



*“A review of qualification assessment for skilled people  
applying to migrate to Australia”*

**Submission to the  
Joint Standing Committee on Migration of the  
Parliament of the Commonwealth of Australia**

A submission by the members and National Executive of  
The Migration Institute of Australia Limited  
June 2005

## **THE MIGRATION INSTITUTE OF AUSTRALIA LIMITED (“MIA”)**

The Migration Institute of Australia Limited (“MIA”) is the peak association providing excellent service advocating the benefits of migration and advancing the standing of the migration profession – leading professionalism in the migration field.

The MIA is the peak body representing the professional interests of its more than 1,300 (registered migration agent and corporate membership) members throughout Australia.

The MIA is perhaps better known to the Parliament for the exercise of its public responsibilities as the Migration Agents Registration Authority (MARA), under an Instrument of appointment by the Minister for Immigration, Multiculturalism and Indigenous Affairs.

This submission is written to the Parliament in MIA’s representation role as the professional body, and in no way is the submission provided in MIA’s capacity as the profession regulator.

This submission has been drafted by MIA members Mark Webster, Jamie Lingham and Jaleh Johannessen on behalf of the MIA.

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## EXECUTIVE SUMMARY

Skills Assessment is a process MIA members deal with on a daily basis as part of their work in assisting clients with Australian visa applications. Given the acute shortage of skilled workers in Australia, migration has a significant part to play in addressing this in the short term, but we do need to ensure that migrants will be able to contribute to the Australian economy. Most MIA members do feel that skills assessment is an essential and helpful part of the visa application process – it ensures that clients have skills which are recognised in Australia and will facilitate employment, and plays a useful part in ensuring the integrity of the economic migration stream.

Setting the criteria for skills assessment is up to the individual skills assessing authorities. Many skills assessing authorities do clearly set out their skills assessment criteria, the application materials and perform their function quite efficiently.

However, our members have expressed concern about several of the skills assessing authorities and have pointed out other more general issues which if resolved would improve the outcome. The main issues identified are as follows:

- **TRA:** Trades Recognition Australia (TRA) is the skills assessing authority for trades – many of which are in critical short supply in Australia. Our members have expressed concern over the TRA assessment process and the difficulty in communicating with TRA.
- **VETASSESS Occupations:** VETASSESS is the skills assessing authority for a large number of occupations. However, VETASSESS will only consider formal qualifications and there is no competency or work experience component of the assessment. As a result, we feel that Australia is artificially excluding highly skilled and experienced workers who could make a significant contribution to Australia. Changes should be made to the skills assessment.
- **Country Education Profiles:** NOOSR (National Office of Overseas Skills Recognition) is the authority responsible for evaluating overseas tertiary education systems. Often skills assessment will rely on determining whether an overseas qualification is comparable to an Australian degree, diploma etc. However, the Country Education Profiles published by NOOSR which review overseas education systems are badly out of date. It would be beneficial for access to these to be improved and for updates to be provided more regularly.
- **IT Professionals:** The Australian Computer Society (ACS) is responsible for skills assessments for IT professionals. There is a perception that Australia's migration program is not effective in facilitating the entry of IT professionals with skills which are in demand in Australia. A large number of international students studying in Australia have migrated under the general skilled stream as IT professionals, and it is widely felt that these applicants are not readily employable in Australia. The IT marketplace is highly segmented – with some specialisations in far more demand than others. The MIA feels that a more selective approach is required, possibly by using the Migration Occupations in Demand List as a filter.
- **Medical Practitioners and Allied Health Professionals:** Medical Practitioners and a number of allied health professions are in short supply in Australia. However, the assessment process for these occupations is difficult to

understand, expensive, and often requires a lengthy examination process to be undertaken in Australia. If Australia is serious about meeting shortages in these areas, we must streamline the process of qualified applicants.

## **SKILLS ASSESSMENT – RELEVANCE TO VISA APPLICATIONS**

Skills assessments are currently required in the following areas:

- Skilled Migration
- Employer Nomination Scheme
- Business Long Stay (*at discretion of assessing officer*)

### **1. General Skilled Migration**

General skilled migration is the most common form of migration to Australia, and there are many different subclasses within this category. Up to recently, most of the skilled visa subclasses resulted in permanent visas, but DIMIA has announced a number of provisional skilled visas that are designed to address skill shortages in rural and regional Australia.

Applicants for General Skilled Migration must have their skills assessed in a “skilled occupation” prior to lodgment of the visa application. A “skilled occupation” is an occupation that is on the Skilled Occupations List. The Skilled Occupations List is drawn from groups 1-4 (Managers, Professionals, Associate Professionals and Trades) of ASCO (Australian Standard Classification of Occupations). ASCO is an ABS publication which dates from 1997 which seeks to describe Australian occupations in terms of entry standards, tasks and duties, and specialisations within the occupation.

