



Addressing New Immigration Challenges.

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Current Issues

- “ 2017 Foreign Policy White Paper;
- “ Appraisal of Simplified Student Visa Framework (SSVF);
- “ Changes to provision of Status Resolution Support Services (SRSS);
- “ Transformation of Australia’s visa system;
- “ Managing Australia’s migration intake;
- “ Introduction of the EU Global Data Protection Regulation;
- “ *Abolition of 457/Introduction of TSS;*
- “ *Skilling Australians Fund;*
- “ *Global Talent Scheme.*

Temporary Skills Shortage (TSS) Visa

- “ Announced 19 April 2017
- “ Introduced 18 March 2018
- “ Replaces temporary work (skilled) visa program (subclass 457)
- “ CSOL replaced by Short-term Skilled Occupation Lists (STSOL)
- “ SOL replaced by new Medium and Long-term Strategic Skills List (MLTSSL)
- “ STSOL visa valid for two years, 1 x 2yr extension, no PR path
- “ MLTSSL valid for four years, PR pathway possible
- “ Occupation lists reviewed every six months
- “ Training benchmarks to replaced by Skilling Australians Fund (SAF).

Temporary Skills Shortage (TSS) Visa.

The Government's stated objective is:

....“to restore the integrity to visa programs intended to meet short-term skills shortages, and to ensure that employment and training opportunities are preserved for Australian citizens and permanent residents, first and foremost”.

Temporary Skills Shortage (TSS) Visa

Both streams (STSOL/ MLTSSL) of the TSS underpinned by eligibility criteria:

- “ Occupations lists;
- “ Onshore renewals;
- “ Min English language levels;
- “ Market rate minimum salaries (not less than TSMIT);
- “ At least two years relevant work experience;
- “ Mandatory labour market testing;
- “ Character checks;
- “ Requirement to pay SAF contribution;
- “ A non-discriminatory workforce test;

Temporary Skills Shortage (TSS) Visa

However:

- “ Transitional arrangements?
- “ Fractional appointments possible?
- “ Use of Aust and NZ Classification of Occupations?
- “ How will new/emerging occupations be handled?
- “ Will the two year work experience requirement impact clinicians and postdocs?
- “ How does the sector show that Australian academics are not disadvantaged?
- “ Labour market agreements . help or hinderance?

TSS: Key Points

- “ Success in restoring university lecturers (and other university related occupations), Chief Executive or Managing Director and Faculty Head to the MTSSL;
- “ Inclusion of university tutor on occupation lists to be considered;
- “ Successful in lobbying for PhD research to be considered work-experience;
- “ The main focus of UAs concerns with this new visa is the introduction of compulsory Labour Market Testing and recent amendments linked to the SAF legislation;
- “ There are concerns that the introduction of the TSS will affect universities ability to recruit fractional employees. The amended legislation stipulates that the position associated with the nominated occupation must be genuine and full-time.

Skilling Australians Fund (SAF)

- “ Announced in May 2017 budget
- “ Amends Migration Act to require employers who nominate workers under temporary or permanent migration programs to pay a fee of \$1800 per year for a TSS visa and \$5000 for 186 visa (aims to raise \$390M per year).
- “ SAF will fund State-based training programs for apprenticeships and traineeships. Replaces expired National Partnerships Agreement on Skills Reform.
- “ Replaces existing training benchmarks (1% or 2% payroll)
- “ Key objective to increase Australia's capability in areas currently reliant on skilled migration.

Skilling Australia Fund: Key Points

- “ University payments to the Skilling Australia Fund will be approximately \$15M per year.
- “ UA continues to lobby for universities to be either exempt from the levy or to be eligible to draw from the SAF.
- “ This legislation will outline the requirements for LMT. UA would like occupations within the sector such as ~~university lecturer~~ and ~~Faculty Head~~ to be exempt from LMT or to have the LMT requirements set at a minimum level.
- “ The proposed LMT framework will require positions to be advertised no earlier than four months prior to appointment.
- “ UA argues this is a hindrance to universities and does not consider the global marketplace our sector works within.

Skilling Australians Fund . UA Position

The policy of applying the levy to universities cannot be justified for the following reasons:

- “ Contributing ~~to~~ the broader skills development of Australians is the primary purpose of universities. They should not be required to contribute more . in this case an estimated \$15 million per year - to fund other providers.
- “ Universities would continue to be responsible for, and invest heavily in, training their own research and academic workforce in addition to contributing to a fund from which they derive no benefit.
- “ As currently drafted, the SAF funding is only available for apprenticeships and traineeships. As providers of education and training, universities would not be eligible to access the fund to which they contribute for, paradoxically, funding skills and education.

Skilling Australians Fund . UA Position

The policy of applying the levy to universities cannot be justified for the following reasons (continued):

- “ Contributing the levy would mean, again paradoxically, \$15 million less per year for universities to deliver skills and education.
- “ University research is a global and internationally collaborative endeavor. International cross-fertilisation is a key feature of world class research systems. A policy objective that disincentivises bringing world-class researchers to Australia makes no sense in this context and is fundamentally at odds with the Government's desire for Australia to maintain its global standing as a high-performing research and innovation nation, and a destination of choice for international students.
- “ Inadvertently, the levy would incentivise research system insularity and isolation, leading to an erosion of Australia's research capability.

Global Talent Scheme

- “ On 19 March, the Government announced a new visa scheme trial, designed to attract highly skilled global talent to Australia.
- “ The Global Talent Scheme will consist of two components. Established businesses with an annual turnover of more than \$4 million will be able to sponsor highly-skilled and experienced individuals for positions with earnings **above \$180,000** into Australia.
- “ The second stream will allow technology-based and STEM-related start-up businesses to sponsor experienced individuals with specialised technology skills relevant to the start up industry.

Global Talent Scheme

- “ As part of the GTS process, sponsoring employers will need to be able to demonstrate that they prioritise the employment of Australians and that there will be a skills transfer to Australian workers as a result of the person being granted a visa.
- “ A four-year TSS visa will be issued with application for permanent residence possible available after three years.
- “ No age requirement, at least 3yr work experience, must meet health/character and security requirements.
- “ The pilot will last for 12 months and begins 1 July 2018. An industry advisory group will provide ongoing guidance for the pilot, and UA has been asked to be part of this group.
- “ This visa is particularly aimed at new and emerging jobs in the innovation sector as well as emerging occupations which do not fit under the skilled occupations categories.

Global Talent Scheme: Key Points

- “ **Minimum salary:** As it is currently structured the minimum salary requirement will not effectively assist the university sector in bringing in high end talent into the country due to the minimum annual earnings of \$180K. UA has asked the Department of Home Affairs to reconsider the minimum salary threshold and to give consideration to a minimum annual earnings threshold for NFP which would be reflective of the salaries these sorts of organisations pay?
- “ **Australian domestic staff:** In terms of scheme participation criteria, a requirement that universities would be required to have a set percentage of Australian staff would be problematic, particularly when it is as high as 75% domestic staff.

Global Talent Scheme: Key Points

- “ **Recruitment practices:** Australian universities run global searches looking for the best talent to fill positions. This is what keeps the sector competitive and contributes significantly to Australia’s reputation and ability to continue to attract international students. Universities run transparent non-discriminatory recruitment processes and we would consider that for our industry the issue of non-discriminatory recruitment processes and ensuring that employers are not discriminating against suitably qualified Australians is the key.
- “ **UA support for GTS pilot:** UA broadly supports the GTS, particularly as it responds to arguments made in UA submissions to the Migration Program review for maintaining Australia’s appeal for those in highly-skilled and emerging occupations.

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