

IMMIGRATION NEWS

(Volume 161)

Major Changes 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.

Changes to General Skilled Migration program

Senator Chris Evans yesterday announced significant changes to the General Skilled Migration Program. Most of the changes were expected as we gave a preview in our newsletters last year. In reading the considerable volume of information DIAC has released we can say the government should be congratulated on the transitional arrangements for onshore applicants which involve the international students who have studied in Australia.

Yes we know there are going to be many changes that will affect those who were considering to study in Australia; however we feel DIAC has at least listened to the suggestions made by professional migration agents that due consideration be given to those who have already lodged their GSM visas. However more consideration should be given to those who have already begun their courses.

A further concession may yet be given for trade applicants who already hold their skill assessments (from TRA) and be allowed to apply for permanent residency without doing the new dreaded Job Ready Program. Keep your fingers crossed!

A Line in the Sand

Yesterday DIAC drew the line in the sand. From yesterday if you haven't already applied for one of the GSM visas then you will be affected by the new rules when they come into effect (probably by the 1st July 2010).

If you have already lodged your onshore temporary or permanent visa applications the in reality you will still be able to lodge your GSM application using the old rules. Most of the changes released yesterday are designed for those who are still studying their

courses.

Now of course those who are studying their courses are facing an uncertain future until all the information regarding the new SOL and points system unfold. The best advice I can give is not to panic at the moment and just concentrate on finishing your course until all the facts come in.

A Balanced Approach?

There was little doubt that the current system of the points system and the skilled occupation list (SOL) was creating a system that gave a great benefit to certain occupations at the expense of other professions. This year it appears that these imbalances will be corrected and in the long run will yield a more positive outcome for Australia. On the down side there will be pain felt in the Australian educational vocational sector which has grown dependent (and possibly fat) upon the cooking, hairdressing and community welfare courses which have sprung up to meet the demand of students.

In reality though any migration professional will know that this demand has developed due to the door left wide open for years by DIAC for a relatively cheap courses (compared to university fees) where students could reach the pass mark for the GSM visa process. It was a great avenue for tens of thousands of students who have gained or are still set to gain their permanent residency. DIAC has faced widespread criticism for allowing this doorway to be left open for so long and now they are taking steps to amend the problems.

You can read the many editorial opinions in Australian newspapers today in the links below;

India 'unconcerned by migration changes'

<http://news.smh.com.au/breaking-news-national/india-unconcerned-by-migration-changes-20100209-nno3.html>

Unis welcome move but private colleges angry

<http://www.smh.com.au/national/unis-welcome-move-but-private-colleges-angry-20100208-nnbq.html>

Curtains for a study charade

<http://www.smh.com.au/opinion/editorial/curtains-for-a-study-charade-20100208-nn7q.html>

Government just takes the money and runs, say 'betrayed' students

<http://www.smh.com.au/national/government-just-takes-the-money-and-runs-say-betrayed-students-20100208-nnbu.html>

Australia needs migrants with the right skills

<http://www.smh.com.au/opinion/editorial/australia-needs-migrants-with-the-right-skills-20100208-nn6h.html>

Shutting migration's back door

<http://www.smh.com.au/opinion/politics/shutting-migrations-back-door-20100208-nn71.html>

Curtains for a study charade

<http://www.smh.com.au/news/opinion/editorial/curtains-for-a-study-charade/2010/02/08/1265477566136.html>

Breaking nexus of greed and need

<http://www.smh.com.au/opinion/politics/breaking-nexus-of-greed-and-need-20100208-nnbr.html>

New skills push will break some colleges

<http://www.theaustralian.com.au/news/nation/new-skills-push-will-break-some-colleges/story-e6frg6nf-1225828052368>

Future Trends

In our previous newsletters we have already covered the prospect that just applying for permanent residency will not mean that all applicants will be granted their visas. It seems that DIAC will be placing a cap on how many applicants can be granted for individual occupations on the SOL. For example if they have too many cooks or hairdressers and the quota has been reached then it is possible at worst that the remaining applications may be refused or at best held over for the following financial year. How many for each occupation will be set? We will have to wait and see but I'm pretty sure that answer is just around the corner.

We are not going to reproduce all the information DIAC has posted on their web site for students are capable of looking this up on the links below.

Some detail is already on the DIAC website: <http://www.immi.gov.au/skilled/general-skilled-migration/whats-new.htm#a>

The major changes involve:

- The Migration Occupation in Demand List and the Critical Skills List are abolished as of today, 8 February 2010.
 - **Offshore GSM applications** lodged before 1 September 2007 and not finalised will no longer be dealt with and those affected applicants will be given a refund of their visa application fee.
 - A new Skilled Occupation List, to replace the MODL and the Critical Skills List will be announced by 30 April 2010, and come into effect from mid-2010
 - There will be a review of the Points Test
 - Changes to priority processing
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- Allowing pre-1 January 2010 trades skills assessments to be used for General Skilled Migration applications so the holders of such assessments will not be required to undertake the Job Ready Program

Transitional arrangements have been made which are outlined in material on the DIAC website.

An overview

<http://www.immi.gov.au/skilled/general-skilled-migration/pdf/faq-gsmchanges.pdf>

Abolition of the Migration Occupations in Demand List

MODL Points can be claimed by people who at 8 February 2010:

- Holders of a subclass 485 visa granted before 8 February 2010
- Applicants for a subclass 485 visa lodged before 8 February 2010
- Applicants for a GSM visa lodged before 8 February 2010

And these applicants must lodge their GSM applications by 31 December 2012

<http://www.immi.gov.au/skilled/general-skilled-migration/pdf/faq-modl.pdf>

Onshore overseas students

<http://www.immi.gov.au/skilled/general-skilled-migration/pdf/faq-onshore-student.pdf>

Pre-1 September 2007 offshore applications – capped and ceased

<http://www.immi.gov.au/skilled/general-skilled-migration/pdf/faq-offshore-preseptember.pdf>

Changes to the Skilled Occupation List

New SOL list will apply to all applicants lodging visa applications made on and after effective date, except to GSM applicants who at the date of announcement (i.e. 8 February 2010):

- Hold a Skilled – Graduate (subclass 485) visa, or had a pending subclass 485 visa application and had not yet lodged an application for a provisional or permanent GSM visa and who make an application by 31 December 2010, or
- Have a pending GSM visa application (i.e. who have lodged their GSM application and waiting for decision)
- The new SOL list will apply to people applying for a skilled-Graduate (subclass 485) visa who at 8 February 2010 hold a: Vocational Education and Training Sector (Subclass 572) visa); Higher Education Sector (Subclass 573) visa; and Postgraduate Research Sector (Subclass 574) visa

<http://www.immi.gov.au/skilled/general-skilled-migration/pdf/faq-sol.pdf>

Revocation of the Critical Skills List when new SOL comes into place in mid 2010

<http://www.immi.gov.au/skilled/general-skilled-migration/pdf/csl-gsm.pdf>

Change to priority processing

<http://www.immi.gov.au/skilled/general-skilled-migration/pdf/priority-processing.pdf>

Points test review

<http://www.immi.gov.au/skilled/general-skilled-migration/pdf/faq-points-test.pdf>

Changes to skills assessment rules regarding trades become effective on and after 1 January 2010

<http://www.immi.gov.au/skilled/general-skilled-migration/pdf/changes-skills-assessment.pdf>

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