



# The Gazette

The Official Newsletter of the  
GAY AND LESBIAN IMMIGRATION TASK FORCE QUEENSLAND INC.  
PO Box 378 Paddington QLD 4064



Trevor Robinson's  
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## GLITF

### Migration

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## Meetings

Second Thursday  
of month at  
Sportsman Hotel  
130 Leichardt St,  
Spring Hill starting  
at 7:30 PM

## 8 Feb 2010 – Changes to GSM Program

### *All Offshore GSM applications lodged before 1 Sept 2007 cancelled*

All offshore GSM applications lodged before 1 Sept 2007 will be withdrawn from processing and the applicants will have their application charge refunded. This does not apply to onshore pre 1 Sept 2007 GSM applicants.

This will affect about 20,000 applicants.

There are 145000 applicants awaiting processing/still in the pipeline; approx ½ here & ½ O/seas.

## Removal of MODL

The Migration Occupation in Demand List (MODL) has been revoked by Legislative Instrument IMMI 10/001

The revocation of the current MODL will not affect those who at 8 Feb 2010:

- hold a skilled-Graduate (subclass 485) visa, or have a pending subclass 485 visa application and have yep to apply for a permanent or provisional General Skilled Migration (GSM) visa,
- or have a pending GSM visa application.

Applicants who lodged a GSM application before 8 Feb 2010 are not affected by the revocation of MODL.



A pithy comment from Leahy in The Courier Mail February 2010

## New Skilled Occupation List second half of 2010

A new SOL will come into effect from mid-2010 for all GSM applications lodged on or after that mid-2010 date, except GSM applicants who are at the date of announcement-18 Feb 2010.

\* hold a skilled-Graduate (subclass485) visa, or had a pending subclass 485 visa application and had not yet lodged an application for provisional or permanent

GSM visa and who make an application by 31 Dec 2012, or

\* have pending GSM visa application.

The new SOL will not apply to people applying for a Skilled-Graduate (subclass 485) visa who at 8 Feb 2010 held a:

- Vocational Education and Training Sector (Subclass 572) visa
- Higher Education Sector (subclass 573) visa
- Post graduate Research Sector (subclass 574) visa.

However these student visa holders will be required to have an occupation on the new SOL to apply for a permanent GSM visa.

Current DIAC information suggests that applicants lodged between 8 Feb and mid-2010 will be assessed on the SOL in place at the time the application was lodged.

*The Minister said in his speech that “the new list will be published by the end of April so prospective migrants have a couple of months forewarning before it takes effect.*

### **Critical Skills List and Priority Processing**

The Critical Skills List (CSL) will be abolished when the new Skilled Occupation List comes into place in mid-2010.

### **Review of GSM Points Test**

There will be a review of the GSM Points Test in the first half of 2010. There is a discussion paper available on the DIAC website from 12 Feb 2010, and comments can be made until 12 March 2010. See DIAC Information sheet: General Skilled Migration (GSM) Points Test Review. The Minister said in his speech that the review would consider:

- should some occupation warrant more points than others?
- are the points for age properly calibrated?
- should the points be awarded for qualifications acquired overseas from prestigious universities?
- are sufficient points awarded for experience?

should more points be awarded for excellence in English?

### **Advice for onshore International students**

Given the current and future changes to the GSM program, many International students will have concerns and questions about their future options. DIAC has provided some advice in the information sheet: Onshore international students

However, students must also be advised that until details of a new SOL or any changes to the Points Test are announced, there can be no certainty.

See also Ministers Media release: Options remain for overseas students.

### **In the Future**

The Minister intends to amend the Migration Act to give him powers to set the maximum number of visas that may be granted to applicants in any one occupation.

The Minister has asked DIAC to explore the feasibility of introducing a new system where applicants forward their claim for skilled migration, and are then selected as candidates by employers.

Top priority will continue to be given to employer sponsored migration. As there is a fixed number of places for all skilled migration, as the number of employer sponsored migrants increase, the number of Independent skilled migrants will decrease.

### **Relationship Unions recognised by Immigration Law**

From 9 Nov 2009, relationships which are registered under a prescribed law of a State or Territory in Australia (prescribed for the purposes of section 22B of the *Acts Interpretation Act 1901*) will be recognised and exempted from the requirement to live together for 12 months prior to applying for a Partner visa. Currently the following laws are prescribed.

*Relationships Act 2008* (Victoria) – a registered relationship that is registered under paragraph 10(3)(a) of that Act

*Relationships Act 2003* (Tasmania) – a significant relationship as defined in Section 4 of that Act.

*Civil Partnership Act 2008* (ACT) – a relationship as a couple between 2 adults who meet the eligibility criteria mentioned in Section 6 of that Act for entry into a civil partnership.

