

RECENT CHANGES TO THE AUSTRALIAN MIGRATION LAW

By Simon Wetherell

The Australian government has just announced sweeping immigration changes mainly impacting the 457 temporary skilled visa class and the Citizenship rules. The changes were introduced through a change to the regulations, which did not require parliament to be sitting, and caught everyone by surprise.

According to Mr Turnbull, the changes were necessary to protect Australia's national interests and put Australian's first, although Pauline Hanson was very quickly on her band wagon to claim this as a win for One Nation because of their influence. We have also recently seen Western Australia's new Premier immediately put on hold the states State Sponsored immigration program to also protect West Australian jobs, so the landscape is changing rapidly at the moment for migration.

So what has really changed?

The 457 program has been abolished and two new visa classes created, a two year and a four year visa. The path to permanent residency has also been cut off, with these visas now strictly operating as temporary visas to fill short term gaps in the work force.

Additionally, the old SOL and CSOL lists have been renamed and modified, with a number of occupations being removed (although many of these have not been used in the last decade). The new lists are the Medium and Long-term Strategic

Skills List (MLTSSL) and the Short Term Skills Occupation List (STSOL).

There are a number of changes to some of the classifications and criteria required, for example in the unskilled areas which will stop hiring of cheap overseas labour. Some occupations have had minimum salary increases, minimum turnover requirements and bans on part time staff.

The one change that really took people by surprise is that all current applications under the 457 program impacted by the changes are effectively rejected as of the 18th April, and a refund available. Current holders of the 457 visa have been grandfathered into the new regulations so will not be impacted.

On the Australian Citizenship front there will now be more stringent English language requirements, a longer qualification period of four years, and a values test that will be modified, as well as additional security checks.

These changes will make it a lot harder for Thai's to move to Australia in the lower skilled or service industry areas. For example, massage now has been limited to full time employers and only non-medical relaxation massage in a therapeutic setting. For the Citizenship requirement this will also be harder for Thai's that are not well versed in English, or spend time in both Australia and Thailand.

Looking forward, as I mentioned at the recent Austcham Immigration presentation, given the One Nation influence in the senate we can expect changes like this to be coming which will negatively impact more Thais in the future.

The major concern I have is in the area of family migration, where we could see the introduction of language based assessment and means testing for applicants to show financial capacity to sponsor a partner, which will have a profound impact.

My recommendation, if you are even thinking about a long term strategy involving relocating back to Australia seek immediate advice as it is only going to get harder and more expensive in the future.

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