

aml News – Migration Update

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1. Recent changes to General Skilled Migration (GSM)

(a) Changes to the Skilled Migration Points Test

A new Skilled Migration Points Test is currently in effect. The new Points Test focuses on better English levels, more extensive skilled employment, higher level qualifications obtained in Australia and overseas, and better targeted age ranges. Although applicants must still nominate an occupation from the Skilled Occupation List (SOL) and have their skills assessed in their nominated occupation, points will no longer be awarded for specific occupations.

Significant changes in the new points test:

- Age – Applicants must now be under 50 years of age at the time of application. Applicants between 45 and 49 years of age may apply but will not be awarded points for their age.
- English Language – The minimum threshold requirement is now competent English (IELTS 6 in all four bands). No points will be awarded for having competent English, but points will be awarded for proficient English (IELTS 7 in all four bands) or better.
- Work Experience – Applicants may be awarded 5-20 points for verifiable work experience in their nominated or closely related occupation in the 10 years immediately prior to visa application lodgement.
- Qualifications – Applicants may be awarded 10-20 points for a qualification, depending on its level and comparability with Australian equivalent qualifications. The qualification does not have to be related to the nominated occupation.
- Other – Points may be claimed and awarded for various other factors, such as, studies undertaken in Australia, applicant's partner's skills, and sponsorship by State/Territory Government.

To achieve the required 65 points, an applicant has to do well in all of the above factors. If you think you may be eligible for the new points test, please contact us.

(b) New Skilled Occupation List (SOL)

Revisions have been made to the Skilled Occupation List (SOL). To view this list, see: <http://www.immi.gov.au/skilled/pdf/sol-schedule1.pdf>

This SOL will apply to all new applicants unless they are State or Territory sponsored, or are eligible under the transitional arrangements. The occupations added and removed from the new SOL are listed below.

The following occupations were **added** to the SOL:

- Medical Physicist (ANZSCO 234914)
- Environmental Health Officer (ANZSCO 251311)
- Occupational Health & Safety Adviser (ANZSCO 251312)
- Hospital Pharmacist (ANZSCO 251511)
- Retail Pharmacist (ANZSCO 251513)

At aml, we understand the importance of your migration requirements. We offer immigration services and specialist knowledge of Australian migration laws, policy and procedures to ensure accurate advice and preparation of all migration documents.



As a leading industry player with a strong focus on skilled employees, our current program involves regular trips to the UK and South Africa to meet clients, conduct migration seminars and attend migration expos to link Australian employers with skilled migrants.

Barrister (ANZSCO 271111)
Solicitor (ANZSCO 271311)
Fitter (General) (ANZSCO 323211)
Fitter & Turner (ANZSCO 323212)
Fitter-Welder (ANZSCO 323213)
Metal Machinist (First Class) (ANZSCO 323214)
Boat Builder & Repairer (ANZSCO 399111)
Shipwright (ANZSCO 399112)

The following occupations were **removed** from the SOL:

Optometrist (ANZSCO 251411)
Orthoptist (ANZSCO 251412)
Panel Beater (ANZSCO 324111)
Vehicle Painter (ANZSCO 324311)

(c) Priority Processing Arrangements

The new processing priorities for skilled migration visas (with highest priority listed first) are:

1. Applications from people who are under the **Regional Sponsored Migration Scheme (RSMS)** or who have applied for a Skilled – Regional (subclass 887) visa.
2. Applications from people who apply under the **Employer Nomination Scheme (ENS)** program.
3. Applications from people who are **nominated by a state or territory** government for an occupation specified on that agency's migration plan.
4. Applications from people who have **nominated an occupation on the Skilled Occupation List (SOL)** – Schedule 1 in effect from 1 July 2011.
5. All other applications.

Visa subclasses 476, 485, and 883 are exempt from priority processing and will be processed in the order in which they are received.

(d) Regional classification for Perth

Perth is now considered a 'regional area' under the RSMS and GSM programs. Consequently, employers located in Perth and surrounding areas will be able to access the RSMS, and GSM applicants will be able to be considered under the Family Sponsored Regional GSM, or State/Territory regional sponsored visa subclasses. This means employers in Perth will be able to recruit skilled workers for a greater range of occupations than currently available under the Temporary Business (Long Stay) Subclass 457 visa and ENS programs. Eligible family members in Perth can also sponsor relatives to Perth under the GSM Skilled Regional Program. This means, like South Australia, the whole of Western Australia is eligible for State wide regional programs. This will assist people interested in moving to Western Australia. In summary, the change will impact on visa subclasses 119 and 857 (RSMS), and 475, 487, and 887 (GSM).

2. Alternative English Language Tests for Student Visa Applicants

For student visa applicants that are required to provide the results of an English language test there is currently only one option available – the International English Language Testing System (IELTS). In the fourteen countries where IELTS testing is not available, DIAC also accepts test results from *Test of English as a Foreign Language* (TOEFL) and *Occupational English Test* (OET). It is expected that by later this year DIAC will begin to accept the following English language tests in all countries:

- TOEFL
- Pearson Test of English Academic (Pearson)
- Cambridge English – Advanced (CAE) from Cambridge ESOL (Cambridge)

Note that any test results from these alternative test providers will not be accepted by DIAC until the details of this new arrangement are finalised and announced by DIAC. DIAC will continue to accept test results from IELTS.

3. Sponsoring Family Visitor Visas for the Christmas Period

People intending to lodge applications for Sponsored Family Visitor Visas for overseas family members to visit Australia during the December 2011 to January 2012 holiday period should lodge their applications before Friday 4 November 2011. The Department of Immigration and Citizenship has announced that it will seek to assess and finalise all applications lodged on or before this date to allow for travel before 25 December 2011 wherever possible.

Applications will still be received after this date but they may not be finalised in time for travel during this period. In line with normal processing however, those family members with compelling or compassionate circumstances will be prioritised regardless of their application date.

4. Expansion of Electronic Tourist Visas

Citizens of the Maldives, Croatia, Chile and Turkish Special, Service and Diplomatic passport holders are now able to apply for an electronic tourist visa (e676 Tourist Visa).

5. High Court ruling against Australian Government's "Malaysian Solution"

On 31 August 2011, the High Court handed down a landmark decision stopping the Government from transferring asylum seekers to Malaysia for processing. The decision has cast doubt on the prospects of transferring asylum seekers to a third country for refugee processing. The Immigration Minister, Chris Bowen, is considering changing the *Migration Act* in order to allow the government to implement some form of regional solution.

6. New Partnership – Abans (Pvt) Ltd

At the end of August 2011, a new partnership was forged between Australian Migration Lawyers (aml) and Abans (Pvt) Ltd in Sri Lanka. To launch this association, aml presented several successful migration seminars in Colombo and Kandy. Some attendees travelled from distant parts of the island to be present at the seminars. This partnership signifies a new service to the people of Sri Lanka.

People in Sri Lanka wanting to access this service should contact *Abans Australia Migration* at: 3rd Floor, No. 400 Galle Rd, Colombo 03. Sri Lanka.

Tel: 4617 447/3133575 Fax: 4617 444

Or email: Ramesh Amarasinghe <ramesh@abansgroup.com>

For assistance with all your migration needs, email us at info@migrationlawyers.com.au or visit our website www.migrationlawyers.com.au. Alternatively, contact our specialised professional team at either our Gold Coast or Brisbane office.



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