

Summary to General Skilled Migration announced by Minister on the 8th February 2010

Please see herewith a summary of the changes announced by the Minister on the 8th February. I will not go into the reasons behind the changes. If you wish to know what the reasons are then you may click on the links provided in this summary.

<http://www.immi.gov.au/skilled/general-skilled-migration/whats-new.htm#a>

MODL (Migration Occupation In Demand List)

Previously skilled applicants could claim an additional 15 or 20 points on the points test if they had a positive skills assessment and nominated an occupation on the MODL. This list has been abolished. The removal of this list will not affect those who:

- held a Skilled – Graduate (Subclass 485) visa, or
- had a pending subclass 485 application and are yet to apply for a permanent or provisional GSM visa, or
- had a pending GSM visa application

on the 8th February 2010. If you had an application of the above type submitted or approved on the 8th February 2010 then your claim for MODL points will be honoured.

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

New Skilled Occupation List from mid-2010

On the 8th February 2010 the Minister also announced the replacement of the current SOL (Skilled Occupation List). The occupations that will be listed on the new SOL are not known at this time and will be determined by 'Skills Australia'. Details of the new SOL, including which occupations will be on the list, will be released by 30th April 2010.

The new SOL will come into effect mid 2010 (i.e. June).

The new SOL will affect all applicants lodging visa application made on or after mid-2010, except to applicants who on the 8th February 2010:

- held 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 2012
- have a pending GMS visa application

The new SOL will also not apply to people applying for a Skilled Graduate (subclass 485) visa who on the 8th February 2010 held a Student 572, 573 or 574 visa. However, these students will be required to have an occupation on the new SOL to apply for a permanent GSM visa if they apply for a permanent visa after the new SOL comes into effect.

Therefore, anyone studying (on a 572, 573, 574 visa) as at 8th February 2010 will be able to proceed and submit a 485 (provisional, 18 month validity) visa under the current SOL. However, when they come to submit a permanent GSM visa they will need to nominate an occupation on the new SOL. We will not know the details of the new SOL until April 30th. Further, the student's studies in Australia must be related to the occupation that they nominate in their permanent visa application.

Note: it is acceptable to nominate a different occupation for your provisional and permanent GSM applications. However, the occupation you nominate for each application must be related to your studies in Australia.

This obviously poses difficulties for people intending on coming to Australia to 'study to stay' as it is impossible to determine what courses will increase the chance of qualifying for permanent residency until the new SOL is released in April 2010. Please refer to the following link for FAQ's in relation to the new SOL:

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

Who do the changes to GSM apply to?

Groups affected by the GSM changes	Revocation of the MODL from 8 February 2010	New SOL in effect from mid-2010
Current applicants	No	No
Skilled—Graduate (subclass 485) visa applicants and holders as at 8 February 2010 yet to apply for a permanent or provisional GSM visa	No, provided they apply for a permanent or provisional GSM visa by 31 December 2012	No, provided they apply for a permanent or provisional GSM visa by 31 December 2012
Higher Education, Postgraduate Education and VET sector student visa holders as at 8 February 2010	Yes	Yes, unless they apply for a Skilled—Graduate (subclass 485) visa prior to 31 December 2012.
People who are considering applying for a GSM visa	Yes	Yes

GSM Visa application lodged before 1st September 2007

A maximum number of Offshore GSM visa applications made before 1 September 2007 would be determined and granted. Any applications over this determined number would be returned to the applicant with a refund of the fees paid. The estimate in the press is that 20,000 applications will be returned.

This is in relation to offshore applicants only.

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

Critical Skills List (CSL)

The CSL will be abolished when the new SOL comes into place in mid-2010. If you have a permanent GSM visa submitted and pending and your nominated occupation is on the CSL then your application will continue to be prioritised until it is abolished in mid-2010.

Onshore International Students

Please refer to the following link for a series of FAQ's which help to illustrate practically what I have tried to explain above: <http://www.immi.gov.au/skilled/general-skilled-migration/pdf/faq-onshore-student.pdf>

The 8th February 2010 has become an important date. If you held a student visa (572, 573, 574) on this date then you will not be affected by these changes if applying for a 485 visa. However, if applying for a permanent skilled visa from a 485 visa after the new SOL comes into effect then you will need to nominate an occupation on the new SOL. If you had already submitted an application for a provisional or permanent GSM application by this date then your application will not be affected. If you held a 485 visa on the 8th February 2010 and you submit a permanent GSM visa by the 31st December 2012 then these announcements will not affect you.

