



The Gazette



The Official Newsletter of the
GAY AND LESBIAN IMMIGRATION TASK FORCE QUEENSLAND INC.
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Partner visa Processing changes from 1 October 2010.

An application for a Partner (Temporary) visa is also an application for a Partner (Permanent) visa; the assessment of the Partner (Permanent) visa is done two years after the original application was made.

- If the original Partner visa application was lodged at an overseas post (on or after 1 Oct 2008), and the Permanent visa assessment is due on or after 1 Oct 2010. It will be processed at the **Brisbane Partner (Permanent) Processing Centre**
- If the original Partner visa application was lodged at an overseas post and the permanent visa assessment was due before 1 Oct 2010, it will be processed at the **Canberra Partner (Permanent) Processing Centre**
- If the application was lodged in Australia, the permanent visa will be processed by the **Melbourne Partner (Permanent) Processing Centre**.

A case officer will write to the applicant (or the Migration Agent if applicable) before the date the permanent processing is due, providing a list of required documents.

DIAC's current service standard for processing Partner (Permanent) visas is six to eight months (for 75% of cases!!)

Citizenship transition period ends.

On 1 July 2010 the three year transitional period under the Australian Citizenship Act 2007 ended.

Now all applicants must satisfy the general residence requirements specified in the 2007 Act regardless of when they obtained their Permanent residence.

For most applicants this means they must:

- have been in Australia on a valid visa for 4 years immediately before applying (with a maximum of 12 months absence from Australia during that time),
- have been living in Australia as a Permanent Resident for one year immediately before applying (with a maximum of 90 days absences from Australia during that time).



Another brilliant Nicholson cartoon from the Australian Newspaper

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Meetings

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

New Citizenship course.

From 31 May 2010 a new citizenship course – called Our Common Bond. A course in Australian Citizenship – has been introduced as an alternative citizenship test for particularly disadvantaged or vulnerable applicants.

This is a 20 hour course delivered through Adult Migrant English Program Services Providers. All course participants will be required to demonstrate that they have basic knowledge of the English language and must complete a number of competency-based assessment tasks to demonstrate that they have an adequate knowledge of the Australian and of the responsibilities and privileges of Australian citizenship.

Participants must be referred by DIAC and cannot undertake the course instead of the computer-based test. Without a DIAC referral.

Also, new study resources are available to assist clients in preparing to sit the citizenship test, including an audio-visual DVD presentation and translations of the citizenship resource book in 37 languages.

Changes to Queensland partner processing.

The Qld DIAC office has now joined Sydney and Melbourne in eliminating the appointment service for lodgement of partner visa applications.

Previously applicants could make an appointment to lodge their partner visa application and would be interviewed on lodgement DIAC no longer offers this lodgement by appointment service in Sydney, Melbourne or Queensland.

Agents may bring to DIAC's attention any case which warrants interview on lodgement or priority processing.

Update of the Label-Free Visa Strategy-(VEVO).

The Dept of Immigration & Citizenship (DIAC) is continuing to implement its label-free strategy.

In place of lvisa labels DIAC encourage the use of the online Visa Entitlement Verification Online (VEVO) service which enables employers, migration agents, Govt agencies, education providers and financial institutions to check the visa status and entitlements of non-citizens.

As a general guide DIAC will not issue visa labels in relation to visa holders who are in Australia and hold an ETA, student visa or working holiday visa. Also they will not issue a visa label where the visa holder is seeking it for work purposes (rather than travel purposes).

DIAC recognises that some groups of non-citizens continue to require visa labels, including humanitarian entrants, and people travelling to or through certain countries overseas which require evidence of an Australian visa being held.

From 19 April 2010, DIAC introduced two changes affecting visa evidencing. The first was that visa holder's may only get their visa evidenced during restricted hours-from 9:00am to 11:00am (1:00pm to 3:00pm in Cairns). Monday to Friday unless there are compelling circumstances.

The second change was to be that DIAC would no longer evidence visas to registered migration agents this was suspended on 23 April 2010. Concerns were raised about the level of access available in VEVO, the legality of not providing visa labels and the lack of education for migration agents about the label-free strategy and VEVO.

DIAC is still seeking to implement this again in the future after changes have been implemented (e.g. to the information provided to migration agents by VEVO).

DIAC Celebrates 65 years of nation-building.

The Dept of Immigration and Citizenship (DIAC) recently celebrated 65 years as a nation builder, planning and delivering Australia's world-class migration program.

In 1945, with a population of some seven million people, Australia was emerging from World War 11 which had taken a heavy toll on the country. Ben Chifley became Australia's 16th Prime Minister and established the Dept of Immigration on 13 July 1945. Australia became the first country in the world to create a Govt agency wholly dedicated to immigration.

This framework has led to more than seven million people from around the globe migrating to Australia, including more than 750,000 of whom were refugees.

Australian Bureau of Statistics.

