

IMMIGRATION NEWS

(Volume 41)

The "50-Point Free Kick" 485 Visa



Dear Students

Welcome to the new subscribers of Immigration News. This e-newsletter is brought to you by Australian Immigration Law Services.

Thank you for those students who sent us feedback regarding the 2 year study issue and we are disappointed that there has been no change in DIAC's approach so far, **but do not give up!** Use the fax number to the Ministers office in my last edition and voice your opinion to him about the unfair response from the Skilled Migration Section. Ask your university counsellors to do the same and ask the Dean of your faculty as well.

It seems the Skilled Migration Section is just cut and pasting the same answers to all students but do not underestimate your contribution to making a difference. Sometimes in life, just one person can make a difference to instigate change, but in this case, it is going to take many.

Let us hope for some good news on this issue later.

The New 485 Visa the "50-Point Free Kick"

On the 15th June speaking at a Migration Agents professional seminar about the new skilled migration visas, the Director of Skilled Migration Mr. Peter Speldewinde described the new 485 visa as a "50-Point Free Kick".

In context, what he was referring to was the accessibility of this new visa to students who can obtain a 50-point skill assessment from VETASSESS, the authorised assessing authority based in Melbourne. Those students who cannot obtain a 60 point skill assessment cannot be granted the present 497 visa unless they have a 50 point skill assessment and completed a PHD degree in Australia or who have eligible Australian resident sponsors (Aunt's, Uncle's etc).

With the new 485 visa starting in September Mr. Speldewinde seemed proud to highlight that this new subclass would be open to 50-point skill holders and thus thousands of potential new applicants. He stressed that with the new visa you do not have to make a declaration that you intended to apply for the permanent resident visas later. You could use this visa just to do as you please for the 18-month grant period. You

could use it as an extended work visa, study anywhere you pleased or just have a lengthy holiday to explore Australia. All of these options are very attractive to new graduates.

Most of you will be aware our office has been critical of the decisions to come from the Skilled Migration Section in Canberra regarding the new proposed two-year study rule. However, this new 485 visa we agree, that it will give wonderful opportunities for recent graduates. What you do with this chance will be entirely up to each individual.

Student Visa Expiring before the 1st September?

DIAC has authorised the use of the current 497 visa for 50-point applicants who would normally not be able to apply for this subclass. You must apply for the Graduate Skilled 497 visa before your student visa will expires. Remember the 497-visa application is paper lodged to the ASPC, so do not leave applying until the last minute. Your application must arrive at the ASPC in Adelaide before your student visa expires!

Once accomplished, a Bridging visa A will automatically be granted and this will give the opportunity to apply for the 485 visa on or after the 1st of September. Once you have received an acknowledgement of your 485-visa application then the old 497-visa can be withdrawn.

Nominating the right Occupation from the Skilled Occupation List (SOL)

Most students understand by now that your nominated occupation and the skill assessment you obtain for the 485 visa must be *closely related* to your course or courses of study. So which occupation do you choose?

If you are nominating a 60-point occupation then this choice is simple for you as you will usually only have one option.

However if you are going to nominate a 50-point occupation, then it is not an easy question to answer. In practice any degree equivalent to an Australian Degree would let you choose any 50-point occupation from the SOL. Choosing the right one must be done carefully to match the type of subjects you have completed in the studies you are using to meet the 2 year study rule.

Once you lodge your visa application and nominated your occupation you may not be able to change that nomination after you lodge. We will discover more about this later when the DIAC policies are released. For example, when you apply for the 880 visa you cannot change the nominated occupation after you lodge.

Many students found this out the hard way when they applied for residency using their recent IT Masters qualifications and nominated IT Professionals (nec) in their applications. Then when many Engineering occupations came on the MODL, they asked DIAC to change their occupations to one of these since they held overseas Engineering Degrees before their Masters in IT. DIAC refused them permission to change their

nominated occupations.

It is beyond the scope of this newsletter to cover all issues regarding choosing the right occupation. You should seek professional advice from a registered migration agent before you make your decision.

Kind regards

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