



MIGRATION NEWS

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MIGRATION INTAKE PROSPECTS 2009

Towards the end of 2008, with rapidly emerging signs of a major global recession, there was some general mention by our Prime Minister and Minister for Immigration and Citizenship of the need to monitor the relevance of continued high level skilled migration intakes, depending on employment trends domestically in Australia.

The thinking was that it may be hard to justify major intakes of skilled migrants if employment opportunities for skilled people in Australia began to decline.

There has been particular concern about skilled employment in the mining sector, and some industry and trade union spokespeople have also commented along similar lines. The government has not (at least at this stage) taken any sudden or major decisions about the migrant intake.

However, late last year the Minister announced some changes to the Skilled Migration Program to make it more focused and responsive where critical shortages in some skilled occupations continued to exist.

The changes include the establishment of a critical skills occupation list which will give processing priority to applicants in these occupations.

Secondly, State and Territory Governments of Australia will be given a greater say in identifying applicants where they deem occupational skills to be in demand.

The Minister said that these changes "will lead to some reduction in the overall intake".

Reading between the lines of the Minister's announcement it

appears there is some prospect for a future change in the structure of the points test for skilled migration to give greater benefit to the above two groups.

There is no detail or timing available at this point. In fact, the Minister said the government will maintain the planned skilled migration target for the current program year ending 30 June 2009.

There has been no announcement or discussion on other parts of the overall migrant intake such as Business Skills or Family Reunion, so we think it is "steady as she goes" in these areas.

We will keep readers informed about any more detail we can provide in the skilled area.

AUSTRALIAN CITIZENSHIP SPOUSE CONCESSIONS

In earlier newsletters we mentioned major changes last Year to the Australian Citizenship Act including the new 4 year residential qualifying rule, and the new Citizenship Test.

Also included in these changes were some new concessions for waiver of the 4 year rule. One of these was the possibility to include periods of legal temporary residence in Australia provided the final year was a full year of permanent residence.

Another important concession was a waiver of the residential qualifying rules for a permanent resident visa holder who is the spouse or partner of an Australian citizen. A part of

the requirements is to show a close and continuing association with Australia and there is a variety of permutations as to how this might be shown.

There was also a policy requirement that the applicant had to be overseas at the time of application, although we could not understand why an applicant who had been overseas but was currently in Australia could also apply.

One of our clients gave us the opportunity to test this rule by taking the case to the Administrative Appeals Tribunal where we were successful in having a rejection

decision overturned enabling an on shore application which was subsequently granted.

Since the introduction of this concession we are assisting with a number of clients seeking citizenship on the grounds of having lived overseas with their Australian citizen partner.

Fees for this work are not costly and processing times are quite good currently. If people need help in this area contact Jacqueline Shay (jshay@hitchcock.com.au) who is one of our Sydney Office team undertaking client work in this area.

CONSULTING TRIPS

Our firm's Managing Director, **Cecil Bass**, will be consulting in South Africa and London from **4 February to 28 February 2009**.

Alan Saidman, a senior partner of Accounting and Consulting firm **UHY Haines Norton** (Sydney), will be accompanying Cecil on this trip. UHY Haines Norton provides tax compliance, tax advisory, general business services and audit and assurance services to high net worth individuals, the SME market, professionals (doctors, solicitors, etc) and small corporates. They also undertake traditional compliance and advisory services, due diligence work, assist in locating business opportunities, company secretarial work and manage affairs for a number of non-resident clients.

To arrange a consultation with **Cecil Bass** or **Alan Saidman**, please contact our South African Marketing Team as follows:

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Appointment times are filling up fast, so please don't miss your chance to secure a meeting time.

VISIT VISA SCRUTINY

We have heard of some instances recently where DIAC airport staff have picked up on visit visa holders using the multiple travel / 3-month stay endorsement in most visit visas to spend the majority of their time here and to just go out of Australia (to New Zealand or Singapore for example) for a day or two and then come back into Australia for another 3 month stay.

Best to not overdo the use of visit visas which are for tourism, visiting family or short stay business reasons. People who overdo it with their visit visas need to be careful.

Contact us if you need help with this.

GLOBAL DOWNTURN BENEFITS

It is not all doom and gloom with the global economic recession we now find ourselves in.

The major airlines are offering great deals to get passengers into seats for inbound flights to Australia, and with the price of fuel having come down there are some really great bargains to be had.

Hopefully an additional benefit will be that the airlines have more seats available for frequent flyers. It has been very difficult indeed to use one's points to book a seat or get an upgrade, particularly with QANTAS.



STOP PRESS!

Hitchcock and Associates are pleased to announce the appointment of our **London** Marketing Representative, **Anna Geor**.

Anna will join our Managing Director, **Cecil Bass**, on his consulting trip in London in late February 2009.

Further information and contacts details will be published in the next edition of Migration News.