Civil unions conducted Overseas or under local government (e.g. City of Sydney) are not recognised under Australian immigration law, although the evidence of this will assist in proving the genuineness of the relationship.

Unfortunately this is not a way to get around the 12 month co-habitation requirement for potential applicants

in other States & Territories as a least one of the civil partners must be a current resident in the ACT or both in Victoria or Tasmania in order for the relationship to be registered in the applicable State or Territory.

The NSW Govt announced on 23 Feb that it will introduce legislation to create a Relationships Register making it easier for committed unmarried couples to access legal entitlements and prove they are in a committed or de facto relationships.

Attorney General, John Hatzistergos, said the NSW Register will be modelled on key aspects of registers already in place in the ACT, Victoria & Tasmania.

“The register, endorsed by State Cabinet earlier in the week, will ensure NSW is aligned with the Com’Wlth Govt moves to remove discrimination against unmarried people in heterosexual and same-sex relationships.” he said.

“Couples who choose to register their relationship will be provided with one document that helps prove their relationship and will be spared the frustration of constantly having to supply agencies with copious amounts of paperwork.”

The relationship Register will not provide for civil unions, but will reflect the serious commitment made by couples who choose to register their relationship.

To be eligible to register a relationship on the Relationships Register:

- \* Couples must be in a committed, exclusive relationship
- \* Couples must not be married or in another relationship that is registered or registrable
- \* Couples must be 18 years of age or older, and
- \* One person must be a resident of NSW.

The Register will be managed by the NSW Registry of Births Deaths & Marriages.

### **DIAC Annual report**

On 30 Oct 2009, the Dept of Immigration & Citizenship (DIAC) tabled in Parliament its annual report for the 2008-09 financial year. The annual report sets out an interesting snapshot of 2008-09.

#### **Migration and Temporary entry**

Total permanent and temporary visas granted	4 338 427
Total visitor visas granted offshore (incl ETA’s)	3 328 112
Working holiday and work and holiday visas granted	194 103
student visas granted	320 368
Temporary residents (other) visas granted	37 892
Temp skilled migration visas granted (subclass 457)	101 280
Family stream outcome	56 366
Skill stream outcome	114 777
State/Territory or Employer sponsored visas granted	59 214
Total Migration Program outcome	171 318
Revenue generated by visa applications	\$751.8 million

#### **Border security**

Passenger and crew arrivals and departures	26.1 million
Immigration clearances refused at airports	1,284
Immigration clearances refused at seaports	229
Irregular maritime arrivals (excluding crew)	992

#### **Compliance**

Percentage of temporary entrants and permanent visa holders who complied with their visa conditions.	greater than 99%
unlawful non-citizens located	11,428
Notices issued to employers of illegal workers	597
Removals & assisted departures	6,818

#### **Detention**

Visa overstayers or people who breached visa conditions taken into migration detention	1,372
Irregular maritime arrivals taken into imig detention (incl crew)	1,043

#### **Citizenship**

Number of people conferred Aust Citizenship at ceremonies	86,981
People approved as Aust citizens by conferral, descent and resumption	118196

### **New Requirement for National Police Check (NPC)**

From 16 Sept 2009, the sponsor for a Partner, Prospective Marriage or child visa application will need to provide a National Police Check where the applicant is under the age of 18. This is to protect minors from high risk situations, such as when the sponsor has convictions for offences of a sexual nature.

### Student visa crackdown

Britain is to tighten the rules on immigrants entering the country on a student visa, a clampdown on a system some security experts say has been exploited by Islamist militants.

Home Secretary Alan Johnson said the crackdown was part of a wider campaign against immigrants who applied for student visas even though they intended to work.

Security analysts have warned of a threat from Islamist militants based at British universities, including foreigners on student visas. “*We will come down hard*”, Johnson said, 8 Feb 2010.

### Acknowledgement and Apology

It has been recently brought to the attention of GLITF that an article published in The Gazette of May 2008, Volume 11 No 2 titled “**Student Visas**” was reproduced without the consent of the author Lorenzo Boccabella, Barrister-at-Law and Accredited Migration Specialist in Law.

GLITF usually seeks permission to reproduce any article which it does not produce itself and does always acknowledge the author of any article published. Due to an administrative mix up this did not occur on this occasion.

The GLITF Team unreservedly apologises to Mr Boccabella for this oversight and thanks him for his understanding in this matter.

### Diplomatic appointments

#### Ambassador to Sweden

Mr Paul Stephens has been appointed as Australia’s Ambassador to Sweden with concurrent accreditation to Estonia, Finland, Latvia and Lithuania. Australia and Sweden have a positive bilateral relationship and share a strong commitment to multilateralism. Australia and Sweden enjoy strong trade and investment links.

#### Consul-General in Guangzhou

Mr Grant Dooley has been appointed as Australia’s Consul General in Guangzhou. China is now Australia’s largest trading partner. Mr Dooley was a member of the Royal Australian Navy 1982-98 prior to joining DFAT in 1998.

