

General Skilled Migration (Effective from 1 September 2007)

General Skilled Migration (“GSM”) is the category of migration which is best suited for those with skills in particular occupations which are required in Australia.

On 1 September 2007, a new GSM programme came into effect. The reforms were made in response to the *Evaluation of the General Skilled Migration Categories Report* commissioned by the Department of Immigration and Citizenship (DIAC). Applications made on or after 1 September 2007 will be made under new visa subclasses and assessed according to new requirements.

These are the main changes to the GSM programme.

Simplification of the Visa Structure

The GSM programme has been restructured to reduce complexities in applications and allow applicants to more easily identify the appropriate visa subclass relevant to their circumstances.

There are now 9 (reduced from 15) different categories of GSM visas for the varying situations in which visas may be granted. The type of visa that you apply for depends on whether you are currently residing in Australia (onshore), or you are currently residing overseas (offshore). There are five onshore visa subclasses and four offshore visa subclasses.

Four often used categories of visas are:

- Skilled Independent (subclass 175)
- Skilled Independent (subclass 885)
- Skilled Sponsored (subclass 176)
- Skilled Sponsored (subclass 886)

A New Language Threshold

The English language proficiency requirements of applicants have been increased under the changes to the GSM programme. Applicants now require an International English Language Testing System (IELTS) score of 6 (Competent) in all four components of an IELTS exam. Some exceptions may apply in limited circumstances. Bonus points are now awarded to applicants who achieve English language scores above the threshold level, that is, applicants with scores of 7 (Proficient) in all four components of an IELTS exam.

The English language threshold is a basic requirement for GSM. If an applicant does not meet the prescribed threshold, they would not be eligible for a GSM visa.

Increased emphasis on skilled work experience

There are stricter requirements on links between the applicant's study, work experience and nominated occupation. Additional points are now allocated to applicants with skilled work experience in Australia. There are also increased requirements of skilled work experience for some GSM visas. An applicant's work experience is considered relevant if it was completed in the applicant's nominated occupation *or* a closely related occupation.

Temporary Work Visas

An 18-month temporary visa has been introduced, known as the Skilled-Recognised Graduate (subclass 476) visa. This visa is for graduates of recognised overseas universities with skills in demand in Australia. Holders of this visa would have unrestricted work and study rights and can apply for a permanent GSM visa at any time.

International students who do not meet the new requirements for a permanent skilled visa may now apply for an 18-month Skilled-Graduate (subclass 485) visa to increase their skills and work experience.

Other Changes

Some other changes to the GSM programme include:

- Points for Australian education qualifications have been amended.
- New Zealand citizens applying for General Skilled Migration visas in Australia will no longer apply using New Zealand-specific migration visas. Instead, they would apply for an offshore General Skilled Migration visa.
- Points are not awarded for capital investment in Australia (for all visas) and for sponsorship by an Australian relative (for most visas) (sponsorship would determine the visa subclass under which one applies).
- The Sydney and Selected Areas Skill Shortage List will no longer apply.
- Applicants do not require an Assurance of Support.
- Applicants may be sponsored by either their Australian relative *or* an Australian relative of their spouse or interdependent partner.

What is *not* changing?

Points for age, occupation and designated (community) language are unchanged under the new GSM programme. Spouse and interdependent partner skills points are still awarded.

The Points – Pass and Pool Marks

Apart from pass marks, the GSM programme allows for \pm pool marks to be awarded to applicants. A pool mark is a mark below the pass mark which may be held in reserve for up to two years. If the pass mark is lowered within those two years, the application will be reassessed.

The following is a brief overview of the points system detailing how points are calculated and accrued in several areas.

Age

- 30 points awarded if applicant is aged between 18 and 29 at the time of application
- 25 points awarded if applicant is aged between 30 and 34 at the time of application
- 20 points awarded if applicant is aged between 35 and 39 at the time of application
- 15 points awarded if applicant is aged between 40 and 44 at the time of application

Skill Qualifications

- 60 points awarded for a degree / trade certificate and

experience which is specifically related to your nominated occupation. These qualifications must meet relevant Australian standards.

- 50 points awarded for more general occupations
- 40 points awarded for an Australian diploma equivalent or advanced diploma equivalent

English language points

- 15 points awarded for \pm Competent English (Lower standards may be accepted in limited circumstances)
- 25 points awarded for \pm Proficient English

Note that an applicant may be required to sit an English language test.

Australian Work Experience

- 10 points awarded for employment in Australia for at least 12 of the last 48 months working at least 20 hours a week in a paid position and at a skilled level in the applicant's nominated occupation or in a closely related occupation on the Skilled Occupation List
- Alternatively, one may claim 10 points for completing an approved professional year

Pass Marks

The current pass mark for the following visas is 120 points:

- Skilled \pm Independent (subclass 175)
- Skilled \pm Independent (subclass 885)

The current pass mark for the following visas is 100 points:

- Skilled \pm Sponsored (subclass 176)
- Skilled \pm Sponsored (subclass 886)
- Skilled \pm Regional Sponsored (subclass 475)
- Skilled \pm Regional Sponsored (subclass 487)

Comasters is able to prepare a comprehensive application to the Department of Immigration and Citizenship on behalf of clients.

© Comasters April 2008.

Important: This is not advice. Clients should not act solely on the basis of the material contained in this paper. Our formal advice should be sought before acting on any aspect of the above information.

Comasters Law Firm and Notary Public
Suite 101, Level 1, Capitol Terrace
743-755 George Street
Sydney NSW 2000, Australia
Phone: (612) 9288 0300 Fax: (612) 9288 0399
Email: comasters@comasters.com.au
Website: www.comasters.com.au