

Far reaching changes to the Skilled Migration Program and proposed amendments to the Migration Act are the main topics in this issue together with measures to strengthen border security.

Recent changes to General Skilled Migration

All OFFSHORE GSM applications lodged before 1 September 2007 cancelled

All OFFSHORE GSM applications lodged before 1 September 2007 will be withdrawn from processing and the applicants will have their visa application charge refunded. This does not apply to onshore pre 1 September 2007 GSM applicants.

This will affect about 20,000 applicants.

Offshore GSM applications made before 1 September 2007 and which are currently at the Migration Review Tribunal will be subject to this change. The Migration Review Tribunal is considering its refund policy in relation to these cases.

Removal of MODL

The Migration Occupation in Demand List (MODL) has been revoked.

The revocation of the current MODL will not affect those who at 8 February 2010:

- hold a Skilled—Graduate (subclass 485) visa, or have a pending subclass 485 visa application and are yet to apply for a permanent or provisional General Skilled Migration (GSM) visa, or
- have a pending GSM visa application.

Applicants who lodged a GSM application before 8 February 2010 are not affected by the revocation of MODL.

The legislative instrument specifies a new Migration Occupation in Demand List which is for applicants for Subclass 885 Skilled – Independent, Subclass 886 Skilled – Sponsored and Subclass 487 Skilled – Regional Sponsored visas who:

- held a Subclass 485 Skilled – Graduate visa at the date of commencement of this instrument; or
- had made an application for a Subclass 485 Skilled – Graduate visa that is not finally determined at the date of commencement of this instrument;

and who made their application on or before 31 December 2012.

This new MODL has the same occupations listed as the previous MODL.

It is, of course, still possible to lodge a GSM application now, but MODL points are not now available for new applications.

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New Skilled Occupation List second half of 2010

A new SOL will come into effect from mid-2010 for all GSM applications lodged on or after that mid-2010 date, except GSM applicants who at the date of announcement (8 February 2010):

- hold 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, or
- have a pending GSM visa application.

The new SOL will not apply to people applying for a Skilled—Graduate (subclass 485) visa who at 8 February 2010 held a:

- Vocational Education and Training Sector (subclass 572) visa
- Higher Education Sector (subclass 573) visa
- Postgraduate Research Sector (subclass 574) visa.

However these student visa holders will be required to have an occupation on the new SOL to apply for a permanent GSM visa.

Current DIAC information suggests that applications lodged between 08 February 2010 and Mid 2010 will be assessed on the Skilled Occupation List at the time the application was lodged. However, there is still no information about this.

State and Territory governments may be able to offer nomination to GSM applicants with occupations not on the SOL if it is in accordance with “a state migration plan approved by the Minister”.

The new Skilled Occupation List will be determined by Skills Australia, which is an independent statutory body.

Changes to Priority Processing from 8 February 2010

The new priorities groups are:

1. ENS and RSMS applications (highest priority)
2. Applications nominated by a state/territory government “under a state migration plan agree to by the Minister”
3. Applications nominated by a state/territory government and nominated occupation is on the CSL
4. Applications not sponsored or state/territory nominated, with nominated occupation is on the CSL, but not in groups 1, 2 or 3
5. Applications nominated by a state/territory government and nominated occupation is not on the CSL
6. Applications with nominated occupation on the MODL
7. All other applications processed in the order they are received

Priority processing applies to the following visa sub-classes:

134, 136, 137, 138, 139, 175, 176, 475, 487, 495, 496, 497, 861, 862, 863, 880, 881, 882, 885, 886.

These changes apply to all applications in the pipeline and to applications lodged after 8 February 2010.

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Priority processing does NOT apply to: 476, 485, 883, 887

Applications with the MRT are not subject to priority processing if they are remitted to DIAC.

Critical Skills List and Priority Processing

The Critical Skills List (CSL) will be abolished when the new Skilled Occupation List comes into place in mid-2010.

Priority processing arrangements using the CSL will continue for permanent skilled migration until they are reviewed in 2010.

State migrant plan

State migration plans are to be developed by the state and territory governments and will include occupations that are in demand for each state or territory. They have to be approved by the Minister for Immigration and Citizenship. None has yet been approved.

