

Global Immigration News

Delivering Global Business Immigration Services



March 1, 2010

[EOW Home](#)

[EOW Locations](#)

[EOW Headlines](#)

[Country Profiles](#)

[Contact Us](#)

Australia - Changes to General Skilled Migration



The Australian government has announced extensive changes to General Skilled Migration (GSM) applications, effective 8 February 2010. The GSM program is a route by which skilled migrants may apply for permanent residence in Australia. In most instances the application is points based. Points may be allocated under several categories.

The changes are mostly positive for Emigra Ogletree Worldwide's clients, and include new priority processing arrangements that should see expedited processing times for applications under the Employer Nomination Scheme (ENS).

The main changes are as follows.

- Abolition of the Migration Occupation in Demand List (MODL) as of 8 February 2010.
- General Skilled Migration (GSM) applications lodged before 1 September 2007 and not finalised will no longer be dealt with and those affected applicants will be given a refund of their visa application fee.
- A new Skilled Occupation List, to replace the MODL and the Critical Skills List will be introduced later in 2010
- There will be a review of the Points Test
- Changes to Priority Processing

Abolition of the Migration Occupation in Demand List (MODL)

The Migration Occupation in Demand List, which was essentially a list of occupations and specialisations identified by the Department of Education, Employment and Workplace Relations (DEEWR) to be in short supply, has been abolished. A review of the MODL showed that it was not effective in delivering a GSM program able to meet the future skill needs of the Australian labour market.

The MODL gave qualifying applicants under the ENS program additional points and priority processing within the ENS scheme. The abolition of this route means that all ENS applications will be given the same priority.

There will not be a new MODL. Applicants who had been planning to claim additional points via this route should consider other options, for example, improving their English language score.

GSM applications from before Sep 2007 - Capping and Ceasing Processing

A cap has been introduced for offshore GSM visa applicants who applied before 1 September 2007. Once the cap is reached, no more applications in this category will be processed. The Australian government's priority is to support demand driven

migration, i.e. employer sponsored migration.

The Australian Government will refund the Visa Application Charge (VAC) if the application is capped and ceased. Associated fees incurred for medical examinations, English language tests and police checks will not be refunded as these payments were not made to the Australian Government.

New Skilled Occupation List (SOL) to replace the MODL and the Critical Skills List

The government is replacing the current Skilled Occupation List (SOL) with a more targeted list of occupations to better meet the medium and long-term future skill needs of the Australian economy. The new SOL will be based on advice from 'Skills Australia'.

It is expected that the new SOL will be announced by 30 April 2010 and take effect from mid-2010.

The Critical Skills List (CSL) will be revoked when the new Skilled Occupation List (SOL) comes into place in mid-2010. The CSL was an interim administrative measure adopted while the Migration Occupation in Demand List (MODL) review was being undertaken.

Review of the Points Test for GSM Applications

A review of the current Points Test that applies to GSM visas will take place in the first half of 2010. The purpose of the review is to evaluate the effectiveness of the current Points Test.

Changes to Priority Processing

New priority processing arrangements for skilled migration visas have been set. Top priority goes to employer sponsored applications, with the ENS and RSMS at the top of the list, followed by GSM applications. These arrangements are designed to address the needs of industry and state and territory governments. The direction applies to applications in the pipeline that have not been finalised, and to applications lodged with the Department of Immigration and Citizenship on or after 8 February 2010.

This is a positive step for Emigra Ogletree Worldwide's clients. ENS applications have been taking anywhere between two (2) and six (6) months. The new standard processing times have not yet been published. Emigra Ogletree Worldwide will follow the changes and advise individuals and clients how this will affect their applications.

Emigra Ogletree Worldwide will contact clients who have lodged or are in the process of lodging a GSM application and advise of the impact, if any, on their eligibility and the processing. Emigra Ogletree Worldwide will continue to evaluate and assess GSM visa applications in light of the legislative changes announced. We will continue to work with you to ensure that any applications that we make are assessed positively by the DIAC.

In other instances where legislative changes effect an application, Emigra Ogletree Worldwide will advise and deal with these on a case by case basis.

What you need to do...

- Applicants who had counted on points from the MODL for a GSM application

should be aware that these points are no longer available; contact Emigra Ogletree Worldwide for advice on how to increase points elsewhere.

- Offshore GSM applicants who applied before 1 September 2007 should be aware that there is a strong likelihood that their applications will not be accepted.
- Note that a new Skilled Occupation List will be announced in April 2010; Emigra Ogletree Worldwide will update you with the details as soon as they are available.

This information was obtained from the Department of Immigration and Citizenship, Minister Chris Evans.

Emigra Ogletree Worldwide's Australian national practice, which is regulated by the Migration Agents Regulation Authority, provides any and all legal advice and legal submissions necessary in all Australian immigration cases.

If you have any questions relating to this alert, please contact your Emigra Ogletree Worldwide representative or Account Manager.

Emigra Ogletree Worldwide provides an integrated single solution for U.S. and global immigration through 20 company-owned offices around the world. As a trusted advisor, Emigra Ogletree Worldwide is dedicated to delivering global business immigration solutions with a high level of client service and cost certainty.

Through our Global Immigration News Alerts, Emigra Ogletree Worldwide keeps you informed of changes in immigration policy and news that impact your business directly. If you have any questions regarding the updates or would like further information, please do not hesitate to contact us at www.emigraogletree.com.

SUBSCRIBE: To subscribe to our newsletter, please email EOWGlobalNews@emigraogletree.com.

UNSUBSCRIBE: Please respond to this email with "unsubscribe" in the subject line.

DISCLAIMER: The articles contained in the publications have been abridged from laws, court decisions, and administrative rulings and should not be construed or relied upon as legal advice. If you have specific questions regarding the applicability of this information, please contact your Emigra Ogletree Worldwide representative. This publication may be considered advertising under applicable laws. © 2009 Emigra Ogletree Worldwide

CONFIDENTIALITY NOTICE: This email transmission, and any documents, files or previous email messages attached to it may contain confidential information that is legally privileged under privacy laws of the US, European Union, Hong Kong or other jurisdictions in which we conduct business. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is **STRICTLY PROHIBITED**. If you have received this transmission in error, please immediately notify us by reply email and destroy the original transmission and its attachments without reading or saving in any manner.