### China now our biggest source of migrants

China has become Australia’s biggest source of migrants, for the first time, eclipsing the traditional main points of origin, New Zealand and Britain. The latest migration figures show a record 6350 settlers arrived from mainland China in the four months to October, more than the 5800 who arrived from Britain and the 4740 who came from New Zealand.

That’s a 15% annual growth in migration from China. The number of migrants from Britain is down 28% over the year and the number from NZ is down 47%.

### Global asylum claims drop as Nation’s (Australia’s) rises

#### New asylum applications lodged in selected countries

	2009	2008	2009	2008
Albania	-	7	Malta**	1820
Austria***	14,372	12,841	Montenegro	21
Belgium***	15,163	12,252	Netherlands**	12,198
Bosnia and H	47	100	Norway*	16,125
Bulgaria	853	746	Poland	10,592
Croatia	147	155	Portugal**	123
Cyprus**	2612	3922	Romania**	719
Czech REP	1258	1690	Serbia	275
Denmark**	3007	2360	Slovakia	822
Estonia	40	14	Slovenia	181
Finland	5911	4016	Spain*	2823
France	41,981	35,164	Sweden	24,194
Germany	26,836	21,371	Switzerland	14,492
Greece*	11,839	19,884	TFYR Macedonia	86
Hungary	4672	3118	Turkey*	7410
Iceland*	33	78	UK**	23,940
Ireland*	2530	3865	Canada	33,251
Italy**	13,702	31,164	USA	13,195
Latvia*	50	51	Australia	6174
Liechtenstein	294	25	New Zealand	336
				254

Lithuania	211	216	Japan*	1291	1599
Luxembourg*	441	463	Rep of Korea	324	364
* 2009 figure to Sept		** 2009 figure to Oct	*** 2009 figure to Nov		Source UNHCR

Kevin Rudd's claim that the spike in asylum-seekers arriving illegally in Australia is a shared global problem due to international "push" factors has been contradicted by the UN High Commissioner for Refugees' own figures.

UNHCR's monthly data on asylum applications shows that while on average such applications globally rose by only 5% in the nine months to Sept last year, in Aust they increased by more than 25%.

Figures released at the end of Jan 2010 show there were 279,624 asylum applications in 44 key industrialised countries in the nine months to Sept, only 5% more than in 2008.

This undermines the Rudd Govt's argument that global 'push' factors, such as war & civil unrest, were being experienced by all developed countries, which were also facing increased illegal migration.

The Govt says these push factors have been responsible for an increase in illegal boat arrivals to Australia from just one boat and 14 people in the previous nine-month period to 29 boats and more than 1500 people in the nine months to last Sept!!

In North America the number of asylum applications actually declined 3% in 9 mths to Sept

At the same time, in Australia there were 4369 applications compared with 3457 in 2008, an increase of 26%

Figures are not yet available for all other countries to Dec, but for Aust, the figures show a 30% increase over the full year.

"This is just another example of Rudd trying to blame forces outside his control for his own policy failures and weak decisions." Glen Milne-The Australian.

### **Want to Work and Holiday in Australia?**

The National Institute of Labour Studies from Flinders University report into Australia's working holiday program provided the following snapshot of working holiday makers (WHM) in Aussie.

Of the 24 countries that have WHM arrangements with Australia, eight countries, Korea, Germany, the UK, France, Japan, Canada, the Netherlands and Italy account for 80% of the total population surveyed. Most WHM (88%) were aged 20-30 years old. Japan had a relatively older group of WHMs, with about 70% older than 25 yrs old. The proportion of females sampled (53%) was slightly greater than males 47%. WHM are relatively well educated. Most 98% had at least finished high school; more than half-54% had University degrees.; and 21% had completed non-school qualifications other than Uni degrees.

The principle reasons for coming to Aust were to travel round Aust and experience living in Aust. Both the average and median lengths of stay of WHMs in Aust were 8mths. but the pattern varied by country. Japanese tended to stay the longest (median 11 mths) followed by Koreans (median 10 mths) Canadians and people from the Netherlands stayed for relatively shorter periods of just over 6mths.

It found that generally WHMs worked in low-skilled jobs despite their high level of education.

The report found that 96% of WHMs were happy with their first visa application process and 95% would recommend the program to their friends. A happy endorsement for DIAC and Australia generally.

### **Application trends in the student visa program**

Student visa application numbers have fallen by 9.8% for the first 4 months of the 2009-10 year. For applications lodged outside Aust, the fall has been 22.5%, the fall has taken place across most student visa caseloads.

#### **Policy changes to be introduced from 1 Jan 2010**

On 9 Nov 2009, the Minister announced that the 'living costs' component of the student visa requirements would be increased from \$12,000 to \$18,000 per annum from 1 Jan 2010. Living costs are one component of the financial requirements for a student visa.