Review of GSM Points Test

There will be a review of the GSM Points Test in the first half of 2010.

The Minister said in his speech that the review would consider:

- should some occupations warrant more points than others?
- are the points for age properly calibrated?
- should points be awarded for qualifications acquired overseas from prestigious universities?
- are sufficient points awarded for experience?
- should more points be awarded for excellence in English?

Advice for onshore international students

Given the current and future changes to the GSM program, many international students will have concerns and questions about their future options. However, students must also be advised that until details of a new SOL or any changes to the Points Test are announced, there can be no certainty.

Skills assessment for GSM applicants nominating a trade occupation

DIAC has provided some clarification of skills assessment requirements for GSM applicants from 1 January 2010 who nominate a trade occupation. The amendments introduced on 1 January 2010 require applicants who nominate a trade occupation to provide a skills assessment dated on or after 1 January 2010.

DIAC now says that those people will be able to use an existing (that is, pre- 1 January 2010) skills assessment:

It is intended that in the future, applicants nominating a trade occupation for permanent migration will be able to provide an existing skills assessment when applying. This includes assessments predating 1 January 2010 and will mean that applicants will no longer be required to obtain a further skills assessment. It is intended that these arrangements commence in the first quarter of 2010.

GSM Applicants who nominate a trade occupation and who do not have a pre-1 January 2010 skills assessment will have to satisfy the Job Ready Program (JRP)

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skills assessment requirements.

In the future

The Minister intends to amend the Migration Act to give him powers to set the maximum number of visas that may be granted to applicants in any one occupation.

Minister has asked DIAC to explore the feasibility of introducing a new system where applicants initially put forward their claim for skilled migration, and are then selected as candidates by employers, State and Territory governments, or by the Commonwealth.

Top priority will continue to be given to employer sponsored migration. As there is a fixed number of places for all skilled migration, as the number of employer sponsored migrants increases, the number of independent skilled migrants will decrease.

Significant changes took place on 01 January 2010. Listed below are the links to the DIAC website which contain summaries of the major changes relating to:

- Skills Assessment Criterion relating as a Validity Requirement from 01/01/2010: <http://www.immi.gov.au/skilled/general-skilled-migration/pdf/skills-assessment.pdf>
- Amendment to the Skills assessment criterion for certain onshore GSM applicants nominating a trade occupation from 01/01/2010: <http://www.immi.gov.au/skilled/general-skilled-migration/pdf/jobready-changes.pdf>
- Changes to Offshore GSM Applications Seeking to Meet the Australian Study Requirement: <http://www.immi.gov.au/skilled/general-skilled-migration/pdf/gsm-changes-study.pdf>
- English Requirements for GSM from 01/01/2010: <http://www.immi.gov.au/skilled/general-skilled-migration/pdf/faq-english-requirements.pdf>
- Changes to VETASSESS assessment requirements from 01/01/2010: <http://www.vetassess.com.au/>

Doctors flock to Australia for jobs

More doctors, nurses and engineers are migrating to Australia while hairdressers and cooks are shying away, an analysis of skilled migration changes shows.

Since January last year, when Labor advanced migrants with jobs lined up in areas of short supply, the number of visas for hairdressers fell 64 per cent and by 53 per cent for cooks.

Visas for doctors more than doubled in 2009, data released by the Immigration Minister, Chris Evans, showed. Visas for nurses, engineers, high school teachers and welders also rose.

The government is calling for submissions on how a new points test to grade potential migrants should look. The review was announced as part of an overhaul of the skilled migration program that breaks the link between student visas and permanent residency.

Independent skilled migrants had been required to accumulate 120 points, 115 of which could be earned on the basis of occupation, age and English proficiency.

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Diary dates

APB Education

The remaining five could be easily obtained through study at an Australian institution or work experience.

A government discussion paper said: "This works against the intention of being able to select the highest value applicants." The result was a skilled migration scheme that failed to fill persistent gaps in the labour market.

"The current test puts an overseas student with a short-term vocational qualification and one year's work experience gained in Australia ahead of a Harvard-educated environmental scientist with three years relevant work experience," Senator Evans said.

Businesses said the points test needed to be tailored to better meet the demands of employers.

