

# IMMIGRATION NEWS

Volume 85

*Choosing Your Nominated Occupation*



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Dear Students

Welcome to the new subscribers of IMMIGRATION NEWS. This service is brought to you by Australian Immigration Law Services.

Please feel free to e-mail this newsletter to any of your friends.

## **Nominating an Occupation**

Now that it's time many students have finished their courses it's appropriate to re-visit the issue of what occupation you should choose when lodging for the temporary or permanent skilled onshore migration visas such as the Temporary residence 485 and Permanent residence 885/886 subclasses.

### **You Can Only Choose One!**

In applying for any of these onshore EGSM visa's you can only nominate one occupation at the time you pay your visa fee. You do not need the skill assessment result to be able to apply as you can provide the final result to DIAC later. Evidence must be provided that you applied for the assessment before you applied for your visa.

Many students still believe you must have the skill assessment result in your hand before they can apply. Only the offshore EGSM applications (175/176/475) require the skill assessment result at the time you apply, not the onshore EGSM visa's (885/886/487).

### **Changing your occupation during the processing**

Once you have nominated your occupation and paid the application fee you are unable to change it. The Adelaide Skilled Processing Centre (ASPC) does allow discretion in this rule for only one reason that I know of. They do allow a change if the new occupation you wish to nominate is still in the same ASCO group. For example if you have nominated Electrical Engineer in your application but later you find Engineers Australia has classified you as an Electronics Engineer you are allowed to use this classification instead as it is still within the same Engineer ASCO (Australian Standard Classification of Occupations) group 2125.

Similarly with IT students who nominate one IT occupation only to find later that the ACS did not give them the classification they requested and end up with the

usual Computer Professionals (nec) 2231-79. DIAC allows the change since it is still within the ASCO Computer Professionals group.

### **An Example Where You Cannot Change**

Quite a number of students who study an IT Masters Degree in Australia have Bachelor Engineering degrees from home. Since the ACS skill assessment is easier (cheaper and less writing) than the Engineer Australia assessment criteria (usually the CDR), quite often they nominate the Computer Professionals code (2231-79) when applying for their visa's. What has occurred in the past is that some Engineering occupations have then come on the MODL whilst their visas are being processed. Of course they wish to change their occupations to Engineer to try and obtain those extra MODL points but unfortunately they cannot.

DIAC won't allow the change in the nominated occupation since they are distinctly different professions within the ASCO classifications. They may be closely related to each other in some circumstances but that is still not enough.

### **Use one occupation for TR and then another for PR!**

#### **For Skill Assessment Purposes**

To all overseas qualified Engineers I will give one important piece of advice. *Make sure you have completed your skill assessments as Engineers before your course completion!*

I mention this for I am amazed to find students who have overseas Bachelor of Engineering Degrees prepared to lodge their applications (for PR or TR) without the skill assessment result. Yes they are allowed to but what happens if the result comes back as negative after they apply? The answer is they will probably end up going back home unless they can convince Engineers Australia to pass them under a review.

In some instances like this it is often safer to obtain the skill assessment in a 50 point occupation which can be pre-determined whether you will pass or not. This way you know for sure you can obtain the TR visa and then later when you obtain the positive 60 point skill assessment lodge the PR application using that occupation.

#### **For Upgrading Your Skill Level**

Example: Student 1

Billy completed a Masters of Finance at UNSW and used a 50 point occupation to lodge the TR 485 visa. He has a few accounting subjects in his B.Com and Masters so decides to study a Graduate Diploma in Accounting whilst waiting for the 485 to be processed. He can do this for he can study or work full time whilst waiting for the 485 visa on his BVA since his student visa has expired. Since the current processing time for the 485 visa is about 10 months he finds when it is granted he has already completed one semester. When the 485 visa is finally

granted it gives him another 18 months.

Using these semester results he is ready to apply to NIA/CPA/ICAA for his 60 point accounting assessment. In a couple of months he obtains a positive result.

Now Billy has had his 485 visa granted and a 60 point occupation ready to apply for the 885 PR visa. During all this time he also studies hard for his IELTS test and obtains the 7.0 on each that he needs since he is still less than 30 years of age.

So after about 10 months of hard work he is ready to lodge his PR application and reach the 120 points he needs. He can nominate Accountant in his PR application because his Masters degree would still be considered as closely related to this occupation.

### **For Obtaining State Sponsorship Approval**

Example: Student 2

Sharon has completed her two year Diploma of Business. She is able to use her previous Bachelor of Arts from the University of New Delhi to obtain a 50 point skill assessment in an occupation that is closely related to her Australian Business Diploma. With this she applies for her 485 visa.

Sharon realizes after a few IELTS tests that she is not going to reach 7.0 on each of the 4 sections for the maximum 25 points. Because she has nominated a 50 point skill her IELTS score has the minimum 6.0 on each needed for the 485 visa. Whilst waiting for the 485 visa to be processed (like Billy) she enrolls into a Certificate III in Asian Cooking. This course takes the usual 12 months to complete but it can be fast tracked to 9 months. Since she has full time permission to work she is able to easily log the 900 hours of work experience as a Cook to pass the TRA assessment.

Not long after obtaining her 485 visa she completes her course and applies to the TRA for the skill assessment as a Cook. With the positive skill assessment in her hand she then applies for Western Australia state sponsorship and about one month later she has a successful approval letter. Now she is ready and applies for PR using the 886 visa nominating her occupation as a Cook. Since the general Business Diploma's are generally accepted as being closely related to most trade occupations she able to change her nominated occupation for the PR application.

### **18 Months Plus Processing!**

Since the 485 visa is valid for 18 months after the grant of the visa and the processing times have ballooned out to about 10 months, applicants have over 2 years of time up their sleeves. What you do with this time is up to you but as you can read above those who apply themselves may achieve very good outcomes.

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