



Australian Government

Department of Immigration and Citizenship

## 2008-09 Migration Program Changes – March 2009 Frequently Asked Questions

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### Capping the Skilled Migration Program

#### Q1 What changes have been announced for the Skilled Migration program?

The changes announced to the skilled migration program by the Minister for Immigration and Citizenship are:

- capping the 2008-09 General Skilled Migration (GSM) Program
- removal of construction and manufacturing trades from the CSL.

#### Q2 What does capping the program mean?

Capping means that a set number of visa grants is determined by the Minister for a particular visa category or categories. Once that number is reached no further visa grants can occur until the next program year.

#### Q3 Why have these changes been introduced?

Since the 1 January 2009 changes, the global economic situation has continued to deteriorate, and this has significantly impacted Australia's economy, including an increase in unemployment. The migration program is one of the tools the Government uses to assist industry with skills and labour shortages, and, as such, is continually reviewed and assessed for its relevance and outcomes in light of the economic and social needs of Australia. The program is modified as these needs change.

#### Q4 What was the last change announced by the Government?

On 1 January 2009, Minister for Immigration and Citizenship introduced changes to the skilled migration program including:

- a new section 499 ministerial direction on priority processing
- the introduction of a critical skills list (CSL)
- greater scope for state and territory governments to meet critical skills shortages in their jurisdiction

#### Q5 Why is the Government making it harder for skilled migrants to move to Australia?

These changes will enable a balance between providing the skills Australian employers need and ensuring the maximum opportunities for Australian citizens and permanent residents in a tightening employment market.

The government acknowledges the substantial human and financial capital contribution that migrants bring to Australia. The extent to which migrants add to our economy is closely linked to their skills and abilities, and we will need a strong supply of skilled workers when the economic cycle turns and demand for labour picks up again.

These measures will preserve the selection of high-skilled migrants but reduce the emphasis on migrants and temporary entrants who compete with Australians in the job market.

Although it may impact many applicants who will now have to wait longer for their visas to be processed, the government must also take into account the effect on Australian citizens and permanent residents of large numbers of migrants entering Australia when unemployment is predicted to increase. Also, as skilled migrants do not have access to most government assistance for the first two years they are in Australia, it would be unreasonable to grant visa applicants entry

to Australia when they would face such difficult labour market conditions. This is why skilled visas will be limited to those occupations which are currently in critical shortage.

#### **Q6 For how long will the skilled migration program be capped?**

The program will be capped until the end of the current program year, 30 June 2009. The new program year commences on 1 July 2009. The government has set a limit for the skill stream of 115 000 for 2008-09.

#### **Q7 What visas are capped?**

The only visas to be capped at this time are the business skills visa classes:

- Class EA Business Talent (Migrant)
- Class UR Provisional Business Skills visa
- Class DF Residence Business Skills visa
- Class BH Established Business in Australia

Other categories may be capped later this program year to ensure that the 115 000 ceiling is not breached.

#### **Q8 Does processing continue?**

Yes, processing of all visas will continue in accordance with priority processing. However, those which are subject to capping will not be granted in the 2008-09 program year, which ends on 30 June 2009, once the cap for that visa category is reached.

#### **Q9 What can I do to be granted a visa in 2008-09?**

To be granted a visa this program year, you will need to meet visa requirements and be sponsored by an employer or nominated by a State or Territory government if you do not have an occupation on the CSL.

**See:** Employer Sponsored visas ([link to page below](#))  
State and Territory nomination ([link to page below](#))

#### **Q10 How long will it take to process my visa? What about visa processing service standards?**

The department is unable to estimate how long it will take to process visas, including those which have already been lodged. The visa processing standards relate to normal processing conditions and are only a guide for the majority of applications. They do not take into account the new priority processing or capping measures which have been introduced as a result of the extraordinary economic situation Australia currently faces.

