

IMMIGRATION NEWS

(Volume 159)

2010 A Challenging New Year Ahead



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Dear Students

Welcome to the latest edition of IMMIGRATION NEWS and to the new subscribers. This free service is brought to you by Australian Immigration Law Services. You can subscribe by using the link below or by visiting our web site.

We would like to take the opportunity to wish all of our readers a Happy New Year.

2010 A Challenging Year Ahead

This last 12 months has been tumultuous period for many international students, probably more so than in any year of the last decade. Recently I had one of my readers write in and ask whether we ever have any good news to tell for it was depressing to read all the bad news lately. He had a point so here is some good news!

The Good News

This year many students who lodged their 885 or 886 PR applications had their visas granted! In many cases applicants on the Critical Skills List (CSL) have had their visas granted for permanent residency in just a few days.

It is pleasing to know thousands of international students who have studied hard and completed their courses have successfully obtained their permanent residency in Australia.

The Bad News

Hmmm, where do we start? Does the thousands of happy students who were granted their permanent residency out weigh the negative experiences of the majority. Unfortunately not. Here's a brief summary of some of the bad news which occurred this year;

- 1) **DIAC delays 485 processing for the majority of trade applicants.** Spare

a thought for the thousands of Cooks, Hairdressers, etc, who have been waiting more than 12 months for their visas to be processed. One has to wonder if DIAC has done this deliberately for from the 1st January 2010 all of these students will now have to apply to TRA again to have their skills assessed **again** with the new trade test requirement.

- 2) **English requirement increases for trade occupations.** This delay in the 485 visa processing has effectively meant that students could not apply for their PR applications once it has been more than 6 months past their course completion dates. So not only will they all have to do the new TRA tests but also they need a minimum of 6.0 on each of the 4 components of a single IELTS test. Many trade students will be struggling with this requirement.
- 3) **IELTS test still as unaccountable as ever.** Despite the massive complaints leveled against the IELTS testing centres students are still receiving scores which strangely fluctuate from each component at different test dates and somehow mysteriously ensures they never reach the 7.0 on each of the 4 components they need. Sounds like a good case for Scully and Mulder should the X Files pair ever get back together.
- 4) **Money requirements increase for student visas.** DIAC's kind response to the students who complained about living conditions and high rents in Australia was to increase the compulsory monetary requirements to \$18,000 up from the current \$12,000 starting from the 1st January 2010. I'm sure students really needed that.
- 5) **VETASSESS** changes their skill assessment procedures in a way that virtually eliminates 99% of students who finish their 2 years of study in Australia from being able to apply for permanent residency. From next year all applicants will need at least 12 months relevant work experience to obtain a 50 point skill assessment to can be used for the PR purpose. For the international students who have Australian relatives that were planning to sponsor them this will be a crushing blow.
- 6) **Welfare Worker students require higher English.** This year the Australian Society of Welfare Workers finally made up their minds about their future English requirements in order to pass their skill assessment procedures. This effectively decreased the number of students who will enroll in these courses in the near future.
- 7) **Record numbers of vocational colleges shut their doors.** This year there have been more cases of vocational schools closing their doors than in previous last 10 years combined. This has literally left thousands of international students feeling cheated and out of pocket by shonky operators.
- 8) **Senate Inquiry in the Welfare of International Students.** The Committee report didn't tell us anything we didn't already know that the welfare of international students is in pretty bad shape. They could have just read my newsletters or the local papers to find that out. Some good recommendations came from the Committee but they failed to press home the point of the governments failure on so many levels. There was very little bravery displayed by the Senators involved and they didn't even bother to follow up on the issues raised in the ABC's 4 Corners "Holy Cash Cows" investigation.

The Really Bad News?

If your not feeling well after reading all of the above, don't read any further. Go and enjoy your New Year with your friends and family and try and gain faith again in human nature. Read what I am about to say next year.

I should be careful here to indicate that as yet it **cannot be counted as news** as the DIAC hasn't made any formal decisions regarding any possible changes to the skilled migration program.

So lets call it , The Really Bad Predictions?

Next year is likely to be a tough one for international students.

A new competitive nature to skilled migration maybe introduced on a level never witnessed in this country. The Australian government has realised that the enormous demand for migration to live here can yield unexpected benefits for them to be ultra choosy in who they want to select.

There will probably be no pass mark to ensure selection, rather they will select those who meet specific criteria. For example this could be;

- A) A revised Critical Skills List (CSL) or MODL. This will focus of the identified skill shortages that exist in Australia. If you will be on this list there is a high possibility that you can gain your permanent residency fairly quickly.
- B) Select those applicants who reach the highest marks, not just the current pass marks of 120 (independent) or 100 (sponsored) that exist currently.
- C) Give priority to state or relative sponsored applicants and a more rigid enforcement to ensure applicants stay in the regions they are sponsored (unlike the unenforcable arrangements that exist today)

It is expected that those former students who have already lodged their onshore PR applications will be processed in due course and the visas will be granted, eventually.

However those who have lodged **offshore** applications may find themselves cut out of the waiting lists once a certain quota has been reached.

Work Experience Requirements?

There has long been criticism of the skilled migration program where international students jump straight from their study in Australia to permanent residency.

We have seen recently that all trade applicants will require work experience to pass

their PR assessments from the new year (see below). VETASSESS has also introduced a work experience component so applicants can gain a 50 points skill level. This too begins in the new year on the 1st Jan 2010.

It may be still likely that certain occupations on the CSL such as nurses (and other desperately needed occupations) may still apply for permanent residency without any work experience.

Given a proposed competitive approach to residency, just reaching 120 points in the future may not be good enough to secure success. For all of those students currently studying their Professional Year programs to gain the extra 10 points, I would recommend not to loose focus on obtaining 7.0 on each of the IELTS components.

Bridging Visa's?

There is speculation that in the future when you apply for PR there will be no bridging visa granted to let you remain in Australia until the decision is made. This may or may not happen but we feel DIAC will try and force international students onto the 485 Graduate Visa while they apply for PR rather than given them bridging visas to wait here forever. We will have to see what happens in the future in relation to this and many other issues.

A Change to Occupations and Points Allocated

The Skilled Occupation List (SOL) can always change without notice by the DIAC. It would not be surprising to see some occupations come on and off the list next year along with adjustments to the points levels they are allocated. This is impossible to predict so we will just have to wait and see what happens.

The Trades Recognition Australia Job Ready Test

The TRA has announced the details of the new Job Ready Test program due to start on the 1st January 2010.

The following information has been reproduced from their web site at <http://www.deewr.gov.au:80/Skills/Programs/TRA/residenceVisa/JobReady/Pages/Overview.aspx>

The **Job Ready Program** is a four step process.

Step 1 - Apply for a Provisional Skills Assessment

A successful outcome will enable you to apply to DIAC for a 485 skilled graduate temporary visa

You will notice the requirements of the provisional skills assessment are similar to the previous TRA skills assessment process

Step 2 - Complete the Job Ready Employment

On a 485 visa you will have 18 months to complete the required 12 months of full time employment that will enable you to gain more skills and experience in an Australian workplace. You will also gain valuable training in Australian workplace culture and language.

Step 3 - Complete a Job Ready Workplace Assessment

You will have an opportunity to demonstrate your trade skills in the workplace to a TRA approved assessor.

Step 4 - Apply for a Job Ready Final Assessment

You will have collected all the evidence required during Steps 1 to 3 to apply for a final assessment which can be used as the skills assessment required to apply for permanent migration.

Early next year we will provide an in depth analysis of this program and the associated costs which may be a maximum of \$4550.00. This figure is still to be confirmed.