MIGRATION NEWS

DISCLAIMER: The contents of "Migration News" is provided as general information only and should not be a substitute for consulting an Australian Registered Migration agent to obtain specific advice and assistance relative to individual situations and circumstances.

UNREGISTERED MIGRATION AGENTS

Our Eastern State newspapers had significant coverage over the holiday period concerning the activities of some less-than-reputable people who were exploiting young graduates in Australia seeking permanent residence here, having completed tertiary studies within Australia (known as Graduate Skilled Migration).

The “scam” involved the sale of fraudulent employment references and training certificates to migrant applicants at an exorbitant cost to prove that these young people had completed post-graduation work experience in order to be granted full permanent residence.

Assurances were given that the work references and training certificates were genuine, and according to the media such documents were for sale for anything between AUD\$3000 and AUD\$20,000.

As one might expect, the people operating this scam were not within the Registered Migration Agent profession, who are subject to strict regulation concerning conduct and ethics under

federal parliamentary legislation. That legislation includes quite severe penalties for people engaged in immigration fraud and unregistered immigration practice.

We find this particularly upsetting.

The great majority of people in our profession are reputable and well-meaning in terms of the way in which they care for their clients. The nature, structure and complexity of Australia’s immigration laws are such that people out there really do need assistance in dealing with DIAC. There are too many traps for the unwary, and it costs something in the order of AUD\$2000 nowadays just for the DIAC fee to lodge many types of applications for migration.

We are not including an article on this subject area for self promotion.

Hitchcock and Associates is a major firm in this field with a long history and the great majority of our clients are personally referred to us in any case.

Rather, this article is included in our newsletter as a warning to anyone who needs help with Australian visas or citizenship.

Use an Australian Registered Agent.

If using a Registered Agent confirm their details including current registration, on the website of the Migration Agents Registration Authority (www.themara.com.au).

A great many Registered Agents are also members of the Migration Institute of Australia which is the leading professional body in our field.

We recommend you use Registered Agents who are members of the MIA (www.mia.com.au).

RETIREE VISAS

We thought it timely to include an article on Retiree Visas to remind some readers and their friends that there is a visa available for people without dependants who wish to come in live out their retired years in Australia. This visa is formally known as an **Investor Retirement Subclass 405 Visa**.

Eligibility for this visa is along the following lines:

1) Age of 55 years or older, but spouse can be younger.

2) Sponsorship by an Australian State or Territory Government Agency is required. New South Wales and the Australian Capital Territory (Canberra), are the only agencies not participating. All other State and Territory agencies participate.

3) No dependants other than a spouse.

4) Total assets of AUD\$1,500,000, but AUD\$1,000,000 if the intention is to reside in regional areas of Australia. This is not a strict law, and we have handled cases for clients involving lesser amounts, but not less than 6 below. Generally, assets must be held for 2 years prior to visa application, and sale of assets to transfer required funds to Australia are not required to be sold prior to visa grant.

5) Access to a minimum retirement income of AUD\$65000, or AUD\$50,000 if intending to reside in regional Australia.

6) Out of the assets in 4 above, must make a designated investment in treasury bonds of AUD\$750,000 in the State or Territory of intended settlement. This is reduced to AUD\$500,000 if intending to live in regional areas.

7) Must hold adequate health insurance for intended stay.

8) No intention to work full time in Australia. Part time work up to 20 hours per week is allowed.

9) Must meet health requirements (medical checks).

10) Must be of good character (police checks)

The Investor Retirement Visa is valid for 4 years and extendable for further 4-year periods, but it is important that visa holders wishing extensions maintain their eligibility on the above 10 points.

Applicants for this visa must also make declarations that they will respect Australian values and obey Australian laws.

We have assisted many clients with retirement visas over the years. They become very important as an option for parent with children and grandchildren living in Australia, where the parents do not meet the eligibility for Contributory Parent Migration such as balance of family test, medical issues etc. Many former expatriates who came to Australia having been posted here by their corporations, often come back to Australia to live in their retirement years using this visa.

Readers should contact us here in Sydney or through our South African offices if they want more information or need help with applying for retiree visas.



LIVE IN CANBERRA

Hitchcock and Associates will be coordinating seminars for the **Live In Canberra** team, who will be touring South Africa in conjunction with the ACT Brumbies during March 2009.

The Live In Canberra team will be conducting free seminars, and recruiters will be on hand to discuss potential job opportunities in Canberra.

The seminars will focus on "living in Canberra": the demographics of Australia's Capital City, its weather, infrastructure, businesses and property prices.

Business skills specialists and representatives from recruitment organisations based in Canberra will also be attending the seminars.

The seminars will be conducted in:

Johannesburg: 18-23 March

Cape Town: 23-25 March

Durban: 25-29 March

Please contact our South African Marketing Team (as below) to express your interest in attending these seminars:

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