERSEAS ADOPTION

Overseas children may be adopted while the adoptive parents are living overseas, or by adoptive parents who live in Australia.

Australia is a party to the International Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (Adoption Convention). The Adoption Convention is about ensuring that intercountry adoptions are in the best interests of the child concerned and to prevent the abduction of, or traffic in, children. The Adoption Convention only applies to children of states who have agreed to the terms of the Convention - presently around 70 countries.

There are two ways by which adoption can occur where the adoptive parents are living overseas:

1. Adoption in an Adoption Convention Country; or
2. Adoption under the laws for adoption in that country. In this situation the adoptive parent must, among other criteria, have:
 - Been living overseas for more than 12 months at the time of the visa application;

- Lawfully obtained full and permanent parental rights over the child; and
- The documented approval of the competent authority in the country of adoption for the child to go to Australia

With the exception of adoption where parents have been long term residents overseas, the only adoptions recognised for migration purposes are those which have been made in accordance with the Adoption Convention, or through bilateral adoption agreements between child welfare authorities in an Australian State or Territory and in another country.

Adoption procedures vary from State to State and from case to case. Generally, parents wishing to adopt a child who is overseas go to the relevant state authorities. If assessed as being suitable, steps are then put in place to "match" them with a child.

If you are contemplating adoption, contact us for advice on what these laws mean for you.

LYNNE HEFFERNAN
(02) 6285 8056