General Skilled Migration Points Test Review

It is not known if the Government will decide to change the GSM points test. If the Government decides that changes are necessary, they will determine when they are to take place and who they will apply to. From the link below it would indicate that the Government will make some changes as they highlight the fact that a Hairdresser will qualify for a GSM visa whilst an Environmental Scientist with a Phd will not under the current guidelines. They point out that this does not support the objectives of the GSM program.

Changes to Priority Processing

Please see herewith a link that provides details in relation to priority processing. All GSM applications (onshore and offshore) are affected by these changes except subclass 485, 476, 883 and 887.

If your application does not fall into any of the 7 priority categories then you can expect an Offshore application to take over 3 years to be finalised. If your application does not fall into any of the 7 priority categories then you can expect an Onshore application to take over 2 years to be finalised.

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

Trades Recognition Australia / Job Ready Program

Please see attached a document which provides details about the Job Ready Program.

From 1 January 2010, applicants applying for a skills assessment by TRA for permanent residency from within Australia (such as students who studied in Australia) are required to undertake the **Job Ready Program** to meet the Australian Department of Immigration and Citizenship (DIAC) skills assessment requirements for a permanent residence visa. The job ready program is administered by TRA.

TRA assesses most of the trade occupations awarding 60 points for trade persons, such as: cooks, hairdressers, landscapers, carpenters, wall and floor tiler, welder and etc. The new program is called the "**Job Ready Program**". The intention behind these changes is to assist applicants to become established in Australia Independently by increasing the chances of finding work as permanent residents. It will take at least 12 months to obtain an assessment that will enable you to qualify for a permanent GSM visa.

Changes are a-foot in relation to this. At present, if you are applying for an Onshore Skilled Migration visa (885, 886, 487) and you are applying for a Trade occupation then you must complete the Job Ready Program and provide a skills assessment accordingly. However, changes are intended to be made that will enable an applicant who already holds a skills assessment to apply for permanent residency without the need to complete the Job Ready Program. The changes are due to be made in the first quarter of 2010.

If applying for a provisional 485 visa then you will not need to complete the entire Job Ready Program. You can apply for the 485 visa once you have completed step 1 only and obtained the provisional assessment. Please refer to the attached summary of the Job Ready Program.

Further, if your occupation is a trade occupation you will no longer be able to apply to migrate to Australia under the GSM program based on meeting the Australian study requirement only. Instead, all trade applicants must show at least 12 months of work experience in a skilled occupation within the 24 months before you apply in order to qualify for a visa grant. Completing the job ready program will satisfy this requirement.

TRA / Onshore Skilled Migration

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The **Job Ready Program** is a four step process. TRA is active in assessing each of these stages.

1. Provisional Skills Assessment

This application is made online and you must have following in order to apply:

- A) valid visa
 - B) AQF Certificate for occupation as-sessed by TRA
 - C) 6 months relevant work experience in Australia
 - D) IELTS 6 on each part of IELTS test
 - E) should take about 20 days to be processed
- Successful completion of stage 1 will enable the applicant to obtain a 485 visa (if necessary).
Cost: \$300

2. Job Ready Employment

A) 12 months employment within an Australian workplace. The employer must register with TRA and provide an offer of employment that pays relevant award wages. This registration must be provided to TRA within 30 days of employment commencing.

B) Work Place skills assessment. A log must be completed by the applicant and employer to demonstrate they are covering the tasks / duties of their nominated occupation to the required standard. TRA will conduct random monitoring

C) Required additional training. This will be provided by TRA for on the job assessment by the employer.

Cost: Assessment Fee \$750 + Additional Training \$1,200

3. Job Ready Workplace Assessment

After 6 months of full time work experience the applicant can apply for the workplace assessment. This will be conducted in the workplace by the TRA.

Cost: A\$2,000

4. Job Ready Final Assessment

This application is made online in which you provide evidence of completing stages one to three.
Cost: \$300

The total cost for the 4 stage process to be completed is A\$4,550

The assessment for offshore applicants does not appear to have changed.

Some of the finer details are yet to be released by TRA but we will report on these as they come to hand.

Should you require assistance with the management of this process then please do not hesitate to contact us.