<http://www.smh.com.au/national/doctors-flock-to-australia-for-jobs-20100217-odzj.html>

For further information on the government discussion paper "Review of the General Skilled Migration Points Test", see: <http://www.apo.org.au/node/20432>

Residency lures foreign students

Almost a quarter of international students choose to study in Australia to become permanent residents, according to a survey of international students who could be affected by recently announced changes to the skilled migration system.

The online survey of more than 1600 international students from more than 10 Australian universities shows that 24 per cent are studying overseas in the hope of gaining permanent residency, up from 5 per cent when the question was asked in a similar survey in 2005.

Earlier this month, the Immigration Minister, Chris Evans, announced an overhaul of the skilled migration system.

The new arrangements will give priority to skilled migrants who have a job lined up with an Australian employer.

The quality of education was the factor most likely to be considered by students when choosing a country, but the issue of safety was increasingly important, with nearly two in three respondents saying they took safety into account when making their decision.

The belief that Australia was "a safe country" was the reason most commonly cited for choosing Australia, followed by the belief that it is a multicultural or tolerant society.

<http://www.smh.com.au/national/education/residency-lures-foreign-students-20100214-nzks.html>

RCOA and A Just Australia join forces

On December 14, members of the refugee policy advocacy organisation, A Just Australia (AJA), voted in favour of a motion to merge the AJA campaign with the work of the Refugee Council of Australia (RCOA). This motion, proposed by members of the AJA board and supported overwhelmingly by its membership, brings together two of the most significant independent voices on refugee policy. The aim is to build a stronger national network, providing people with constructive opportunities to express their support for fair treatment of refugees and asylum seekers.

Indonesia to pass laws on people smuggling

Indonesia's government hopes to enact people-smuggling laws by next year, with penalties of up to 10 years' jail for those convicted of the offence. The new laws would also make it easier for Indonesia to extradite suspects to Australia to face prosecution, where people smugglers can face up to 20 years'

jail. Indonesia is catching increasing numbers of people smuggling suspects with the help of new Australia-trained and funded specialist strike teams. (AAP in Sydney Morning Herald, 9 December)

For further information on refugee issues, see:

www.refugeecouncil.org.au

Australia's asylum seekers

A Just Australia, a national organisation that aims to achieve just and compassionate treatment of asylum seekers and refugees, has published a list of common myths and facts about asylum seekers. Among the facts are:

- Australia's increase in asylum seekers is a close reflection of the global increase in asylum seekers which has resulted from ongoing/increased violence and conflict in countries such as Afghanistan and Sri Lanka.
- Australia's recent reforms to asylum policy were desperately needed in order to respect our international human rights obligations and to return us to a situation where our values of decency and integrity were evident in our policies. A return to policies like Temporary Protection Visas and detention debts could be disastrous for the Australian psyche, let alone the wellbeing of vulnerable refugees.
- The lack of protection for refugees available in most other countries in our region means that refugees from Afghanistan and Sri Lanka must travel long distances – all the way to Australia, in fact - before they have reached a country that can offer real and effective protection. In contrast, even UNHCR-registered refugees can be jailed for years in countries such as Indonesia and Malaysia.
- Australia takes a very small number of asylum seekers, on a per-capita basis, on a GDP-average basis, or in absolute numbers, compared to most other countries.
- The myth of 'worthy' and 'unworthy' refugees is just that – a myth. By definition, a refugee is escaping a situation of real danger, even death. In such a situation, any one of us would take whatever action necessary to seek safety and to protect the lives of loved ones.
- Every human has the right to seek asylum in another country. An asylum seeker has legal status under Australian and international law.

For more information on this topic see:

www.ajustaustralia.com

Change to ASIO mandate

Australia's domestic spy agency will soon have the power to crack people-smuggling syndicates using bases overseas as the government beefs up its border protection laws.

Beset by a steady flow of asylum-seeker boats, the government has announced plans to extend ASIO's mandate beyond the prevention of espionage and terrorism.

The Attorney-General, Robert McClelland, the Immigration Minister, Chris Evans, and the Home Affairs Minister, Brendan O'Connor, outlined changes that would allow ASIO to investigate foreign intelligence that it was previously stopped from pursuing.

Australians who fund people-smuggling ventures, and those who seek to exploit asylum seekers and endanger lives, will face fines of up to \$220,000 or 20 years' jail under the plan.

