

MIGRATION LAW UPDATE: 1 JULY 2015 CHANGES

In this special issue of *Munro Doig Insights*, we look at some of the changes to migration law which came into effect on 1 July 2015 which may affect our clients.

SKILLED & EMPLOYER SPONSORED VISAS

Changes to the Skilled Occupation List

If you are applying for skilled points-tested visas, graduate visas, Subclass 457 visas or employer nominated permanent visas, you should carefully review the new Skilled Occupation List. It applies to nominations or visa applications made on or after 1 July 2015.

Urban and Regional Planners have been removed from the SOL. The occupation of Dentist has been moved to Schedule 2, which means that it is still able to be nominated where you have an employer sponsor or State sponsor.

Panel beaters and cabinetmakers have been added to Schedule 1.

A List for Regional Sponsored Migration Scheme (RSMS) Visas

Prior to 1 July 2015, the RSMS Regulations provided that the *"tasks to be performed in the position correspond to the tasks of an occupation at a skill level of ANZSCO Skill Level 1, 2 or 3."*

The Regulations now refer to occupations specified by the Minister in an instrument in writing. The relevant legislative instrument appears to capture a wide span of ANZSCO 1-3 occupations.

In practice, whilst the impact of this change appears to be minimal, it will, in the future, allow the Minister to easily alter what occupations may be nominated for the RSMS visa to make the program more targeted towards regional skills needs.

Ministers of Religion

Prior to 1 July 2015, Ministers of Religion applying for Subclass 186 Direct Entry visas enjoyed a number of concessions (as did their nominators). Ministers of Religion have now been taken off the list of occupations which may be nominated for the Subclass 186 Direct Entry visa. Instead the only pathway for Ministers of Religion to be nominated is pursuant to a labour agreement.

A labour agreement is an agreement directly negotiated with the Minister of Immigration and it would suggest that nominations by religious organisations to bring in Ministers of Religion from overseas will be subject to greater scrutiny.

The English language exemption for Ministers of Religion has been tightened, as have the skills and salary requirements.

The Immigration Department has stated that they are trialling these new settings until 30 December 2015.

It is unfortunate that the Immigration Department did not previously announce these changes nor appear to have undertaken any consultation with stakeholders prior to introducing these changes.

Medical Practitioners in Regional Australia

Previously, medical practitioners who are over the age of 50 had to demonstrate that they were employed with the same employer for a period of 4 years on a temporary visa before being able to access the Subclass 186 or Subclass 187 visa.

From 1 July 2015, medical practitioners over the age of 50 will satisfy the age exemption if they have been employed for at least 4 years in their nominated occupation with at least 2 years of their employment located in regional Australia.

This is a welcome change, particularly in instances where doctors in regional areas often work with multiple employers.

PRACTICE AREAS

COMMONWEALTH TAXATION

- Income Tax
- Capital Gains Tax
- Goods and Services Tax

STATE TAXATION

- Transfer and Landholder Duty
- Pay-roll Tax
- Land Tax

SUPERANNUATION

- Establishment of Funds
- Instalment/Holding Trusts
- Compliance Issues
- Property Transfers

MIGRATION LAW

- Visa Applications
- Visa Cancellations
- Appeals: Federal Court & Migration Review Tribunal
- Compliance

COMMERCIAL LAW

- Business Sales, Purchases, Restructures
- Share/Unit Sales & Purchases
- Practice Incorporations
- Business Succession Planning
- Shareholders, Unitholders and Partnership Agreements
- Property and Business Settlements
- Leases

TRUSTS AND ESTATE PLANNING

- Wills
- Trust documentation
- Probate and Letters of Administration

TAX LITIGATION

- Commonwealth Taxes
- WA State Taxes

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UPCOMING SEMINARS

Lester Ong, who heads our migration practice, has been actively involved in spearheading a mentoring program in conjunction with the Migration Institute of Australia for newly-qualified registered migration agents. The idea behind the mentoring program is to provide a valuable forum for such agents to hone real-life practice skills in a safe environment under the mentorship of experienced practitioners. The next mentoring meeting is on 20 July 2015 at Northbridge Piazza, starting at 5:45pm. For more information or to register, go to www.mia.gov.au.

