

# NEWSLETTER

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## **VISA REFUSAL AND CANCELLATION UNDER SECTION 501 AND REVOCATION OF A MANDATORY CANCELLATION OF A VISA UNDER SECTION 501 CA**

The Direction no 99 will commence on 3rd March 2023. This will withdraws Direction 90 Revocation of a required cancellation of a visa under section 501CA on April 15, 2021, and rejection and cancellation of visas under section 501.

The new Direction 99 now adds the strength, character, and duration of ties to Australia as a key criterion under Part 2 Section 8, meaning that these considerations should generally be accorded more weight by decision-makers than they were under Direction 90.

## **APEC ECONOMY**

A designated APEC economy passport holder shall be deemed to have submitted a legitimate application for a Subclass 600 (Visitor) visa in the Business Visitor stream if the application for an ABTC was submitted to the designated APEC economy on or after that date. This was commenced on 2nd October 2022.

## **SECOND INSTALMENT CHARGE REFUND- VAC**

In the situations specified in the regulation, the Minister is required to refund the second VAC if the Minister receives a written request for the refund.

Business Skills, Distinguished Talent, Sponsored Employer Nomination, Regional Employer Nomination, Labor Agreement, Special Eligibility, and Other are the visa classes that fall under this. independent skilled, nominated skilled, and sponsored skilled regionally. This was commenced on 2nd October 2022.

## **AAT UPDATE**

No information is yet available about changes to the AAT structure, this will be the focus of changes, not the manner in which merits reviews are conducted. The MRD has assured the information will be provided with relevance about any changes when it comes to hand.

## Highlights

- Visa Refusal and Cancellation
- APEC Economy
- Second VAC installment charges refund
- AAT Update
- New social security agreement with Serbia
- Global Talent Changes- GSA officers
- Western Australia Update
- OMARA Update
- Afghan Applicant with No Passports
- ChatGPT not likely to wholly replace lawyers (yet)
- RBA makes first cash rate call for 2023
- Yet another class action filed against Medibank



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## **NEW SOCIAL SECURITY AGREEMENT WITH SERBIA**

Australia and Serbia have signed a new social security agreement. Under the new agreement, former Australian residents living in Serbia will be able to claim the Australian Age Pension without having to return to Australia. Conversely, former Serbian residents living in Australia will have better access to Serbian retirement pensions.

The agreement also includes provisions that allow people to combine periods of residence in Australia with periods of insurance contributions in Serbia to satisfy the minimum requirements for an Australian or Serbian pension, meaning they can access their pension sooner. Additionally, workers temporarily seconded to Australia or Serbia will no longer have to pay compulsory superannuation and pension contributions in both their home country and host country.

## **GLOBAL TALENT CHANGES - GLOBAL SKILLS ATTRACTION OFFICERS**

The new role builds on the strong foundations developed through the Global Talent Officer model, which focused its promotion on the Global Talent Visa.

GSA officers will provide the following service and functions:

- Promote the permanent Migration Program and Australia as a destination of choice at overseas career expos, sector events, trade summits, university forums, and through social media
- Collaborate with stakeholders, including State and Territory government representatives to support promotion of their skilled migration needs
- Provide information on 'next step pathways' for highly skilled migrants in priority sectors to encourage high quality and decision ready applications.
- Provide stakeholder feedback to the Department of Home Affairs to help improve policies and procedures.
- Predominately focus on promotion of the permanent Migration Program, whilst providing information about temporary skilled visas where required.
- Focus on attracting skills and talent currently overseas— noting the Department of Home Affairs has active Business, Industry and Regional Outreach officers engaging with business, industry, unions and State and Territory governments about the Migration Program and applicants onshore in Australia.

A Factsheet the Global Skills Attraction contacts is attached.

## **WESTERN AUSTRALIA UPDATE**

According to a statement from Migration WA, invitation rounds will be moved forwards and begin in the first week of each month starting in February 2023 for the duration of the 2022–2023 State nomination programme year. This modification gives enough time to process the numerous applications before the programme year's end.

The [Migration WA website](#) has additional information.

## **OMARA UPDATE - BREACH LETTERS**

The Office of the Migration Agents Registration Authority (OMARA) has updated its framework for processing complaints to include an early resolution mechanism to resolve claims of minor wrongdoing as soon as possible and free up resources for more significant claims.

The OMARA has started sending suspected breach letters to registered migration agents (RMAs) in connection with claims of minor misbehavior as part of the early resolution procedure. The letter's objectives are to inform the RMA of the allegations' nature and to reaffirm the RMA's future responsibilities under the RMA Code of Conduct.