<http://www.smh.com.au/national/asylumseekers-spark-change-to-asio-mandate-20100223-p0pn.html>

Biometric data checks

In a major strengthening of Australia's border security, the Australian Government will invest \$69 million over four years to introduce biometric checks for visa applications being processed in 10 countries. Biometric information uses measurable biological characteristics to establish a unique identity for a person.

The system will introduce biometric tests for travellers to Australia from 10 countries. Their fingerprints and faces will be matched with databases. The government is planning to draw on biometric scanning facilities at centres run by the British government, which collects biometric data from all visa applicants.

The Foreign Minister, Stephen Smith, defended a decision not to name the countries, citing confidentiality of information about "immigration processes and national security".

The office of the Minister for Immigration, Chris Evans, said the Department of Immigration & Citizenship had been in discussion with the British Border Agency about the scans since last year.

<http://www.minister.immi.gov.au/media/media-releases/2010/ce10015.htm> and
<http://www.smh.com.au/national/secrecy-over-scans-hurting-relations-20100224-p3m6.html>

Vindaloo against Violence

On February 24 many people all over Australia showed their support for the Indian and migrant community by going to their local Indian restaurant and dining on Indian food. Race Discrimination Commissioner, Graeme Innes, said that the *Vindaloo Against Violence* day sends an important symbolic message to the wider Australian community, and to the world, that the people of Melbourne and Australia do not support or condone violence against Indian people in any way. "Symbolism is an important way to show community solidarity on an issue and this initiative is a fine way to actively illustrate that the Melbourne community abhors the violence perpetrated against Indian people in their city by small pockets of racist people," Commissioner Innes said.

http://www.humanrights.gov.au/about/media/media_releases/2010/11_10.html

Ambassador for People Smuggling Issues

Mr James Larsen has been appointed as Australia's new Ambassador for People Smuggling Issues. The Ambassador for People Smuggling Issues is responsible for high-level advocacy of Australia's interests in promoting effective and practical international cooperation to combat these crimes, particularly in the Asia-Pacific region.

<http://www.foreignminister.gov.au/releases/2010/fa-s100228.html>

76 illegal workers removed from Australia

Seventy-six illegal workers who were caught after an immigration operation in country Victoria have been removed from Australia. They were flown back to their home countries last night in what was the largest mass removal of illegal workers from Australia since March 2005, when 74 people were returned by charter to Malaysia and Thailand.

<http://www.minister.immi.gov.au/media/media-releases/2010/ce10017.htm>

Award winning refugee child

On 5 February, award-winning Congolese refugee, Baruani Ndume, announced he plans to use his winnings to help his fellow refugees in Nyarugusu camp in northwestern Tanzania.

Co-producer and announcer of the radio programme, Children for Children (Sisi kwa Sisi) - aired by the formerly Jesuit Refugee Service-managed Radio Kwizera - recently returned to Tanzania after receiving the International Children's Peace Prize in the Netherlands. The 16-year-old refugee from the Democratic Republic of Congo received the award last December for his efforts on behalf of refugee children.

"I would like to thank Radio Kwizera for discovering my talents and providing me with the necessary training. I also thank my group, Sisi kwa Sisi, and everyone who supported me. Their support enabled me to have an impact on the community", Baruani said.

Helping families help children

"The money from this program has not yet been released but I can't wait to use it for the concerns of my community," Baruani said. He plans to use the 100,000 euro prize money to help fellow refugee children gain access to education services, particularly pregnant girls who have been forced to leave school early. He also explained how he wanted to increase the capacity of families to help their children.

The form-three student said he would also like to use part of the prize money to improve his own education and further develop his media skills. "It is my dream to attend a boarding school because the camp facilities are inadequate," he added.

See Dispatches No. 275, 15 February 2010 at <http://www.jrs.net>

Australia's first Sudanese AFL rookie

The Parliamentary Secretary for Multicultural Affairs and Settlement Services, Laurie Ferguson, congratulated Majak Daw, the first player of Sudanese origin to be recruited in the recent AFL rookie draft. Mr Ferguson said the outcome typified the strong cooperation between the AFL and the settlement program run by the Department of Immigration and Citizenship.

