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Summary

- The Federal Government has announced further changes to the permanent skilled migration program.
- The Points Test, which applies to independent applicants under the General Skilled Migration Scheme, has been changed with greater emphasis now placed on a number of criteria including university qualifications, and English proficiency.
- The changes are part of an overhaul of the skilled migration program which aims to attract higher skilled migrants to Australia.
- The Points Test changes do not directly affect the 457 temporary skilled migration scheme or other permanent streams including the Employer Nominated Scheme.

Points Test

The Federal Government has changed the Points Test which applies to the General Skilled Migration Scheme:

Key points:

- Under the changes, applicants must achieve 65 points or greater, instead of 120 in the old Test. However, points are harder to accrue. For example, applicants were previously given 15 points for International English Language Teaching System (IELTS) Level 6, which is a proficiency many in the education industry would consider to be university level. Applicants need a minimum of IELTS 6 to apply for a visa under the new changes however, they will now receive zero points for this level.
- The changed system gives more points to university studies as opposed to trades training. A basic undergraduate degree will earn applicants 15 points, but an apprenticeship is worth 10 points.
- As well as achieving 65 points on the new Test, an applicant's occupation must also appear on the revised Skilled Occupation List (SOL). This list will be updated annually by Skills Australia, on which Ai Group is represented.
- The changes to the Points Test will come into effect in July 2011.

The aim of the changes is to better reflect the genuine skills in demand, and as such is an improvement on the previous system which had become dominated by a narrow range of occupations such as cooks, hairdressers and accountants.

However, Ai Group is concerned that the decision to give fewer points to the skilled trades compared with university qualifications together with the higher English language criteria will make it more difficult for independent applicants with trade qualifications. This is despite the fact that Skills Australia research has shown little difference between the projected demand in Australia to 2025 between trade level and university qualifications. We have urged the Government to revisit the Test and give trades and bachelor level university applicants the same priority in the Points Test.

Points Test and 457 applicants

Almost half of the annual skilled migrant intake is made up of temporary 457 visa holders who successfully apply for permanent migration. The Points Test will not apply to such visa holders (including on 457s) who are commonly sponsored for permanent migration by their employer under the Employer Nomination Scheme (ENS - see below). The new Points Test rules only apply to independent unsponsored applicants. Language requirements for the ENS, for example, are lower than are now required under the Points Test.

Other options for permanent migration:

There are two permanent visas available that do not require applicants to pass the Points Test. Both options require an employer to sponsor the visa applicant.

1. Employer Nomination Scheme

The Employer Nomination Scheme program remains unchanged and a summarised version of the criteria is below.

To be eligible for a permanent visa applicants need a qualifying visa such as a:

- Subclass 457 - Business (Long Stay)
- Working Holiday (Temporary) Class TZ
- Graduate-Skilled (Temporary) Class UQ
- Subclass 161 - Senior Executive (Provisional)
- Skilled (Provisional) Class VC
- Skilled (Provisional) Class VF

Please note, a full list of qualifying visas is available on the Department of Immigration and Citizenship's [website](#)

The nominated position must relate to an occupation listed on the [Employer Nomination Skilled Occupation List](#)

Applicants must also meet one of the following requirements:

- Have worked full-time in Australia in the nominated occupation on a Subclass 418, 421, 422, 428, 444, 457 or 461 temporary residence visa for the last two years prior to the visa application being made (including at least the last 12 months with the nominating employer);
- Have been nominated to fill a position with a base salary of more than \$165 000 per annum (excluding superannuation or allowances); and
- Have had their skills assessed as suitable by the relevant skills assessing authority and, unless exceptional circumstances apply, have at least three years full-time work experience in the occupation before the visa application is lodged.

Applicants must also:

- Have an employer who is willing to sponsor them for permanent residency;
- Demonstrate that they have the appropriate skills, qualifications and/or experience to fill the position;
- Meet any mandatory licensing, registration or professional membership requirements which allow them to work unsupervised and without further training;
- Be under 45 years of age;
- Provide a letter of appointment or a contract signed by both the employer and employee; and
- Have vocational English language ability (IELTS 5).

2. The Regional Sponsored Migration Scheme

Under the Regional Sponsored Migration Scheme (RSMS), employers in regional areas of Australia can sponsor employees from overseas for a permanent visa to live and work in Australia. Employers need to check the Department of Immigration and Citizenship's website to determine if their postcode falls within the list of 'regional' locations to access the regional migration scheme.

There is no list of eligible occupations for RSMS – any occupation can be filled by a foreign national, subject to approval from the regional certifying authority. An employer wishing to use RSMS needs to:

- Nominate the position(s) that they wish to fill, noting the position must be full-time for at least 2 years duration;
- Arrange certification by the Regional Certifying Body;
- Lodge a nomination application with the Department of Immigration and Citizenship; and
- Recruit the overseas worker(s) to fill the nominated positions.

Similar to the Employer Nomination Scheme the potential employee needs to hold a 'pre-qualifying visa' if they are inside Australia at the time they wish to apply for the visa.

To be eligible for the visa the applicant must:

- Have the relevant qualifications for the nominated position, which has an Australian equivalent trade, diploma or higher qualification;
- Meet any mandatory licensing, registration or professional membership requirements which allow the employee to work unsupervised and without further training;
- Have been offered a full time position for a fixed term of at least two years (supported by evidence of a contract or letter of appointment signed by both the employer and the employee);

- Be under 45 years old; and
- Have Functional English language ability (IELTS 4.5)

More about these visa options is available at the Department of Immigration and Citizenship's website: www.immi.gov.au

Further information

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