

Know your rights:

Job hunting & avoiding scams

Your skilled visa & migration options



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Note: This presentation was delivered on 29th August 2017 at Deakin University. It provides some general information accurate at the time presented, and is not intended to be relied on as legal or immigration advice. No one should act based on the information provided in this presentation without first obtaining legal or immigration advice that is relevant to their personal circumstances. Deakin students can do that by making an appointment with the legal service.



What Sort It! does

- Legal services for Deakin Students
 - advice & casework
- Generalist areas of law
- Immigration advice for International Students
- Interpreters available free of charge
- Communication all completely confidential
- Even if we can't help, we can make appropriate referrals - referrals to other services, private lawyers
- Raise awareness of rights through Student Legal Education
- Advocate for students on policy issues



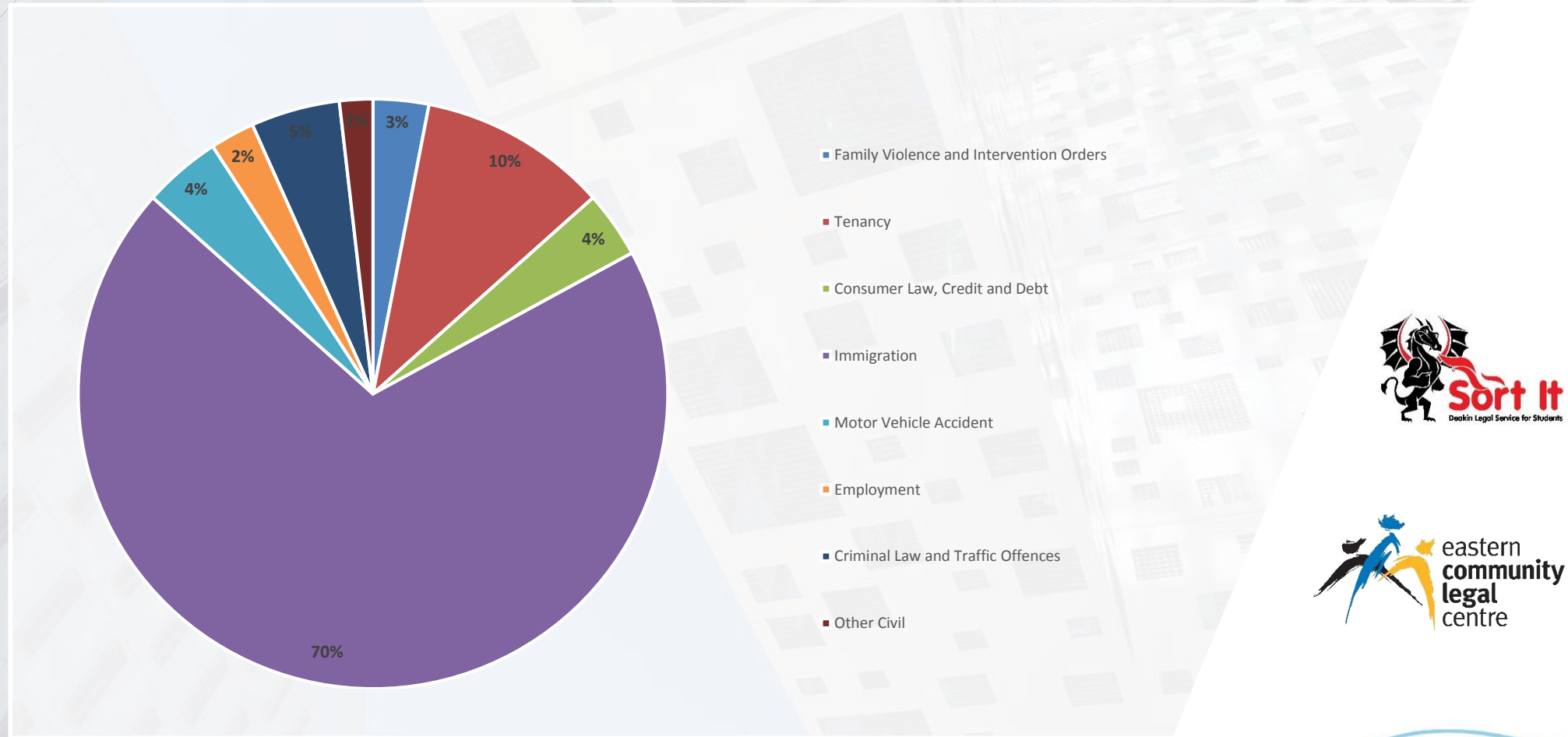
Types of legal problems we can give advice and assist students with:

