

8 February DIAC Announcement

The Department of Immigration and Citizenship (DIAC) today announced further changes to the General Skilled Migration Program. Some changes are taking immediate effect and others will be rolled out during 2010.

The changes that are effective from today include:-

- The Migration Occupations in Demand List (MODL) has been abolished effective from today (8th February 2010).

*It will affect **all** GSM applicants **except those** who, at the date of announcement:*

- *have **already lodged** their General Skilled Migration (GSM) visa application; or*
 - *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;*
- A new Priority Processing Order effective from today (8th February 2010) has been introduced by the Minister for Immigration and Citizenship, Senator Chris Evans, for certain skilled migration visas.

The new processing order (with highest priority listed first) is as follows:

1. Applications from people who are employer sponsored under the ENS and the RSMS.

The new processing order gives first priority to skilled migrants who have a job offer with an Australian employer.

This visa is for Australian employers who want to sponsor highly skilled workers for a permanent visa to work in their business. The employees can be either:

- highly skilled workers from overseas
- highly skilled temporary residents currently in Australia.

2. Applications from people who are nominated by a state/territory government agency under a state migration plan agreed to by the minister.

Individual state and territory migration plans will be developed so that each state can prioritise skilled migrants of their own choosing. This recognises that each state and territory has different skills requirements. Under the new priority processing arrangements, migrants nominated by a state and territory government under their State Migration Plan will be processed ahead of applications for independent skilled migration.

** This is a new program that is being introduced and is not the same as the State Sponsorship program currently in place. As at 8 February 2010, the minister has not approved any state migration plans. Once we receive further information, we will assess clients to see if they are eligible.*

3. Applications from people who are nominated by a state/territory government agency and whose nominated occupation is on the Critical Skills List (CSL).

**This is people nominated under the existing State Sponsorship program and who are also on the CSL. The Critical Skills list is a list of 42 'in demand' occupations that has been used by the minister since January 2009 to prioritise the processing of applications.*

4. Applications from people who are neither nominated nor sponsored in priority groups 1, 2 or 3, but whose nominated occupation is listed on the CSL.

The link to the CSL is here:

<http://www.immi.gov.au/skilled/general-skilled-migration/pdf/critical-skills-list.pdf>

5. Applications from people who are nominated by a state/territory government agency whose nominated occupation is not listed on the CSL.

6. (i) Applications from people whose occupations are listed on the Migration Occupations in Demand List (MODL).

(ii) Applications from people who are sponsored by family and whose nominated occupation is not listed on the CSL.

7. All other applications are to be processed in the order in which they are received.

- GSM applications that were lodged before 1 September 2007 and have not been finalised will be "capped and ceased".

The Minister for Immigration and Citizenship has the power to set the maximum number of visas of a particular class that may be granted in a financial year. Once this number is reached, any application for that class of visa that has not been finalised is taken not to have been made. This means that the application and visa application charge are returned to the visa applicant.

We are not sure yet if all pre 1 September 2007 applications will be ceased and we are currently waiting on more information from DIAC.

If you think that your application was lodged before this date, please contact us urgently.

Further changes in 2010

- Abolition of the Critical Skills List (mid-2010)
- The introduction of a new Skilled Occupations List (mid 2010)
- Review of the Points Test

Australian Migration & Visa Lawyers will endeavour to contact and update all of our clients by the 12 February 2010. We will also include further information in the next editions of our newsletters.