Australia's population reached 22,066,000 as at 30 Sept 2009, according to figures released by the Australian Bureau of Statistics. This is an increase of 451,900 people over the previous year keeping growth rate high at 2.1%.

The majority of this growth (66%) was due to net overseas migration, with the remainder 43% due to natural increase (the excess of births over deaths).

By mid last year an extraordinary 26.5% of the population had been born overseas-the highest since Federation.

Student convicted over Sydney college immigration fraud.

A successful criminal prosecution related to the operations of the now-defunct Sydney International College of Business (SICB) services as a timely reminder that fraudsters in the international student sector will be caught.

It is one of the first criminal convictions in Australia arising from an investigation into large-scale fraud allegedly involving a college and significant numbers of students using false qualifications to obtain permanent residence.

Mr Shao Wen Yin, a former student at the college, was found guilty on two counts of supplying false documents-two educational qualifications, one in hospitality (commercial cookery) from the college- with intent to fraudulently obtain an Australian permanent resident visa. He was sentenced to 200 hours community service.

A Dept Officer said the supply of false documents in relation to migration applications is fraudulent and criminal activity which would not be tolerated.

The spokesman also said the govt had ramped up integrity measures which can include closer checking of work experience claims of students seeking permanent residency.

"This conviction sends a clear warning that the department will pursue the prosecution of people at all levels of organised scams, whether they operate educational institutions, people who provide migration advice without being registered or people gaining advantage from these practices".

Tourism operators suspended for non-compliance.

Two NSW tourism operators have been suspended from organising Chinese tour groups to visit Aust after breaching an agreed code of business standards and ethics.

Honey Trading Pty Ltd and Ai .Hua International Travel Pty Ltd were found to be in breach of the Approved Destination Status (ADS) Code of Business Standards and Ethics during regular compliance monitoring activities by the Dept of Resources, Energy and Tourism.

To comply with the ADS Code of Business Standards and Ethics, tour operators are required to ensure integrity, competition, fair trading and immigration compliance in the inbound Chinese tour market

An English (teaching) College in Brisbane closed during the last week of Sept.

28 Illegal workers in Vic, NSW and SA to be removed.

Immigration officials arranged the removal of 28 illegal workers located in compliance operations across Victoria, NSW and South Aust. Dept of Immigration officers located 17 illegal agricultural workers near Wangaratta.

In the other Vic operation in Albury, just over the NSW border, three others were located working illegally in restaurants.

This is a salutary reminder that people must comply with work conditions on visas.

The real benefits Asylum seekers receive in Australia.

There are so many misleading rumours and so-called “facts” around regarding asylum seekers and the benefits they get from the Govt-us Taxpayers!

One hoax email in particular tells people that “illegal immigrants/refugees” receive thousands more in welfare payments than Australian pensioners.

Emails like this are completely fabricated and made up purely to conjure up negative sentiment towards asylum seekers.

Some facts:-

- First of all, refugees are not illegal immigrants. It has never been illegal in Australia to arrive on shore without a visa seeking asylum. In fact it's one of the rights within the UN's declarations on refugees which Australia helped to write.
- When asylum seekers arrive in Australia, they do not get any Centrelink benefits. While their status is being processed, and if they meet certain criteria, they can be eligible for financial support from the Asylum Seeker Assistance Scheme, administrated through the Red Cross. This amount is 89% of the basic Centrelink allowance. This means approximately \$405:84 per fortnight-over \$260 less than a pensioner.
- Once an asylum seeker is recognised as a genuine refugee, after a long and highly scrutinized process, he or she is given permanent residency and is then entitled to the same Centrelink, schooling and health benefits as anyone else. No more, no less.
- The normal Centrelink welfare payment is \$456 per fortnight, for a refugee with permanent residency and an Australian-born person. A pensioner in Australia receives \$671:90. Over \$200 more each fortnight. Even with family/parenting benefits, a refugee's benefits would still be less than a pensioner's income.
- For asylum seekers to qualify for any payment under the Asylum Seeker Assistance Scheme, they must have lodged an application for a visa 6 months before, not be in detention, and not get any other payment or benefit.
- To get a permanent residence as a refugee, the person has to prove he or she is a genuine refugee fleeing persecution, go through character, security and medical tests, and sign an Australian Values Statement.
- Boat people are asylum seekers. Refugees are asylum seekers who have been approved and given a visa. None of them are “illegal” immigrants.

Source: DIAC, Refugee Council of Aust and the Aust Red Cross.

DIAC staff have been “borrowed” from many DIAC offices round Aust; and a number of Registered Migration Agents have been sent/asked to work at Christmas Island to help process the 5,000 Asylum seekers currently at Christmas Island or in various detention Centres on mainland Australia.

Relationship Register set-up in NSW.

On 12 May 2010 the NSW Parliament passed the Relationship Register Bill 2010, which established a relationship register for NSW administrated by the Registry of Births, Deaths & Marriages.