#### **Q11 Where do agents/clients enquire about specific cases?**

In the first instance, agents and clients should refer to the information available on the department's website. This will provide detailed background information on the changes and possible implications.

Where an agent or client's question is not answered by the information available on the website, they can contact the General Skilled Migration line:

In Australia: 1300 364 613 for the cost of a local call

Outside Australia: +61 1300 364 613 (charges applicable in your home country will apply)

Enquiries may be directed to the pre-lodgement enquiry form if you have not lodged a visa, or the post-lodgement enquiry form if you have.

See: Pre-lodgement enquiry form ([link to http://www.immi.gov.au/contacts/forms/gsm/pre.htm](http://www.immi.gov.au/contacts/forms/gsm/pre.htm))

Post lodgement enquiry form ([link to http://www.immi.gov.au/contacts/forms/gsm/post.htm](http://www.immi.gov.au/contacts/forms/gsm/post.htm))

#### **Q12 What is the feedback mechanism for general queries about the change?**

General enquiries about the changes should be referred to the information available on the department's website. Where more specific information is required, clients can contact the General Skilled Migration line:

In Australia: 1300 364 613 for the cost of a local call

Outside Australia: +61 1300 364 613 (charges applicable in your home country will apply)

Enquiries may be directed to the pre-lodgement enquiry form if you have not lodged a visa, or the post-lodgement enquiry form if you have.

See: Pre-lodgement enquiry form ([link to http://www.immi.gov.au/contacts/forms/gsm/pre.htm](http://www.immi.gov.au/contacts/forms/gsm/pre.htm))

Post lodgement enquiry form ([link to http://www.immi.gov.au/contacts/forms/gsm/post.htm](http://www.immi.gov.au/contacts/forms/gsm/post.htm))

#### **Q13 Has something like this happened before?**

In 1997, the Government introduced priority processing in the partner migration program. In that instance, applicants sponsored by an Australian citizen were given priority.

#### **Q14 What will happen to those applications which are in the final stages of processing and where the department has requested applicants to provide health and character clearances?**

The new arrangements will apply to all visa applications, including those in the final stages of processing.

#### **Q15 What about applications outside the skill stream?**

These measures only affect the skill stream of the migration program.

**See:** [Is your occupation in demand?](#)  
[Critical Skills List](#) (39KB PDF file)

## **New Critical Skills List – 16 March 2009**

#### **Q1 What is the Critical Skills List (CSL)?**

The CSL contains occupations that have been identified as being in critical demand. As these occupations are in critical demand, applicants nominating these occupations will have their applications processed as a priority.

#### **Q2 What changes are being made to the CSL?**

Construction and metal machining trades are being removed from the CSL.

#### **Q3 Why are these trades being removed?**

These trades are being removed in response to Australia's current skills needs in the economic crisis.

#### **Q4 When do changes to the CSL take effect?**

The changes to the CSL are effective from 16 March 2009.

#### **Q5 Will there be further changes this program year?**

There may be further changes this program year dependent on the impact of the global economic crisis on Australia.

#### **Q6 My nominated occupation was on the CSL, but has now been removed. What will happen to it now?**

The CSL has been changed in response to the current labour market situation and the economic situation. Only those occupations which are currently on the CSL receive priority processing. If an occupation has been removed from the CSL, it no longer qualifies to be processed before other nominated occupations.

#### **Q7 I have nominated an occupation which is on the CSL. How am I affected?**

If your occupation is on the new CSL, you will receive priority processing. This means that your visa application will be assessed after all the visas which are sponsored by an employer or nominated by a state or territory government, and before other applications.

#### **Q8 My occupation is now on the CSL. What should I do?**

You do not need to do anything. The department identifies those applications which are now prioritised and will advise you when you are assigned a case officer.

#### **Q9 I am an accountant but only have IELTS 6 and have not completed the Professional Year. How can I receive priority processing?**

Only accountants who have a minimum of 7 in each IELTS component or have completed the Professional Year program under the sc485 visa qualify for priority processing under the CSL.

