



# GMS Flash Alert

## Immigration Edition

2018-095 | 10 July 2018

# Australia - New Financial Year Update

As Australia entered its 2018/19 financial year on 1 July 2018, the final round of legislative changes are due to come into effect under the Temporary Skill Shortage (TSS) visa program,<sup>1</sup> as well as the new Labour Market Testing (LMT) requirements and Skilling Australia Fund (SAF) implementation. Additionally, the Department of Home Affairs (Home Affairs) has increased their fees effective 1 July 2018 and the Global Talent Scheme (GTS) pilot has begun.

This GMS *Flash Alert* highlights the LMT evolving criteria, summarize the visa application fee increases, SAF commencement, the GTS pilot stream requirements, and some Home Affairs updates.

## WHY THIS MATTERS

As the new programs come into effect with different requirements, employers need to carefully review their LMT evidence, while also be aware of the new visa application charge fees (which may increase their costs), GTS stream rules, and TSS visa application updates.

## Labour Market Testing

As employers navigate through the new TSS visa scheme, LMT criteria continues to evolve. Effective 18 June 2018, the period of viable LMT decreased from advertising conducted in the preceding 12 months to advertising conducted in the last 6 months.

At present, transitional arrangements are still in place for LMT evidence which permits a more lenient approach to the content of the advertising conducted within the specified period. Any advertising conducted from January 2018 to 18 March 2018 does not have to conform to the prescriptive requirements in the legislation.

Due to recent lobbying by LinkedIn, Home Affairs has now approved extending acceptable online recruitment platforms to include LinkedIn. This is a significant win for many sponsors as LinkedIn is the main source used by potential job hunters globally.

## Visa Application Charge Fee Increases

In line with yearly indexation, effective 1 July 2018, the cost of a majority of visa subclasses increased. The full suite of price increases is outlined in the Migration Amendment (Visa Application Charges) Regulations 2018; however, a summary of the major visa subclasses follows (all dollar figures expressed are Australian dollars\*):

400 Visa Applicable Charge	Current VAC	New VAC
Base application charge	\$280	\$285
Additional applicant charge for an applicant who is at least 18	\$280	\$285
Additional applicant charge for an applicant who is less than 18	\$70	\$75
482 Visa Applicable Charge – Short-term List	Current VAC	New VAC
Base application charge	\$1,150	\$1,175
Additional applicant charge for an applicant who is at least 18	\$1,150	\$1,175
482 Visa Applicable Charge – Medium List	Current VAC	New VAC
Base application charge	\$2,400	\$2,455
Additional applicant charge for an applicant who is at least 18	\$2,400	\$2,455
Additional applicant charge for an applicant who is less than 18	\$600	\$615
186 Applicable Charge	Current VAC	New VAC
Base application charge	\$3,670	\$3,755
Additional applicant charge for an applicant who is at least 18	\$1,835	\$1,875
Additional applicant charge for an applicant who is less than 18	\$920	\$940
187 Applicable Charge	Current VAC	New VAC
Base application charge	\$3,670	\$3,755
Additional applicant charge for an applicant who is at least 18	\$1,835	\$1,875
Additional applicant charge for an applicant who is less than 18	\$920	\$940
820/801 Partner Visa Applicable Charge	Current VAC	New VAC
Base application charge	\$7,000	\$7,160
Additional applicant charge for an applicant who is at least 18	\$3,505	\$3,585
Additional applicant charge for an applicant who is less than 18	\$1,755	\$1,795

**\*Foreign currency legend: 1 AUD = 0.746405 USD**

## Skilling Australia Fund

The precise date for implementing the SAF has still not been fixed; however, recent announcements from Home Affairs have advised that the fund will come into effect in the first quarter of 2018/2019 financial year.

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Once SAF is implemented, the period of advertising will be further restricted to four months, with the period the advertising is to remain 'live' increased to four weeks. There are currently no exemptions to the LMT provisions other than the outlined International Trade Obligation exemptions.

## Global Talent Scheme Pilot

The Global Talent Scheme (GTS) went into effect 1 July 2018.<sup>2</sup> GTS is only available to accredited sponsors for the initial period of 12 months (July 2018 – June 2019) and is by invitation only for set numbers of positions.

The GTS does not have a set mandated list of occupations (unlike the TSS scheme) thus potentially broadening the skill-set that sponsors are able to attract, particularly in the technology space where positions may be available that didn't exist in the market 10 years ago.

The GTS features two distinct streams for established businesses and start-ups.

Under the **established business** stream:

- Companies must be publicly listed or have an annual turnover of at least \$2 million for each of the past 2 years.
- Employers need to be able to demonstrate that they already prioritise the employment of Australians and have a track record of hiring and training Australians.
- They must not have any breaches of workplace or immigration law.
- The grant of the visa will result in a transfer of skills to their Australian workforce.
- The nominated position must be labour market tested and annual earnings offered for the role must be at least \$180,000.

Under the **start-up stream**:

- A business must be technology-based or STEM-related, and recognised by a start-up authority.
- They will need to be able to demonstrate that the GTS will support job opportunities and skills transfer to Australians.
- They must not have any breaches of workplace or immigration law.
- The nominated position must be labour market tested and annual earnings offered for the role must be at the market salary rate.

The key benefit of both GTS streams is that they provide businesses with highly skilled foreign individuals an opportunity to offer employment for a four-year temporary visa (where this may not be available under the TSS scheme) and afford those individuals a path to Australian permanent residence after three years of employment in Australia. This is a significant draw card for employers seeking to attract highly talented individuals to Australia to fill skill gaps.

## Department of Home Affairs System Updates

During the system outage that took place on 29 June 2018, Home Affairs updated its online system as follows.<sup>3</sup> Applicants for TSS visas:

- will be required to provide a good quality, full-face-view photograph with their applications. A high-quality scanned photograph of the applicant's (primary and secondary applicants) full face will be required for all TSS applications lodged after 1 July 2018; and
- who are required to provide full biometrics will now automatically receive a letter requesting this as soon as their application is lodged (will apply to certain visa applicants associated with Overseas Business Sponsors).

### FOOTNOTES:

1 For prior coverage, see GMS [Flash Alert 2018-054](#) (23 March 2018).

2 For prior coverage, see GMS [Flash Alert 2018-056](#) (4 April 2018).

3 For additional information, refer to [Department of Home Affairs dedicated site](#).

## Contact us

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