Lester will also be part of a Q&A panel at the Perspectives Conference on Saturday 25 July 2015, 10:00am to 2.30pm at Kennedy Baptist College. Keynote speakers (who will also be on the Q&A panel) are Ernst & Young's Grant Burgess (Entrepreneur of the Year Western Region Leader) and the CEO of Far East Organisation (and Singapore's richest man), Philip Ng. For more information or to register, go to www.faith.org.au

Finally, Lester will be presenting an Advanced Migration Workshop (with other seasoned practitioners) organised by LegalWise Seminars, to be held on 1 September 2015 at 2:00pm at the Parmelia Hilton in Perth. Lester will be running case studies on complex issues pertaining to Subclass 457 visas. To register or for more information, go to www.legalwiseseminars.com.au.

NEW APPOINTMENT

Munro Doig is pleased to announce the appointment of Yikai Hoe as Associate. Yikai has been part of our superannuation team for about 5 years. He provides advice in relation to self-managed superannuation funds, compliance issues, transfer of properties to and from super funds and super fund borrowings. We congratulate Yikai on his well-deserved promotion and thank him for his hard work and contributions to our firm to date. To contact Yikai, email him on yhoe@munrodoig.com.au or call 08 9426 6222.

SIGNIFICANT INVESTOR VISA & PREMIUM INVESTOR VISA

In April of this year, further applications for the Significant Investor Visa were suspended pending adjustments to the legislative settings for that visa, particularly in relation to the complying investment framework.

On 1 July 2015, the Minister for Trade and Investment and the Assistant Minister for Immigration issued a joint Press Release, stating as follows:

"New arrangements for investor visa applicants that will encourage investment into innovative Australian research and development and emerging local companies come into effect today.

Expressions of interest for the enhanced Significant Investor Visa (SIV) can now be submitted to the Department of Immigration and Border Protection under new requirements that mandate investment into small and emerging companies and venture capital funds."

The Press Release also states:

"The new Premium Investor Visa (PIV) programme has also come into effect today. The PIV has been introduced to attract a small number of highly-talented and entrepreneurial individuals who can translate those skills and talents into areas which deliver a long-term economic benefit to Australia

The PIV will be an exclusive program available at the invitation of the Australian Government. It will be developed over the next year by Austrade, which is the sole nominator."

The SIV is targeted at applicants who are able to invest at least \$5 million in complying investments. At least \$500,000 is to be invested in an Australian venture capital or growth private equity fund investing in start-up and small private companies; at least \$1.5 million is to be invested in an eligible managed fund investing in emerging companies listed on the ASX; and a balancing investment of up to \$3 million is to be invested in managed funds investing in a combination of eligible assets, including ASX-listed companies, corporate bonds or notes, annuities and real property.

The SIV is a 4 year pathway to permanent residency.

The PIV is targeted at applicants with a minimum of \$15 million to invest. Permanent residency can be obtained after 12 months without a minimum period of physical residence in Australia.

ORGANISATIONAL CHANGES

The Immigration Department and Customs have amalgamated to form the Australian Border Force. The Department's new website is now at www.border.gov.au.

The Migration Review Tribunal and Refugee Review Tribunal have now become part of the Administrative Appeals Tribunal. It is expected that the processes and procedures of the MRT and RRT remain unchanged.

VISA APPLICATION FEES

Some visa application charges have increased on 1 July 2015.

Clients should check the visa application charges carefully on the Australian Border Force website, as payment of the correct fee is a requirement to make a valid application.

Munro Doig has recently relaunched its website. Go to www.munrodoig.com.au to check out our service offerings and to find out more about our firm.

If you have any questions about what is contained in this newsletter or if we can assist you with your migration law requirements, contact Lester Ong: long@munrodoig.com.au or on 9426 6222.