

# IMMIGRATION NEWS

(Volume 122)

*DIAC's Q & A's Regarding Processing Delays*



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Dear Students

Welcome to the new subscribers of IMMIGRATION NEWS which is published by Australian Immigration Law Services.

DIAC has released some more information on their web site (below) regarding the delays in PR application processing for those students not fortunate enough to be on the new CSL.

Remember this delay does not mean that you cannot apply for your applications, it just means your going to be waiting longer for your visa to be granted. The TR visas will not be affected.

## **Capping the Skilled Migration Program**

### **Q1 What changes have been announced for the Skilled Migration program?**

The changes announced to the skilled migration program by the Minister for Immigration and Citizenship are:

- capping the 2008-09 General Skilled Migration (GSM) Program
- removal of construction and manufacturing trades from the CSL.

### **Q2 What does capping the program mean?**

Capping means that a set number of visa grants is determined by the Minister for a particular visa category or categories. Once that number is reached no further visa grants can occur until the next program year.

### **Q3 Why have these changes been introduced?**

Since the 1 January 2009 changes, the global economic situation has continued to deteriorate, and this has significantly impacted Australia's economy, including an increase in unemployment. The migration program is one of the tools the Government uses to assist industry with skills and labour shortages, and, as such, is continually reviewed and assessed for its relevance and outcomes in light of the economic and social needs of Australia. The program is modified as these needs change.

### **Q4 What was the last change announced by the Government?**

On 1 January 2009, Minister for Immigration and Citizenship introduced changes to the skilled

migration program including:

- a new section 499 ministerial direction on priority processing
- the introduction of a critical skills list (CSL)
- greater scope for state and territory governments to meet critical skills shortages in their jurisdiction

#### **Q5 Why is the Government making it harder for skilled migrants to move to Australia?**

These changes will enable a balance between providing the skills Australian employers need and ensuring the maximum opportunities for Australian citizens and permanent residents in a tightening employment market.

The government acknowledges the substantial human and financial capital contribution that migrants bring to Australia. The extent to which migrants add to our economy is closely linked to their skills and abilities, and we will need a strong supply of skilled workers when the economic cycle turns and demand for labour picks up again.

These measures will preserve the selection of high-skilled migrants but reduce the emphasis on migrants and temporary entrants who compete with Australians in the job market.

Although it may impact many applicants who will now have to wait longer for their visas to be processed, the government must also take into account the effect on Australian citizens and permanent residents of large numbers of migrants entering Australia when unemployment is predicted to increase. Also, as skilled migrants do not have access to most government assistance for the first two years they are in Australia, it would be unreasonable to grant visa applicants entry to Australia when they would face such difficult labour market conditions. This is why skilled visas will be limited to those occupations which are currently in critical shortage.

#### **Q6 For how long will the skilled migration program be capped?**

The program will be capped until the end of the current program year, 30 June 2009. The new program year commences on 1 July 2009. The government has set a limit for the skill stream of 115 000 for 2008-09.

#### **Q7 What visas are capped?**

The only visas to be capped at this time are the business skills visa classes:

- Class EA Business Talent (Migrant)
- Class UR Provisional Business Skills visa
- Class DF Residence Business Skills visa
- Class BH Established Business in Australia

Other categories may be capped later this program year to ensure that the 115 000 ceiling is not breached.

#### **Q8 Does processing continue?**

Yes, processing of all visas will continue in accordance with priority processing. However, those which are subject to capping will not be granted in the 2008-09 program year, which ends on 30 June 2009, once the cap for that visa category is reached.

#### **Q9 What can I do to be granted a visa in 2008-09?**

To be granted a visa this program year, you will need to meet visa requirements and be sponsored by an employer or nominated by a State or Territory government if you do not have

an occupation on the CSL.

**Q10 How long will it take to process my visa? What about visa processing service standards?**

The department is unable to estimate how long it will take to process visas, including those which have already been lodged. The visa processing standards relate to normal processing conditions and are only a guide for the majority of applications. They do not take into account the new priority processing or capping measures which have been introduced as a result of the extraordinary economic situation Australia currently faces.

**Q11 Where do agents/clients enquire about specific cases?**

In the first instance, agents and clients should refer to the information available on the department's website. This will provide detailed background information on the changes and possible implications.

Where an agent or client's question is not answered by the information available on the website, they can contact the General Skilled Migration line:

In Australia: 1300 364 613 for the cost of a local call

Outside Australia: +61 1300 364 613 (charges applicable in your home country will apply)

Enquiries may be directed to the pre-lodgement enquiry form if you have not lodged a visa, or the post-lodgement enquiry form if you have.

See: Pre-lodgement enquiry form (link to <http://www.immi.gov.au/contacts/forms/gsm/pre.htm>)

Post lodgement enquiry form (link to <http://www.immi.gov.au/contacts/forms/gsm/post.htm>)

**Q12 What is the feedback mechanism for general queries about the change?**

General enquiries about the changes should be referred to the information available on the department's website. Where more specific information is required, clients can contact the General Skilled Migration line:

In Australia: 1300 364 613 for the cost of a local call

Outside Australia: +61 1300 364 613 (charges applicable in your home country will apply)

Enquiries may be directed to the pre-lodgement enquiry form if you have not lodged a visa, or the post-lodgement enquiry form if you have.

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**Q13 Has something like this happened before?**

In 1997, the Government introduced priority processing in the partner migration program. In that instance, applicants sponsored by an Australian citizen were given priority.

**Q14 What will happen to those applications which are in the final stages of processing and where the department has requested applicants to provide health and character clearances?**

The new arrangements will apply to all visa applications, including those in the final stages of processing.

**Q15 What about applications outside the skill stream?**

These measures only affect the skill stream of the migration program.

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Kind regards

Karl Konrad  
Managing Director  
Australian Immigration Law Services  
Publishers of IMMIGRATION NEWS

MARN: 9904238

Member of the Migration Institute of Australia

Australian Immigration Law Services  
Level 13, 37 York Street  
Sydney NSW 2000  
t: 61 2 9279 1991 | f: 61 2 9279 1994  
e: [sydney@australiavisa.com](mailto:sydney@australiavisa.com) | w: [www.australiavisa.com](http://www.australiavisa.com)

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