This means that if you want to have your application given priority, you have the option of sitting the IELTS test and gaining a minimum of 7 in each component of the test.

Accountants who hold a current UK, USA, Canadian, New Zealand or Republic of Ireland passport are considered to have 'competent English' and do not need to sit an IELTS test. To receive priority processing, accountants must demonstrate they have proficient English and so an IELTS result of a minimum of 7 in each component of the test should be provided.

Please note that the results must be from an IELTS test you sat no more than two (2) years before the day you made your application.

Once you have received your 'proficient English' IELTS results, you should contact the department on the post-lodgement form to have your visa processed as a priority.

**See:**  
[General Skilled Migration Post-Lodgement Enquiry Form](#)  
[Critical Skills List](#) (39KB PDF file)

## Priority processing

### **Q1 What will happen to priority processing with these changes to the migration program?**

The priority processing directions introduced by the Minister on 1 January 2009 are still in operation and will be applied to all skilled visa applications.

### **Q2 What are the processing priorities?**

The priority processing direction gives priority processing to permanent applications in the following order:

1. Employer sponsorship.
2. State or territory sponsorship.
3. An occupation on the Critical Skills List (CSL).
4. An occupation on the MODL.
5. All other applications.

The new priority processing direction gives priority processing to provisional applications in the following order:

1. State or territory sponsorship.
2. Family sponsorship where the applicant's occupation is listed on the CSL.
3. All other applications.

### **Q3 Which applicants will receive priority processing?**

The priority processing Direction gives priority to applicants with employer sponsorship, state or territory nomination and those skilled migration applicants with an occupation on the CSL.

### **Q4 When were the changes to priority processing introduced?**

These changes came into effect on 1 January 2009.

### **Q5 Why were the changes to priority processing introduced?**

In the 2008 Budget, the skill stream of the migration program for 2008-09 was significantly increased to 133 500 places as part of the Government's strategy to counter the risk of increased inflation due to pressure on the growth of wages. However, after the 2008 Budget, there was a significant change in Australia's economic circumstances as a result of the recent global economic crisis.

This crisis has weakened the Australian economy.. In response to these changes in circumstances, the minister announced a more targeted approach to the 2008-09 skilled migration program. This announcement included priority processing of employer sponsored visa applications, state and regional nominated visa applications and the introduction of a CSL of occupations.

People seeking to migrate to Australia who have skills or qualifications in one of the occupations on the current CSL are processed in a higher priority to those applicants who do not. This includes all applications that are on hand as well as any applications received in the future.

### **Q6 Are these changes temporary or permanent?**

The skilled migration program is continually reviewed and assessed for its relevance and outcomes in light of the economic and social needs of Australia. The program is modified as these needs change.

### **Q7 Is there any difference in processing between onshore and offshore programs?**

No, the new priority processing will affect onshore and offshore applications equally.

### **Q8 What occupations or industries are affected?**

Occupations that are not included in the CSL will not be given priority processing unless applicants are sponsored by an employer or nominated by a state or territory government.

### **Q9 What is happening to the Migration Occupations in Demand List (MODL)?**

There have been no changes to the points allocated for MODL. The MODL methodology will be reviewed as necessary to determine any changes required for its continued use for skilled migration purposes.

Under the section 499 direction, General Skilled Migration applicants who nominate an occupation from the MODL will receive priority processing after those employer sponsored applicants, applicants nominated by a state or territory government and applicants who nominate an occupation from the CSL. This means that applications which have MODL occupations will be assessed as the next priority.

**Q10 When will the review of the MODL be undertaken?**

The MODL is reviewed roughly twice a year but the Government can announce changes at any time. Currently no changes to the MODL have been advised by DEEWR. A review of the research methodology has commenced and is expected to be completed later in 2009.