- Tenancy
- Infringements & Fines
- Motor Vehicle Accidents
- Debt & consumer matters, including scams
- Reporting sexual assault & stalking
- Family Law & Family Violence
- Victims of Crime Assistance
- Employment Law, including sexual harassment and bullying
- Criminal matters (minor)
- Migration Law & Student Visas

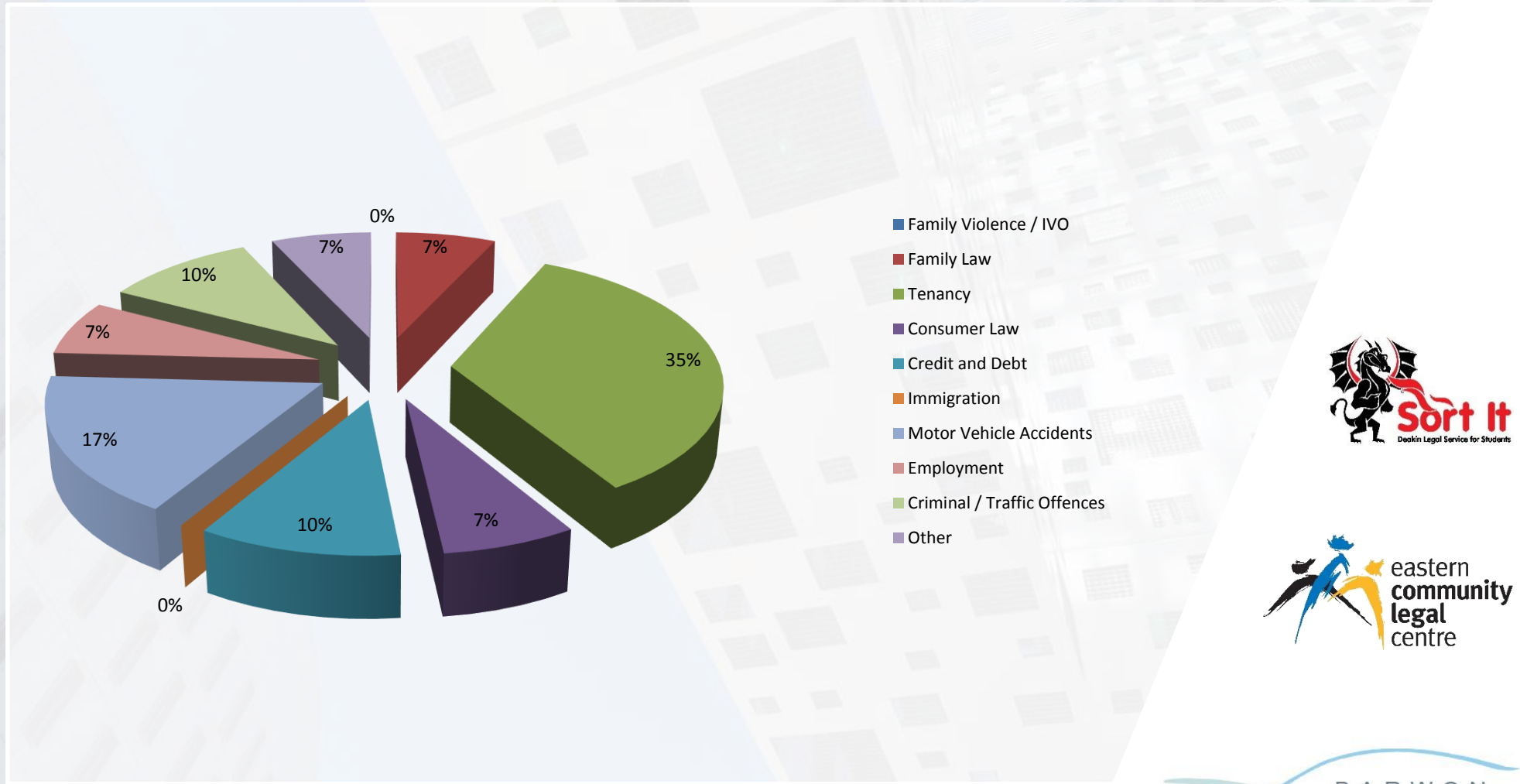
HOUSING



2016 Eastern CLC:
Breakdown of types of legal problems international students seek
advice & assistance about



2016 Barwon CLS: Breakdown of types of problems international students seek advice & assistance about



Student appointments on campus

▶ **Student Visa & Migration Law**

- Appointments Tuesday & Wednesday mornings at DUSA Building H, Burwood Campus
- Appointments via telephone during the above times for Geelong students