The Minister announced strengthened checks aimed at combating fraud and misrepresentation in the student visa caseload. These checks involve contact with banks, education institutions, to verify claims made in applications.

In 2008-09, more than 17,000 similar checks made for the student caseload from India & China alone. This sparked growing concerns about the integrity of the student caseload.

While overall compliance rates remain high, these checks focus on areas of the large caseload where analysis suggests risks is significant. India, Mauritius, Nepal, Brazil, Zimbabwe and Pakistan were named as countries where some of the student caseload would be subject to strengthened checks. Parts of the caseload from China & Vietnam have recently been subject to close scrutiny.

A forensic analysis of applications conducted by DIAC officers at the High Commission in New Delhi has found extremely high rates of fraud within the documentation being provided in support of student visa appli-

cations in India. Over 50% of cases analysed have contained at least one fraudulent document, with many of these cases containing numerous fraudulent documents. The highest rate of fraud has been in relation to the financial support for the visa applications. This fraud has overwhelmingly been detected in education loan documentation, or documentation associated with these loans.

### **Muslim Kids urge tolerance**

Cronulla, bogan, Howard, pussies, beer and cricket spring to mind when Muslim school students are prompted with the word Australian.

But non-Muslim students in Australia are even less likely to have positive things to say when asked their reaction to the word Muslim, which to many spells terror and sexism.

These are Among findings of what is believed to be the first survey of the attitudes of school children to Islam and Australia.

Muslim students were critical of their own (“they live on the Govt’), “don’t give Aussies a chance”, “violent”, “narrow minded” and “feel superior” and more willing to than non-Muslims to offer compliments across the divide.

Almost 1500 year 10-12 students from Catholic, Protestant, Islamic, non-denominational and State schools took part in the surveys by Melb academic Abe Ata, who was commissioned by DIAC.

Dr Ata’s contract required him to get DIAC’s approval to talk to the media about the surveys, and permission was refused.

The survey results, however, are found in his new book, *Us & Them: Muslim-Christian Relations and Cultural Harmony in Australia*,

Asked their reaction to the word Australian, almost a third of the Muslim students offered negative or neutral comments (Cronulla, gay, freckles, thongs), 21% gave positive responses (peaceful, easy going, freedom) and 12% were patriotic (“Australia my country”).

Non-Muslims felt that the media did not treat Muslims fairly and the minority of those with Muslim friends tended to have a more positive view.

### **Not So Private Lives— The Inns and Outs of Same-sex Relationships**

A report on the analyses of relationship recognition measures included in the Not So Private Lives online survey for same-sex attracted Australians—August 2009  
Ms Sharon Dane, Dr Barbara Masser and Dr Julie Duck (Univ. of Queensland)

Full report

[http://www.notsoprivatelives.com/Not-So-Private-Lives-Relationship-Recognition-Report-Aug-2009\\_F4.pdf](http://www.notsoprivatelives.com/Not-So-Private-Lives-Relationship-Recognition-Report-Aug-2009_F4.pdf)

Summary

Not So Private Lives is the first national study to examine same-sex attracted Australians’ preferences for various forms of relationship recognition since the introduction of de facto status for same-sex couples at a federal level. It is also the first major study to investigate preferences for relationship recognition while taking into account the current legal status (in Australia or overseas) of an individual’s same-sex relationship.

Findings from the relationship recognition measures of this survey demonstrate that same-sex attracted individuals, like other Australians, differ in the way they prefer their relationships to be formally recognised.

However, the results show that the majority of same-sex attracted participants in this survey selected marriage as their personal choice. A federally recognised relationship documented at a registry other than marriage was the second most popular option, and de facto status was the third. The preference for a relationship without any legal status was selected by only 3% of the overall sample.

Interestingly, marriage was still the majority choice irrespective of the current legal status of participants’ same-sex relationships (including no legal status). For example, of those currently in a de facto relationship, 55.4% stated they preferred marriage for themselves, 25.6% stated that they preferred a federally recognised relationship other than marriage, 17.7% selected de facto and 1.3% chose no legal status.

Participants were also given the opportunity to select which forms of legal relationship recognition they would like to see remain and/or become available in this country for same-sex couples in general. Responses to this measure (which allowed for multiple selections) show that 77.4% would like to see marriage become available as an option, 59.9% would like to see a federally recognised relationship other than marriage be made available and 48% would like to see de facto recognition remain. These numbers indicate that many participants selected multiple options, suggesting that simply having a choice was an important factor.

Although the data from this survey indicates that marriage is not for everyone, the majority of same-sex attracted participants in this national survey selected this type of relationship recognition as their personal choice and as a choice to be made available for their fellow same-sex attracted Australians.