**Q11 What subclasses are affected by priority processing?**

All the permanent visa classes in the skill stream of the migration program, except Business Skills, are affected. Priority processing does not apply to applicants for visa subclasses 485, 487, 476 and 887.

## Employer sponsorship

**Q1 An employer has offered me a job in Australia. Will I get priority processing?**

The priority processing only applies to those who have an employer willing to formally sponsor them for migration, not simply a job offer. Applicants who are sponsored by an employer must apply for one of the employer sponsored scheme (ENS) visas.

**Q2 An employer has offered to sponsor me. What should I do?**

You will need to check your eligibility for an employer sponsored visa. The employer intending to sponsor you must also meet certain requirements.

If you have applied for a GSM visa since 1 September 2007, you may be able to apply for an ENS visa without having to pay a new application visa charge. You will have to complete another visa application form.

If you applied for a GSM visa before 1 September 2007, you may be able to be assessed for an ENS visa without having to lodge a new application or pay a new application charge.

Applications for ENS visas will receive priority processing.

See: [Employer Sponsored Workers](#)

## State nomination

**Q1 How can states and territories nominate, or sponsor, people?**

It is entirely at the discretion of States and Territories whether or not they choose to nominate migration visa applicants.

States and territories can nominate applicants who have an occupation on their skills shortage list. They may also sponsor up to 500 visa applicants and their families a year who do not have occupations on their state or territory list. Applicants should approach the relevant state or territory agency directly to enquire about nomination.

**Q2 How many people can states and territories bring in under the state and territory skills shortage list?**

The number of potential migrants which each state or territory can sponsor from their skills shortage list is unlimited, within the total skilled migration program's ceiling of 115 000 people.

In addition to their skills shortage list, each state and territory is also allocated a quota of 500 off-list nominations per program year from occupations included on the Skilled Occupations List (SOL). This enables states and territories to respond effectively to unexpected skills shortages. While off-list nominations are available to state or territory governments, it is their decision which applicants and skills they choose to nominate.

**Q3 What is the state skills shortage list?**

Each state and territory compiles its own skills shortage list. Each state or territory can sponsor potential migrants with skills in an occupation included on their skills shortage list for a General Skilled Migration (GSM) visa. Applicants sponsored by a state or territory government for a permanent visa receive an additional 10 points on the GSM points test.

**Q4 Is there any restriction on the types of skills that states and territories can bring in under the state skills shortage list?**

The only limitation is that all occupations nominated by states and territories must be listed on the SOL.

#### **Q5 Can the states and territories bring in people with skills that are not on the CSL?**

Yes, states and territories may sponsor applicants who have nominated an occupation which is on the SOL but is not on the CSL. They may use their 500 off-list nominations to sponsor other applicants.

#### **Q6 A State or Territory has agreed to nominate me. What do I do?**

You will need to provide your State or Territory nominator with your application reference details. Your nominator will then submit a nomination form on your behalf to the department. If the nomination is successful your application will then be eligible for priority processing.

#### **Q7 If I have already lodged an independent skilled application, is there any way to change it to a State Sponsored visa?**

If you have lodged a Skilled – Independent (subclass 175) visa or a Skilled – Independent (subclass 885) visa, your visa can be assessed as a State Sponsored visa.

To obtain a state or territory nomination, you should approach the state or territory you would like to live in and request they consider nominating you. Please note that state-sponsored migrants are expected to live for at least two (2) years in the state or territory which sponsors them.

**See:** [Nomination by State/Territory government](#)

If you are accepted by a state or territory government, they will notify you and lodge the relevant nomination form directly with the department.

You will also need to complete the post-lodgement form to let the department know that you have accepted a nomination and wish to have your application assessed under either the Skilled – Sponsored (subclass 176) visa or a Skilled – Sponsored (subclass 886) visa.