▶ **Generalist legal appointments**

- Appointments Monday & Wednesday mornings at DUSA Building H, Burwood Campus
- Appointments Tuesday mornings on Waterfront campus & Tuesday afternoons on Waurin Ponds campus



Making an appointment

Phone us for an appointment:

Burwood campus on **9285 4822**

Geelong campuses on **1300 430 599**

Book an appointment online:

www.eclc.org.au/Deakin



Scams

- ▶ What's a scam?
 - ▶ Employment scams
 - ▶ Housing scams
 - ▶ Migration scams
 - ▶ Tax scams, romance scams, building scams, housing scams, computer scams every kind of scam you can think of
- ▶ What do they want?
 - ▶ To use your ID for identity theft or other future scams
 - ▶ For you to launder or pass on stolen money
 - ▶ For you to launder or pass on stolen goods
 - ▶ To get money from you!



Is this advertisement a real job?

- ▶ What does a real job look like?

What would you expect from a real job?

- ▶ A contact person
- ▶ An interview (maybe over the phone?)
- ▶ A contract including working hours, wages, notice of termination
- ▶ Website for the company
- ▶ A well-known company
- ▶ Legitimate telephone number
- ▶ Gives you work to do

MANY SCAMS WILL HAVE ALL THESE THINGS



Bobby looks for a job – Part 1

Bobby found a job advertised on Gumtree as a “travel assistant”.

He sent through an email application and the next day received a call from a woman named Barbara. Barbara said she worked for a big international company (Bobby Googled the company and found a Wikipedia page), and they were looking for someone to book flights for their executives all over the world. Barbara interviewed Bobby over the phone for 20 minutes, and said that she would be in touch.

The next day, Bobby received an official email confirming he’d been accepted for the job, attaching a long 8-page contract, and asking him to start immediately. Bobby followed the instructions of the email, sent back the signed contract with a copy of his passport and visa, and his bank details.

On the third day, Bobby got an email asking to find and submit proposed itineraries for travel plans for particular cities and times. After he spent 2 hours completing this task, he submitted the proposed plane routes.



Bobby looks for a job – Part 2

Bobby then received another email saying his itineraries had been accepted, and would need to arrange for flights to be paid.

The company would pay Bobby \$20,000 into his personal account the following day. Bobby would then transfer \$18,000 of that money to their employee in Ukraine via Western Union – he would keep \$2,000 as his wages.

The next day Bobby received a call from Chris, who claimed to be another employee of the company. Chris told Bobby that the money had been transferred to his account, but their Ukraine employee needed the money urgently, so he would have to do the Western Union transfer that day. Bobby wanted to keep his job, so immediately did as Chris asked.

Two days later, Bobby found his bank account frozen. The bank employees told him that he'd been transferred \$20,000 from a stolen or hacked account and the Police were investigating.



Housing rights & Housing scams

- ▶ What does a housing scam look like?
 - ▶ Similar to job scams – Gumtree, too good to be true
 - ▶ Won't let you inspect the house or meet the agents/owners

- ▶ How to prevent getting into legal problems with housing
 1. Inspect the property, don't just rely on photos
 2. Sign a written contract
 3. Submit a bond to the Bond Authority (RTBA) and complete a Condition Report
 4. Ask questions!
 5. Get rent and bond receipts or keep your own records
 6. Put everything in writing and keep it in a safe place



What are scam warning signs?

- The job or house is too good to be true
- Advertised on unregulated websites like Gumtree or contact you about a job/house that you have not applied for
- All meetings and interviews are done through email over the phone – you never meet anyone in person at their office
- They request additional ID from you – like a photocopy of your passport and visa.
 - Scammers use these details for identity theft or to help them with future scams
 - Even genuine employers/landlords shouldn't ask you to provide this without good reason.
- Jobs claim to be “work from home”
- Jobs that will ask you to use your personal address or bank account for work purposes (other than paying you)
- **They ask you to transfer money via Western Union – 99% of the time this is the scam**



There are new scams coming up all the time!

