

SUMMARY OF THE MEETING WITH CURRENT MIGRATION CLIENTS HELD IN GRUPO GALES OFFICE ON 26 MAY 2009

Part 1 RELEVANT QUESTIONS PUBLISHED BY IMMIGRATION

Part 2 RAYMOND SOLAIMAN SERVICE COSTS

PART 1

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.

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.

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.

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.

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.

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.

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.

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.

STUDENTS WHO APPLIED FOR IMMIGRATION:

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.

Ref : http://www.grupogales.com/pdf/inmigracion_australia.pdf

PART 2

Why do the clients have to pay AU\$1500 extra for change from 175 to 176?

When we signed contracts last years for those under 175, the law was different and the world circumstances was different. I agreed with them to work for skill assessment and visa application. There was no mention and there was no need to mention sponsorship by the state government. But, now all have to have state sponsorship or at least an occupation in critical skills list. For those who are on critical skill list, the process will be as usual . But for those who are not in critical skills list, must have a sponsorship by a government in Australia. The additional AU\$1500 that I am charging is not for my service charge from these old clients. It is to pay for tax and disbursement I need to pay for them. This is what I will have to pay as a lawyer in each financial year for filling up state sponsorship quotas. In my last email, I meant that I would not charge any extra AU\$1500 in addition to the AU\$1500 the clients would need to pay for those taxes and disbursement.

In a nutshell: Those who need to move from 175 to 176, will pay AU\$1500 extra for various charges (not for me). They will pay AU\$200 to me for my service on the top of that for administrative purposes. This rule will be for everywhere except Canberra. For Canberra, the rule will be AU\$1775.00. and plus AU\$200 for me.

I am not going to let clients to push me to work extra for them for free because it was not mentioned in the original contract. It is immoral and unethical to try to do that. I have people in my office who works and must be paid. I have bills and rents and other stuffs that need to be paid. If someone wants to make problems in your seminars, just let me know. I will make it hard time as it is unlawful for anyone to do so.

Can any client refuse to move from 175 to 176 ask for a refund?

No. If you see the section of the “client agree” title, it clearly says that we are responsible for any change of laws by the government of Australia. Moreover, we have worked, spent our time, labour, and efforts. We invested our resources for the client. Now if one comes up and demands money back, it’s tough luck for them.