The purpose of which was to provide for the legal recognition of persons in a relationship as a couple, regardless of their sex, by registration of the relationship.

The Bill was promoted as a step towards removing discrimination against unmarried couples, whether they are in a heterosexual or same-sex relationship. Registration is available to couples who are over the age of 18 and where at least one of them lives in NSW.

A relationship cannot be registered if either person is married, in another relationship, in a relationship as a couple with another person or if they are related by family.

The process for registration involves completing the relevant form; payment if a fee, providing proof of identity and the partners making a Statutory Declaration to the effect that they:

- Wish to register their relationship
- Are in a relationship as a couple with another person
- Are not married or in a relationship as a couple with anyone else and that they are not related to each other by family;
- Are not in another registered relationship whether in NSW or in another Australian jurisdiction (currently available in Victoria, Tasmania and the ACT.
- Reside in NSW

Once an application is made there is a 28 day cooling off period in which either party can withdraw the application. After that time, a Registrar will register the relationship and issue the certificate.

The impact on Partner visas.

Before the introduction of the Register in NSW, couples in the State who were not married (either by choice or prevented by law in the case of same-sex couples) could only apply for a partner visa on the basis of being in a de-facto relationship.

A key requirement being that the visa applicant and sponsor must have been living together, or not been living apart on a permanent basis for the 12 months immediately before making the application for the visa, unless there existed "compelling and compassionate circumstances".

That same requirement does not apply to married couples who can simply apply on the basis of being in a "spousal" relationship.

The difficulty, of course, for same-sex couples was that whilst a heterosexual couple had the option of marriage to avoid the 12 month living together requirement, they did not.

Regulation 2.03A of the Migration Regulations 1994 provides for the 12mth living together requirement, however, also states that it does not apply to relationships that are registered under a law of a State or Territory prescribed in the *Acts Interpretation (Registered Relationships) Regulations 2008*. Thanks to the Bill, the Relationships Register Act 2010 (NSW) is now prescribed and operating.

The Relationship Register in NSW has been generally welcomed as a step towards removing the discrimination that existed towards couples who choose not to get married. It is still early days but the changes have received praise from antidiscrimination groups.

How smoothly it will actually operate only time will tell.

The Relationship Register Reg 2.03A is where the 12 month requirement is and also where it waves the requirement if the relationship is registered.

However, DIAC have made it very clear that registering the relationship is not enough. They still have to be certain that a spousal relationship exists.

Accordingly GLITF advises that this Reg is useful if a couple fall short by a few weeks, but would certainly like to see 9 months of evidence.

This may help our Br's & sisters in Nthn NSW who Qld GLITF assist, however here in Qld under Anna Bligh we remain under the 12 month rules.

However we still have discrimination, as we can't apply for a Prospective Marriage visa, (you then have 9 months to get married after they arrive in Aussie) which is great help in getting your partner here from a 3rd world "banana" republic where its almost impossible to get a tourist visa for them to visit you.

Changes to student visa processing.

From 1 July 2010 the processing of online student visa applications in Australia has been streamlined. Where it is processed will depend on where the student is living.

- Sydney CPD Onshore Student Processing Centre will process applications from applicants living in NSW, ACT and Tasmania.
- Adelaide Onshore Student Processing Centre will process applications from applicants living in South Australia and Victoria.
- Perth Onshore Student Processing Centre will process applications from applicants living in Western Australia, Northern Territory and Queensland.

New Minister for Immigration & Citizenship.

The Hon Chris Bowen MP is the new Minister for Immigration & Citizenship.

He was initially elected to Federal Parliament as Member for Prospect in 2004, however, is now the Member for McMahan.

Migration and People with a Disability.

The Joint Committee on Migration handed down their findings on the Inquiry into the Migration Treatment of Disability in June this year.

Under the status quo people with disability have had little chance to migrating to Australia due to the current health requirements under the *Migration Act 1958 (Cth)* Schedule 4 of the *Migration Regulation 1994* sets out the Public

Interest Criteria', including the health criteria for granting residence visas.

This includes whether a person will require significant health care and/or community services.

To illustrate the problem, there were two high profile cases in the media.

German GP, Dr Bernard Moeller, who was practicing in a rural Victoria town on a long stay visa, was refused permanent residency because his 13 year old son had Down Syndrome.

Due too much pressure for the community and the media, together with pressure from State and Federal Parliamentarians, the matter was resolved promptly by the Minister exercising his discretionary power.

Mr Kiane was granted refugee status in Australia. When he sought to sponsor his family his application was denied on the grounds that his daughter had cerebral palsy and epilepsy.

Following a four and half year appeal, Mr Kiane burnt himself to death in front of Parliament House.

QAHC in collaboration with the Gay and Lesbian Immigration Task Force (GLITF) present a

FREE
Cross-cultural Relationship Workshop

Saturday 16 Oct 2010
10am - 4:30pm

All welcome - with partner or solo

Catering provided

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