- ▶ Payment via Bitcoin
- ▶ Delivery of stolen goods
- ▶ Migration/Visa scams
- ▶ Australian Tax Office scam
- ▶ If you're not sure, hang up and call the organisation back directly!



More information about scams

- ▶ Scamwatch
 - ▶ <https://www.scamwatch.gov.au/>
- ▶ Consumer Affairs Victoria
 - ▶ <https://www.consumer.vic.gov.au/resources-and-education/scams>
- ▶ ACORN (Australian Cybercrime Online Reporting Network)
 - ▶ <https://www.acorn.gov.au/>



Employment visa options for graduates

- ▶ Temporary Graduate Visa
- ▶ Permanent Residency in Australia
 - Skilled Migration Pathways



Temporary Graduate Visa (Subclass 485)

▶ Two Streams:

▶ Graduate Work Stream

– for International students who have eligible qualifications with skills and have an occupation on the MLTSSL (requires a Skill Assessment)

▶ Post-Study Work Stream

– for International students who graduate with a higher education degree

(Bachelor, Bachelor Honours, Master by Coursework, Master (Extended), Master by Research and Doctoral) from an Australian education provider (only available for students applied and granted for a Student Visa on or after 05/11/2011)



Temporary Graduate Visa (Subclass 485)

► Eligibility Criteria (for both streams)

- Has not previously held Subclass 476 or 485 (as the primary applicant)
- Less than 50 years old
- Holds an eligible visa (must be in Australia)
- Meets the English Language requirement
- Meets Australian Study requirement
- Have Health Insurance in Australia
- Have applied for AFP NPC
- Meets health and character requirements
- Meets the specific requirement for the relevant stream



Temporary Graduate Visa (Subclass 485)

▶ Australian Study requirement

- ▶ Completed one or more courses that are registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)
- ▶ Instructions were conducted in English
- ▶ **Completed a course/s as a result of at least two academic years of study (92 weeks)**
- ▶ **Completed in not less than 16 calendar months**
- ▶ Study has been undertaken while in Australia holding a visa that authorises to study



Temporary Graduate Visa (Subclass 485)

Graduate Work stream

- Meet the Australian study requirement in the 6 months immediately before the application
- Nominate an occupation from GSM Medium and Long-Term Strategic Skills List (MLTSSL)
- Each degree, diploma or trade qualification used to satisfy the Australian study requirement must be closely related to your nominated skilled occupation
- Have at least applied for a skill assessment for the occupation you have nominated



Temporary Graduate Visa (Subclass 485)

Post-Study Work stream

- Meet the Australian study requirement in the 6 months immediately before the application
- Have completed an eligible qualification (Bachelor, Bachelor with Honours, Master by Coursework, Master (extended), Master by Research and Doctoral degree)
- The eligible qualification must have been completed by studying courses at least AQF Level 7 (Bachelors, Masters or Doctorate Degrees only) through an educational institution specified by the Minister
- Have applied for your first student visa on or after the 5th November 2011



Temporary Graduate Visa (Subclass 485)

- Current processing period:
 - Graduate Work Stream – 4 months
 - Post-Study Work Stream – 79 days to 4 months
- Will be granted a BVA
- Must apply for a BVB if require overseas travel
- Visa validity period:
 - Graduate Work Stream – 18 months
 - Post-Study Work Stream:
 - Bachelor Degree, Bachelor Degree with Honours, Masters by Coursework Degree or Masters (extended) Degree – 2 years
 - Masters by Research Degree – 3 years
 - Doctoral Degree – 4 years





Case Study 1

Australian Study Requirement (ASR) for Temporary Graduate (Subclass 485) Visa:

- ▶ Rio is an international student at Deakin University holding a current Student Visa. He completed Bachelor of Commerce (majoring Accounting) last month (July 2017) and received his final results. The University has confirmed that he has successfully completed the Bachelor of Commerce and is eligible for the graduation ceremony in February 2018.

Rio completed;

- a registered course
 - in a total of at least 16 calendar months
 - as a result of a total of at least 2 academic years study
 - a course which all instructions were conducted in English
 - while in Australia as the holder of a visa authorising him to study
- ▶ Assuming Rio meets all criteria to apply for Temporary graduate (Subclass 485) Visa, when he can lodge his visa application?



