

Skill Assessments and GSM Applications

From the 1st of July some significant changes were made in the law to make it easier for students to lodge their Onshore General Skilled Migration (GSM) applications such as the 880, 881 and 882 visa classes. **These changes did not apply to the Offshore GSM visa's such as the 136, 137, 138 and 139.**

These changes came about to accommodate the new Online (Internet) GSM Onshore applications which became available on the 1st of July 2005. The most significant change was that students can now supply their Skill Assessment and Australian Federal Police (AFP) results after the PR application is lodged. Previously the positive skill assessment and the AFP result were mandatory Schedule 1 requirements to lodge a valid application.

How does this change things?

These changes now allow you to lodge your PR application as long as you have sent off the skill assessment and AFP applications and you can provide the results later. This gives students a significant amount of extra time to organise their applications.

Before these changes you always had to wait for your positive skill assessment result and then lodge your application. This often meant a number of months of waiting before you could apply. Now you can lodge your application earlier and you will also be eligible to apply for Medicare. This may save you some money rather than paying the overseas visitor health cover costs.

Onshore Applications and the MODL

When you lodge your onshore GSM application without the skill assessment result, DIMIA will give you time to produce it later. The obvious question is, "how much time"?

DIMIA has advised AILS that the length of time they are prepared to wait for the result will depend upon the average processing time for that particular skill assessment body.

For example the average time currently for the CPA to assess applications is about 3 months. If your application is taking longer than this average time frame then you may be able to explain this to your case officer to ask for a grant of an extension of time. However it does not mean they will grant the extended period you need.

Onshore Applications and the MRT

If your skill assessment result takes too long or you find you have failed, then your application will be rejected (eventually). This however does not mean it is the end of the world.

For the onshore applications, if you are rejected you can appeal to the Migration Review Tribunal (MRT). You need to do this within the prescribed time frame explained in your rejection letter (about 1 month but check carefully). Presently it takes about 6-9 months before the MRT will hold a hearing regarding your appeal. At the hearing (or before) you can provide a positive skill assessment result and the MRT must consider this as new evidence.

In essence going to the MRT is like having your whole application reassessed and there are many things you are allowed to provide new information about. Your skill assessment result and English level are the two major criteria where students can provide new and better results.

For example;

*You applied for a CPA assessment as an Accountant but your application was not successful for migration purposes. CPA has told you that you need to do at least three more Accounting units in order to qualify for the **suitable for migration** classification.*

When DIMIA asks for your skill assessment result you have to tell them the bad news. They will then reject your application and send you a formal letter explaining that you have the right of review to the MRT.

You then discover that Open University (www.open.edu.au) has approved CPA units that can be studied for about \$700 each and you can finish these in about 4 months. Once you have completed these subjects you send them in to the CPA to have them assessed. Once CPA approves them, you then obtain a positive skill assessment result and forward this to the MRT for their information.

During this whole process you remain on the Bridging Visa A which has no limitations, allowing you to work full time or study full time or both.

Once the MRT see that you have provided the positive skill assessment result it is quite likely they will remit your application back to the ASPC to be finalised for the PR grant. This means you will gain your PR once you have done another medical and AFP check as these items will usually be out of date (more than 12 months old) by the end of this entire process.

The beauty of this new opportunity is that when DIMIA reassess your application you will keep the MODL points as they were at the time your application was first lodged.

You can see by this example there are many possibilities open to students who may not be able to gain positive skill assessments at the end of their course. With a little extra study and going to the MRT you may have the time that you need to satisfy the requirements of the skill assessment authority.

This will depend of course on what your nominated occupation is and the special requirements set by the skill assessment body. We can predict in the future that the MRT is about to become a busier place than it is already.

Remember none of what we have discussed here applies to the **Offshore GSM** visa classes. AILS 9th November 2005