<http://www.minister.immi.gov.au/parlsec/media/media-releases/2009/lf09059.htm>

Education

\$5.1 million safeguard for international student course fees

The Minister for Education, Julia Gillard, has announced funding of \$5.1million to further strengthen Australia's international education industry. The ESOS Assurance Fund is the cornerstone of Australia's international student consumer protection framework which safeguards the course fees of international students. The fund was established in 2000 with a \$1million start amount provided by the Government. The Government's decision will provide additional certainty for students and underscores the Government's determination to ensure that the international education sector remains both strong and vibrant into the future.

http://www.deewr.gov.au/ministers/gillard/media/releases/pages/article_100222_190353.aspx

Australia Asia Endeavour Awards

The Prime Minister's Australia Asia Endeavour Awards is an Australian Government initiative that recognises outstanding scholars from Australia and Asia. The Awards aim to promote the relationship

between Australia and Asia by establishing enduring education and professional linkages, while fostering the development of internationally aware and skilled future leaders.

Earlier this year, the Australian Government committed \$14.9 million over four years to establish the elite new scholarship program. Australian recipients receive up to \$63 500 in funding to undertake international research and study and complete an internship component at an institution in their chosen host country. Priority destinations are China, India, Indonesia, Japan, Malaysia, Singapore, the Republic of Korea, Taiwan, Thailand and Vietnam.

Ten outstanding international students received the Award. They will be given \$10 000 to support their study in Australia, in addition to funding they receive as 2010 Endeavour Postgraduate Award recipients.

The calibre of the 2010 Award holders is indicative of a long and bright future for the Prime Minister's Australia Asia Endeavour Awards as a world-class scholarship program.

See eNewsletter Edition 052-2009 16 December 2009 at <http://aei.gov.au/AEI/MIP>

Vocational Education Training

The 2010 round of the Endeavour VET Outbound Mobility Program will fund 15 new and repeat projects up to \$35 000 to deliver a range of international study experiences for approximately 151 VET students.

There is a broad range of countries where the projects will be undertaken, namely: Cambodia, China, Japan, Malaysia, Singapore, Thailand, Timor Leste, United Arab Emirates and Vietnam.

The international learning experiences include: study tours, internships, practical placements and volunteer work. The variety of the projects reflects the diversity of the Australian VET sector, with projects across a range of vocational fields and qualification levels from Certificate IV and above.

See eNewsletter Edition 002-2010 27 January 2010 at <http://aei.gov.au/AEI/MIP>

Export income to Australia from Education Services in 2008-09

International education activity contributed \$17.2 billion in export income to the Australian economy in 2008-09, up 23.2 per cent from the previous financial year.

Australia's international students continue to be predominantly from the Asian region. China contributes more than one-fifth of Australia's total exports from education services, and India a further 16 per cent.

Education services is Australia's largest services export industry ahead of personal travel services (\$11.7 billion) and professional and management consulting services (\$3.7 billion).

<http://aei.dest.gov.au/AEI/PublicationsandResearch/Snapshots/Default.htm>.

International education rules strengthened

The Minister for Education, Julia Gillard, has welcomed the strengthening of rules for education providers of international students by requiring all colleges to re-register under new, stronger criteria by the end of 2010. This will mean that all education and training providers currently registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) will have to re-register under the strengthened criteria by 31 December 2010. Providers will also have to prove that education is their principal purpose and that they are able to deliver that education to a high standard.

http://www.deewr.gov.au/ministers/gillard/media/releases/pages/article_100223_162748.aspx

Foreign Affairs

Report tells of growing nuclear risk

An international report has been released which sets out a plan for world leaders to slash nuclear-weapon arsenals and stop their spread to rogue states or terrorists.

The International Commission on Nuclear Non-proliferation and Disarmament report sets out several practical measures for the next three or four years starting with an arms reduction treaty. The 250-page report is unanimous despite vigorous debates within the commission. It sets out detailed proposals for the five-yearly review of the Nuclear Non-proliferation Treaty in May, which is seen by many analysts as a "make or break" negotiation for the future of the non-proliferation regime. It is a "hard headed, pragmatic and realistic" document aimed at providing political decision-makers with a practical agenda rather than an idealistic wish list.