The application must be lodged within 6 months from the course completion.

Completion date is NOT the degree conferral date which can be several months after the course completion.

If you did not lodge your visa application within the 6 months from the course completion date, your application will be refused.

Permanent Residency in Australia

- ▶ Skilled (work)
 - ▶ As a skilled worker – most common for student visa holders
 - ▶ Temporary Work (Skilled) visa (subclass 457) then subclass 186 or 187
 - ▶ Points based skilled migration (subclasses 189, 190, 489)
 - ▶ As a business owner or investor
 - ▶ If you have internationally recognised talent
- ▶ Family
 - ▶ As a partner, child or orphaned relative of an Australian
 - ▶ As a parent of an Australian (30 yrs or pay ~\$50+K),
 - ▶ As a remaining relative or aged dependent relative of an Australian (50 yrs)
 - ▶ As a carer for an Australian relative (4.5 yrs)
- ▶ As a refugee or humanitarian entrant
- ▶ As a former permanent resident or citizen
- ▶ As a dependent
 - ▶ As a member of a visa applicant's immediate family (partner and children)



Permanent Residency in Australia - skilled migration pathways

- Preparation for EOI
 - Choose an occupation, Skills Assessment
 - Points test (at least 60 points)
 - English test (showing 'competent English')
 - State nomination requirements (if necessary)
- Expression of Interest through Skill Select/ State nomination (if necessary)
- Invited to apply for a permanent visa:
 - Skilled Independent visa (subclass 189)
 - Skilled Nominated visa (subclass 190)
 - Skilled Regional Sponsored (Provisional) visa (subclass 489)
(Permanent Pathway via Subclass 887)



Recent Changes to the Occupation Lists

From one list to several lists

- ▶ Separate lists for GSM, ENS, RSMS, Training ...

GSM Lists

- ▶ Medium and Long-term Strategic Skills List (MLTSSL) replaced the previous 'Skilled Occupation List' (SOL)
- ▶ Short-term Skilled Occupation List (STSOL) replaced the previous 'Consolidated Sponsored Occupation List' (CSOL)
- ▶ Number of occupations were removed entirely from the STSOL
- ▶ Some occupations on the MLTSSL were restricted to only apply to:
 - ▶ Skilled – Independent (Subclass 189)
 - ▶ Temporary Graduate (Subclass 485)
 - ▶ Skilled – Regional (Provisional) (Subclass 489) – Family Sponsored)





Case Study 2

Australian Study Requirement for GSM Visas:

- ▶ Assume it is August 2018 now – after more than one year since Rio completed his Bachelor of Commerce in Australia.
- ▶ Rio is in Australia on a Temporary Graduate (Subclass 485) Visa. He is preparing to apply for Skilled Independent (Subclass 189) Visa. He is doing self-assessment for point test.
- ▶ Although he completed a Bachelor of Commerce in Australia, He would like to nominate 'Civil Engineer' occupation for his Subclass 189 visa. Prior to coming to Australia to study Bachelor of Commerce at Deakin, he completed a Bachelor of Civil Engineering degree from the State University in his home country. It is easier for him to obtain a positive skill assessment for his occupation as a 'Civil Engineer' than an Accountant.




Case Study 2 (continued)

Rio wants to know whether he can claim points for ASR based on the Bachelor of Commerce that he has completed over a year ago.

Rio completed;

- a registered courses
- in a total of at least 16 calendar months
- as a result of a total of at least 2 academic years study
- a course which all instruction was conducted in English
- while in Australia as the holder of a visa authorising the applicant to study
- However, he completed a course in a different field to his nominated occupation and more than a year ago.
- Can Rio claim 5 points for ASR for point-tested Skilled Independent (Subclass 189) Visa?



Closely related occupation and 6 months period only apply for Temporary Graduate (Subclass 485) Visa and not for GSM Visas.

Reference List

- ▶ LEGENDcom - <http://www.border.gov.au/Trav/Visa/LEGE>
 - ▶ Migration Act 1958
 - ▶ Migration Regulations 1994
 - ▶ Procedure Advice Manual 3
- ▶ Department of Immigration & Border Protection website - <https://www.border.gov.au/>





Questions



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