

# IMMIGRATION NEWS

Volume 163

What a mess of missed opportunities and mass confusion

## Further Skill Assessment Clarifications



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.



## **VETASSESS 50 Point Occupations**

Old results - no expiry date. DIAC has agreed to accept the pre-2010 assessment results.

Changes of your occupation- you will need a reassessment under the new rules. Re-issue is only for a duplicate result.

Employment requirement for PR assessments – Only 20 hours per week, Paid employment.

Group A- Pre-

## **What a mess of missed opportunities and mass confusion**

I cannot remember a time of greater confusion and disillusionment for international students as they vainly try and understand the skilled migration program. This uncertainty is not limited to students either for many education institutions who have spent hundreds of thousands of dollars gearing up to meet the international student demand for courses now face financial ruin if DIAC make the courses they have established worthless to the market forces of supply and demand.

Everyone is waiting with bated breath for the new Skilled Occupation List (SOL) to be released by the 30th April this year. For many occupations the new list may be brutal. In a professional seminar for migration agents delivered by DIAC departmental heads in Sydney on Thursday this week it was mentioned that the current 400 odd occupations in the SOL will be reduced to about 200 on the new SOL!

**This means there will be a 50% chance your particular occupation won't be there in May to use for permanent residency at a later date if you did not lodge a 485 visa application before the 8th February this year.**

For those lucky enough to hold a 485 visa or who did lodge before this cut off date, they can use the current SOL when they apply for their next GSM visa leading to PR. However the rest of you who are still studying you will only be able to use the current SOL for the 485 visa not for the PR visas. This means if your occupation comes of the SOL next month your choices will be very limited indeed to stay in Australia.

qualification work  
experience is not  
acceptable.

Group B- Pre-  
qualification work  
experience may be  
accepted.

### TRA Trade Assessments

DIAC will start to  
allow pre 01/01/2010-  
TRA assessments  
result to lodge for the  
885, 886 or 487  
visas.

New Job Ready  
Program (JRP) is for  
only for onshore  
international  
students.

Offshore skilled trade  
applicants to use the-  
Skilled Workers  
Program. Refer to  
TRA's Uniform  
Assessment  
Guidelines.

The Provisional Skill  
Assessment is only  
for the 485 visa, not  
for Employer  
Nomination Scheme  
(ENS).

Of course those occupations singled out by DIAC in high demand such as those on the current Critical Skills List (CSL) will most likely still be there on the future SOL but for every other occupation, you'd better keep your fingers crossed.

Exactly how DIAC is going to decide to narrow the current SOL down by 50% will be made by a new independent advisory body called "Skills Australia" who report directly to the Deputy Prime Minister Julia Gillard.

DIAC's startling confession this week describes the current mess of the onshore GSM program. Ms Katherine Whitehead, Director of The Independent Skilled Policy Section stated;

*"Cooks, hairdressers and accountants constitute over 60% of applicants currently waiting in the onshore GSM pipeline".*

That's is an astonishing figure! Only public servants with the vision of a mole couldn't see that distorted outcome developing for the past few years.

**Instead of a well managed migration program being match to an equally well managed growth in educational institutions meeting the demand of international students we now have a speeding train headed for an abyss with no functioning bridge to support it.** Sadly the passengers aboard comprise mostly of disillusioned international students and various educational support staff.

After the last ten years of opportunity I couldn't have imagined a scenario which will generate such a waste of resources.

It will be waste of those talented international students who can contribute so much to this country whose population is growing older faster than the electric buggies soon needed to get them about. It will be a waste for all of those Australians who invested their time and money to learn how to teach at educational institutions forced to close or cut back staff. It will be a waste for all of those businesses who spent large amounts of capital trying to keep up with demand of international students only to find it may mostly evaporate.

Perhaps worst of all it will be a waste of money for many of those international students' parents many who may have spent their life savings with the promise of their courses being able to gain residency here.

At the seminar Kevin Lane from the MIA summed matters up perfectly when he addressed the DIAC staff;

*"I have real major concerns about the morality in how international students have been treated in Australia. They used to be fighting their way like salmon up the river stream but now they are floating around like seaweed subject to whatever influences. And now the poor buggers are waiting for the tsunami to hit them and they will be thrown up and never be in the water again".*

Voluntary work can be accepted.