It sets out goals for the next three to four years, including a successful review of the Non-Proliferation Treaty in which weapons states would give renewed promises to disarm in return for non-weapons states accepting stricter safeguards on civilian nuclear programs.

This short-term agenda also calls for:

- Agreements with North Korea and Iran not to apply civilian nuclear programs to weapons.
- The US and Russia to secure a treaty to cut their arsenals of strategic nuclear weapons and then to start talks on further cuts.
- The Obama Administration to declare that the "sole purpose" of nuclear weapons in US defence doctrine was to deter other countries from using them.
- A United Nations-sponsored conference between Israel and Arab states to discuss prerequisites for talks on a nuclear-free zone in the Middle East.
- Ratification of the Comprehensive Nuclear Test Ban treaty and a resumption of stalled negotiations for a treaty to stop production of fissile materials that can be used in nuclear weapons.

<http://www.smh.com.au/environment/climate-change/report-tells-of-growing-nuclear-risk-20091213-kqgk.html>

Ambassador to the United Nations

Mr Peter Woolcott has been appointed as Australia's Ambassador and Permanent Representative to the United Nations (UN) in Geneva and to the Conference on Disarmament. Mr Woolcott will also be Australia's Ambassador for Disarmament. The Geneva-based Conference on Disarmament and Nuclear Non-Proliferation Treaty meetings are a focus for Australia's efforts to strengthen global regimes to prevent WMD proliferation. The position of the NPT as a central pillar of the global non-proliferation and disarmament framework, and parallel efforts, including towards a Fissile Material Cut-Off Treaty, are fundamental to Australia's security. As Ambassador for Disarmament, Mr Woolcott will be responsible for advancing Australia's interests on these issues and on conventional arms control in UN and other organisations in Geneva.

<http://www.foreignminister.gov.au/releases/2010/fa-s100212.html>

Financial support for Pacific Islanders

Australia will provide \$2 million over the next three years for the Pacific Financial Inclusion Program (PFIP) to help increase access to financial services among low income, rural and remote households in Pacific Island communities. Support provided already through this Program will increase Pacific Islanders' access to financial services, such as savings, credit and money transfers, Parliamentary Secretary for International Development Assistance Bob McMullan said.

http://www.ausaid.gov.au/media/release.cfm?BC=Latest&ID=7156_6955_7097_6889_9860

Support for Vanuatu beef industry

Australia is providing more than \$1.3 million to support the beef industry and increase the incomes of smallholder farmers in Vanuatu.

Parliamentary Secretary for International Development Assistance, Bob McMullan, has congratulated Vanuatu company Sarami Plantation for their successful bid to participate in Australia's grants scheme. "The Sarami Plantation initiative will be an excellent model for other Pacific Islands and should lead to a dramatic strengthening not only of the Vanuatu beef industry but also of livestock industries throughout the Pacific region," Mr McMullan said.

http://www.ausaid.gov.au/media/release.cfm?BC=Latest&ID=7006_9435_7382_472_8876

Resources

***A Stronger, Fairer Australia* – statement on social inclusion**

The statement sets out the Government's vision and strategy for social inclusion now and into the future. Social inclusion means ensuring no Australian is left behind by giving all the opportunities, resources, capabilities and responsibilities to learn, work, connect with others and have a say in community life.

The statement is available at:

<http://www.socialinclusion.gov.au>

Worth reading

Direction No. 45 – Order of consideration – certain skilled migration visas

From Chris Evans, Minister for Immigration and Citizenship

https://mia.org.au/media/File/s499_Direction_no_45

Diary Dates

63rd United Nations Department of Public Information/Non-Governmental Organisations (DPI/NGO) Conference

When: August 30 to September 1

Where: Melbourne

A.P.B. Education Specialist IELTS Test Training and Coaching

Passing an IELTS test is now an essential requirement for all applicants for General Skills Migration, student visas, and for many employer sponsored applicants. Adrian Bitel provides individual lessons to assist applicants achieve proficiency to the required levels in:

- Reading
- Writing
- Speaking
- Listening

He gives comprehensive ONE to ONE Personalised Coaching in any or all of the above areas.

Contact: Adrian Bitel on (02) 9286 8700 or Mobile: 0412 656 026

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