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Know your rights:

Your skilled visa & migration options

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Note: This presentation delivered on 19th November 2020 via Zoom for Deakin University students, 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. All Department of Home Affairs and Commonwealth materials are reproduced for study purpose and all such material is copyright Commonwealth of Australia.



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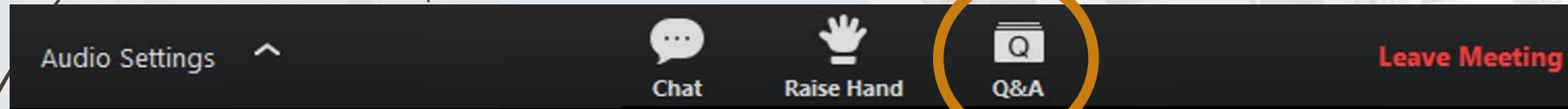


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Webinar House-Keeping

- ▶ Webinar format
 - ▶ No cameras or microphones except for presenters
 - ▶ If you have a question, use the Q&A button at the bottom of the screen.
 - ▶ Questions will be moderated and answered gradually – please be patient! Some will be answered in text, others by the presenter, and some will be answered at the end of the presentation.



- ▶ **This webinar is being recorded!**
 - ▶ If you are watching this webinar as a recording, please make sure you have the most up-to-date information as things are likely to change quickly during the pandemic.
 - ▶ If you ask a question, be aware it may be read out and answered in the recording.

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- ▶ Free
- ▶ Confidential
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- ▶ By appointment only
 - ▶ Phone & Zoom
- ▶ Resources and request an appointment online:
 - ▶ <http://www.eclc.org.au/deakin>
- ▶ By phone:
 - ▶ Burwood: 1300 325 200; Geelong: 1300 430 599



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What Do We Do?

Areas of Law

- ▶ Fines / Infringements
- ▶ Motor Vehicle accidents (not TAC)
- ▶ Debt / Bills / Consumer problems including Scams
- ▶ Tenancy / Housing
- ▶ Employment Law including Sexual Harassment and Bullying
- ▶ Stalking & Family Violence
- ▶ Family Law
- ▶ Reporting Sexual Assault
- ▶ Discrimination
- ▶ Minor Criminal Matters
- ▶ Victims of Crime Assistance
- ▶ Student Visas / Migration Law*

What We Don't Do

- ▶ Any commercial law or property transfers
- ▶ Intellectual property or copyright law
- ▶ Problems with studying or academic progress (referral to DUSA Student Advocates)
- ▶ Tax law or tax returns (referral to Tax Help Clinic)
- ▶ Disputes with Deakin University or DUSA

Employment visa options for graduates

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



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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



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

* COVID-19 concessions available



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Temporary Graduate Visa (Subclass 485)

➤ Australian Study requirement

Two Important Components:

- 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



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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

* COVID-19 concessions available



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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

* COVID-19 concessions available



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Temporary Graduate Visa (Subclass 485)

- Current processing period:
 - Graduate Work Stream – 5 to 6 months
 - Post-Study Work Stream – 57 days to 6 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



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COVID-19 Concessions for Temporary Graduate Visa

Available COVID-19 concessions:

- ▶ Applicants are now eligible to apply for a Temporary Graduate visa outside Australia, (if they are unable to return due to COVID-19) within the 'concession period'*
- ▶ During the concession period, applicants who are outside Australia can lodge an application without having held a student visa within the six month period immediately before making the application**
- ▶ Applicants can also satisfy the Australian Study Requirement (ASR) within 12 months (extended from 6 months) immediately before the application if the applicant was outside Australia during full or portion of the period between 1 February 2020 and 19 September 2020
- ▶ During the concession period, applicants can be granted a visa in or outside Australia

*Currently, the concession period starts on 1 February 2020 with the end date still to be decided with ongoing COVID-19 restrictions and uncertainties.

** However, the Department's policy indicates that applicants who are outside Australia at the time of application must hold or have held a Student Visa in the past 12 months immediately before making the application.



COVID-19 Concessions for Temporary Graduate Visa

Further COVID-19 concessions announced by the Department:

- ▶ Current and future student visa holders studying online in or outside Australia due to COVID-19 will be have that study counted towards the Australian study requirement for a Temporary Graduate Visa
- ▶ Additional time to provide English language results where COVID-19 has disrupted access to these services

(Note – the Department of Home Affairs has announced these concessions but no legislative changes yet)

Permanent Residency in Australia

- ▶ Skilled (work)
 - ▶ As a skilled worker – most common for student visa holders
 - ▶ Points based skilled migration (subclasses 189, 190, 491)
 - ▶ Employer Sponsored pathway (subclass 186)
 - ▶ 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)



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Permanent Residency in Australia - skilled migration pathways

- ▶ Preparation for EOI
 - ▶ Choose an occupation, Skills Assessment
 - ▶ Points test (at least 65 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 491)
(Permanent Pathway via Subclass 191)



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New Visa Subclasses:

- Permanent Residence (Skilled Regional) Visa - available November 2022
- Second Temporary Graduate visa (in regional area) - available 2021 (additional 1 or 2 years)
- Five year visa (Temporary Graduate Visa and other) for Hong Kong passport holders



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Reference List

- ▶ LEGENDcom - <http://www.border.gov.au/Trav/Visa/LEGE>
 - ▶ Migration Act 1958
 - ▶ Migration Regulations 1994
 - ▶ Procedure Advice Manual 3
- ▶ Department of Home Affairs website - <https://www.homeaffairs.gov.au/>
- ▶ Joint Media Release, Department of Education, Skills and Employment - <https://ministers.dese.gov.au/tudge/supporting-international-students-support-australian-jobs>



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Questions



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