**See:** [General Skilled Migration Post-Lodgement Enquiry Form](#)

## **Students**

#### **Q1 How will these changes impact on international students?**

Australia has a well-deserved reputation for high-quality education and training. We continue to welcome overseas students, and appreciate the contribution they make to both academic life and the communities in which they live.

There are no changes being proposed to the student visa program itself. The pathway from a student visa to General Skilled Migration (GSM) also remains in place. However, applying for a student visa and applying for GSM are separate processes. It is important to note that student visas are aimed at achieving an educational outcome. GSM on the other hand is predominantly driven by the labour market needs of Australia and the requirements for permanent residence can change.

#### **Q2 I am an international student, can I still apply for permanent residence?**

International students who were eligible for permanent residence before these changes will still be eligible for permanent residence.

International students who have graduated from an Australian education provider and meet other necessary requirements will still be eligible to apply for permanent residence under the GSM program. Student visa holders will still need to meet the points test and basic eligibility requirements such as having the required level of English language proficiency and having completed a degree, diploma or trade qualification resulting from at least two academic years of study in Australia.

While the requirements for GSM have not changed, Australia continually adjusts and reviews its migration program to ensure it meets changing needs and circumstances. Prospective permanent visa applicants should continue to monitor the website for changes.

#### **Q3 The course I am studying will not allow me to qualify for an occupation on the Critical Skills List (CSL), can I still apply for a permanent residence visa?**

These changes do not impact on the application requirements for GSM. The points test and requirements for GSM have not changed. Students studying in courses leading to 50- or 60-point occupations on the Skilled Occupation List (SOL) will still be eligible to apply for GSM. Students with 60-point occupations will also still be eligible for additional points on the points test if that occupation is listed on the Migration Occupations in Demand List (MODL) and they have the necessary skilled work experience. The SOL and MODL have not changed.

Eligible applicants with occupations not on the CSL will still be able to apply for GSM. However, their visa applications will not be processed as quickly. Those people nominating occupations on the CSL will be given processing priority.

**Q4 What visas other than skill stream visas can I access?**

International students holding a student visa can continue to apply for other temporary or permanent visas provided that they meet the necessary eligibility criteria.

**Q5 The course I am studying will not allow me to qualify for an occupation on the Critical Skills List - Can I enrol in another course?**

Students wishing to change course should firstly discuss with their education provider how this can be done. Those students who wish to change to a course in a different education sector may also need to apply for a Student visa of a different subclass and should contact the Department of Immigration and Citizenship (DIAC).

**Q6 I am an education provider with students enrolled in a course that will not allow them to qualify for an occupation on the CSL and these students are now withdrawing their enrolment. Is the Government going to compensate me?**

No. The Government has not made any changes to international education or student visa policy. The occupations eligible for GSM have not changed. The changes will only impact on those students who apply for GSM on graduation. The change will mean faster visa processing for applicants with employer sponsorship or who are nominated by a State or Territory Government or who have an occupation on the CSL.

The government changes GSM visa requirements in response to economic conditions and labour market needs. As such, the government makes no guarantees that courses delivered by education providers in response to students seeking a permanent migration outcome will continue to assist them in meeting this goal.

**Q7 What further changes are proposed for the student program?**

At this time, there are no changes proposed to the student visa program.

Applying for a student visa and applying for GSM are separate processes. GSM requirements may be altered in future in response to changing economic circumstances.

The Government is focused on shifting the outcome of the migration program to a more industry driven model where employer sponsored visas become a significant pathway to permanent residence. Further changes along this direction will potentially be made in the future.

## **Subclass 457 – Business (Long Stay) visa**

**Q1 Do these changes affect my 457 application?**

No.

**Q2 Can I apply for General Skilled Migration while I hold a 457 Visa?**

Yes, you can apply for an offshore GSM visa in Australia as a holder of 457 visa as long as you meet the threshold requirements. However, as this is an offshore category visa, you must be outside Australia at the time of grant and you will not be eligible for a bridging visa.