## **AFGHAN APPLICANTS WITH NO PASSPORT**

The Department is working to make the process simpler for Afghan applicants who need to submit a paper application but do not possess Afghan passports.

To send individual requests to Adelle, please use the subject line "Attention: Adelle" and send them to [Middle.East.OPP@homeaffairs.gov.au](mailto:Middle.East.OPP@homeaffairs.gov.au) in the interim.

If the applicant is an Afghan national who has not yet received a passport, authorization is necessary to submit a paper application. Given the requirement that all partner visa applications must be submitted online unless an exception is made for manual submission, this approval is necessary in order to submit the application.

The following details will need to be provided for each request:

- Applicants full name, date of birth and country of origin
- Sponsors full name, date of birth and country of origin
- Reason for why they are unable to lodge a paper application (applicant does not hold an Afghan passport and cannot obtain a passport because the Afghan government has suspended issuing passports)

## **CHATGPT NOT LIKELY TO WHOLLY REPLACE LAWYERS (YET)**

After a rumored \$10 billion injection from Microsoft, Open AI and ChatGPT are currently making global headlines. Here's what it could mean for lawyers, law students and the regulatory landscape.

In a statement confirming the partnership, Microsoft chairman and chief executive Satya Nadella said that the aim was to continue “responsibly advance cutting-edge AI research and democratize AI as a new technology platform”

### **WHAT (OR WHO) WILL CHATGPT REPLACE?**

A number of jobs — including those within the legal sphere — could be on the chopping block in favors of AI programs like ChatGPT, with the bot already being used to generate legal documents and outline school assignments.

However, Law Council of Australia president Luke Murphy told Lawyers Weekly that while AI may be able to complete menial legal tasks, it's unlikely to replace lawyers just yet.

### **REGULATORY (AND OTHER) CONCERNS**

One potential legal implication of ChatGPT is around intellectual property and copyright — and said that, as such, regulating AI programs won't be an easy feat.

It is also critical to ensure that law students are properly and rigorously assessed, ahead of taking up future roles in the legal profession. The Law Council understands that Australian universities are proactively considering measures [that] are directed towards ensuring the integrity of assessments, given concerns raised by the availability of ChatGPT and similar AI platforms.

## **RBA MAKES FIRST CASH RATE CALL FOR 2023**

After eight consecutive interest rate increases in the last calendar year, find out — in this special announcement brought to you by Legal Home Loans — if the Reserve Bank has started the new year with another rate hike.

In its February interest rate decision — the first one for 2023 — the board of the Reserve Bank of Australia decided to increase the cash rate by 25 basis points, to 3.35 per cent.

Exclusive benefits, such as waived lenders mortgage insurance when buying with a deposit less than 20 per cent, are very much still available.

The current average interest rate range for residential loans we are seeing is approximately between 4.6 per cent [and] 5.0 per cent, depending on the product and your borrowing profile. Today's increase will lead rates to rise by a further 0.25 per cent,

Mortgage holders locked into historically low fixed rates should be aware that there will be a significant increase in repayments when their fixed term ends, which they may want to start budgeting ahead of time for.



## **AUSTRALIAN UNIVERSITIES TIGHTENING ANTI-CHEATING RULES AROUND AI**

The scope of the bot's capabilities also extends to students using ChatGPT to cheat on assignments and exams, with a number of universities across Australia voicing concerns and putting stricter anti-cheating and academic integrity rules in place.

## **CHATGPT IS 'NO DIFFERENT TO WIKIPEDIA', LAWYERS WARNED**

Open AI's chatbot ChatGPT is making waves across businesses — but New Law practices have said the technology is still new and advised lawyers to remain vigilant.

However, ChatGPT may be useful as a “starting point” for clients to educate themselves on general legal topics so that they can have more efficient conversations with their lawyers, with good legal advice still requiring soft skills — ones that AI don't yet possess.

## **YET ANOTHER CLASS ACTION FILED AGAINST MEDIBANK**

Health insurer Medibank is facing another legal claim, this time from one of the world's biggest law firms, after a data breach late last year resulted in millions of customers' data being leaked — and eventually released by hackers onto the dark web.

On 13 October 2022, Medibank Private Limited confirmed in an ASX release that it had detected “unusual activity” on its network, before disclosing that customer data had been accessed and stolen, affecting as many as 9.7 million current and former Medibank, ahm, and international student customers.

On Tuesday, Medibank confirmed the launch of the most recent class action in an announcement to the ASX and said they would defend the proceedings.