Need to work in a commercial environment legally for equivalent 6 months (2 days full-time a week, about 520 hours). But flexible.

JPR employment for 1 years work experience.

Must be paid work experience, Full time – 38 hours per week on 485 or BVA which allows full time work. Working on the student visa-cannot be counted.

Can be more than 1 employer to make up full time work, but then both employers need to register with TRA.

Once the employer registers they will receive an online log book from TRA to complete for 1 year.

More information is to be released in the next few months regarding the 3rd and 4th stages of the Job

So are we going to see any if the Skilled Migration Policy staff paraded out to hang for this mess? Fortunately not since society has moved on from this in the past few hundred years but I'm sure many feel they should be. Will we see them marched out to confront a media frenzy apologizing for this debacle? No, the Public Service Union will protect them from that. Will we see the government ministers Julia Gillard or Senator Evans offering their resignations? No, Kevin Rudd will step in and tell us how it all his fault.

Unfortunately until some bean counter adds up all the export revenue we have lost in years to come, no heads will be rolling in parliament and by then we will have new ministers and perhaps a new government who will blame their retired predecessors.

### What changes are on the way?

I have to give credit for the bravery of the DIAC managers who spoke publicly before the 600 angry migration professionals at the seminar.

So what did we learn?

- 1) **Importantly, this week applicants who already have an old TRA trade skill assessment (obtained before the 1<sup>st</sup> January 2010) will find DIAC will change the law to allow you to use this skill assessment to lodge your PR applications. This means former students who have these assessments will no longer have to do the new TRA Job Ready Program and may instead apply directly for the 885, 886 or 487 visas. Very good news! This change should in place and announced by the 12<sup>th</sup> February 2010.**
- 2) DIAC will not be considering a second 485 visa for international students.
- 3) The New SOL will be released on the 30<sup>th</sup> April 2010 but the list will not commence before 18th June 2010.
- 4) A new Capping and Ceasing regime will be introduced. The law will be changed to capp and then reject applicants once a quota has been reached on particular occupation. This means instead of having to grant visa for all the accountants who may apply, once the quota has been reached everyone else will be rejected. DIAC will release these quotas in the future and probably will be set with each budget program.
- 5) General Points Test review will alter the current structure. More points will be allocated for; a higher English level, more work experience, higher education level (such as overseas PhD), partner skills and experience and for state sponsorship. DIAC may abolish points altogether for the nominated occupation instead focusing upon work experience and level of education.
- 6) A new State Migration Program where governments will set the Occupations they need and the number of people needed for each occupation. This plan is set to be introduced by July 2010. This sponsorship program will be given the second highest priority in DIAC's processing arrangements second only to the ENS.

Ready Program.

### **Further Skill Assessment Changes?**

It is rumoured that DIAC is holding discussions with the Accountant skill assessment bodies. It is also rumoured that they may be forced by DIAC to bring in a minimum English level of 7.0 on the IELTS test.

It appears DIAC is using the back door pressure to make it harder for students just like they have in discussions with VETASSESS, TRA and Community Welfare Society.

DIAC is well aware that if the skill assessment bodies change their requirements then it doesn't need to change the points program to have a major effect in lowering applicant numbers.

### **More bad news?**

From this July there will be a further reduction in the visas available to international students using the onshore independent GSM visas which lead to permanent residency. Ms Whitehead said in the seminar;

*"There is a need for the GSM program to focus on applicants with the highest level of Human Capital because the number of places in the GSM program allocated to independent applicants continues to decline. Looking at our modeling we expect that in the next program year the ENS together with the regional spiked sponsored migration scheme will cross and the GSM will become a minor factor in terms of skilled migration. This will be entirely consistent with the governments focus which is on a demand driven migration. That is an employer identifies a specific need and the need is met by an identified applicant. GSM will become a program that simply tops up the number of employer sponsored and business skills category".*

I'm afraid what all that means is that it is not looking good for international students who are looking to jump straight from study to permanent residence.

### **More news as it comes to hand.**

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