In general, the requirement that the skills assessment be completed prior to lodgment of the visa application results in a more transparent process for visa applicants and advisors. Prior to 1999, the skills assessment was completed after lodgment of the visa application and many applications were refused by DIMIA due to the skills assessment being unsuccessful. However, the requirement for skills assessment to be completed prior to lodgment of the visa application can cause significant difficulties in the following situations:

- Where the applicant is soon reaching a critical birthday – it is not possible to lodge an application for skilled migration after your 45<sup>th</sup> birthday, and you receive fewer points for age as you turn 30, 35, 40 etc.
- Where the applicant is an international student completing a course in Australia. The visa application must be lodged prior to the expiry of the student’s visa and within 6 months of completion of the course. The large number of international students applying at the same time puts a great deal of pressure on the skills assessing authorities at these peak times. We understand that changes will be made to the Migration Regulations on 1 July 2005 that will mean that international students will not necessarily need to provide a completed assessment at the date of lodgment, and this may go some way to alleviating the issue.

Most general skilled categories require the applicant to pass a points test. Applicants receive a points score for occupation, depending on which occupation they have passed skills assessment in – the number of points is specified on the Skilled Occupations List as either 40, 50 or 60 points for each occupation. Regulation 2.26A(4) specifies that applicants must have a diploma to get 40 points for occupation and must have a degree to get 50 points for occupation. However, for 60-point occupations, no minimum qualification is specified. This allows skills assessing authorities to assess applicants with no formal qualifications for 60-point occupations where, for instance, an applicant has a significant amount of relevant work experience.

The pass mark for skilled independent migration was raised to 120 in April 2004. As a result, it is difficult for most applicants to qualify for general skilled migration unless they are sponsored by a relative living in Australia, nominated or sponsored by a state or territory government or if they nominate an occupation on the Migration Occupations in Demand List (MODL). The majority of the occupations on the MODL are trades, and the increased importance of these occupations has put more focus on the skills assessing authority for trades, Trades Recognition Australia (TRA).

## **2. Employer Nomination Scheme**

The Employer Nomination Scheme (ENS) allows employers to nominate prospective employees for a permanent visa. Prior to 2 April 2005, skills assessment had a limited role in applications for ENS visas – if there were doubts about skill level, skills assessments could be requested at the discretion of DIMIA and the applicant needed to hold any required registration for the occupation (eg medical practitioners or allied health professionals).

Significant changes were introduced on 2 April 2005. The employee must now be nominated to work in an occupation on a list gazetted by DIMIA known as the ENSOL. The ENSOL is a subset of groups 1 to 4 of ASCO, and is broader than the Skilled Occupations List. For onshore applications for ENS visas, the applicant must establish a level of skill in accordance with one of three skills options:

- Skills assessment plus at least 3 years of work experience in the occupation
- Salary of at least A\$151,500
- Worked in Australia on a long stay business visa (or similar) for the last 2 years, and with the nominating employer for at least the last 12 months

The level of skill must be established at the time of application, so skills assessments generally need to be provided prior to lodgment of the ENS visa application.

In many cases, the ENS changes of 2 April 2005 make it easier for applicants who have worked in Australia for some time. However, other applicants will find it more difficult to qualify for an ENS visa for the following reasons:

- Unless the occupation is on the ENSOL, it will be impossible for the applicant to be granted an ENS visa. In many circumstances, employers do have genuine difficulties in filling a highly skilled position which does not happen to be on the ENSOL.
- Many of the occupations on the ENSOL are assessed by VETASSESS. In order to get a positive skills assessment, applicants must have formal qualifications at a bachelor or diploma level. The content of the course and any work experience is not relevant in the VETASSESS skills assessment and this causes some issues – for further discussion see below.
- It is not possible to change skill options after lodgment of the application – for instance it is not possible to apply on the basis that you have worked in Australia for the last 2 years, then supply a skills assessment at a later date if there are problems with establishing the required work experience. As the skills assessment is required at the date of lodgment of the ENS application, DIMIA would need to refuse the application if the skills assessment is not completed prior to lodgment.

### **3. Business Long Stay**

Employers can sponsor employees for a temporary subclass 457 business long stay visa that can last up to 4 years. The employee must be working in an occupation, which is on the gazetted list of occupations for this visa subclass – this list is similar to the ENSOL, and is slightly broader.

Generally, a formal skills assessment is not required for 457 visas. Instead, applicants must establish a level of skill as specified by the relevant ASCO definition. In general, an applicant can either show that they possess a certain level of qualification or a certain amount of work experience. A skills assessment may be requested at the discretion of the DIMIA processing officer if there is some question about the level of skill of the applicant. Registration may be required in certain circumstances, but in general skills assessment is not required unless the DIMIA processing officer has concerns about the level of skill of an applicant.

## **PURPOSE OF SKILLS ASSESSMENT**

The purpose of skills assessment should be to ensure that the overall objectives of the skilled program are met in terms of economic benefit to Australia. Skills assessments should ensure that the applicant has the appropriate skills to find employment in Australia and make an economic contribution.

Where the applicant has a job offer already (ie ENS applications), skills assessment performs a secondary function to support the integrity of the program – to ensure that the employee sponsored does genuinely have the skills to fill the position and that the position has not been created for the sole purpose of obtaining a permanent visa.

There is also a consumer protection element to the skills assessment process – it is clear that we should restrict migration for applicants in certain occupations to those who have equivalent training and expertise to Australian practitioners. This is most clearly the case where incompetence can result in serious harm to the community - occupations such as medical practitioners, allied health professionals and pilots.



## METHODS OF SKILLS ASSESSMENT

There are a number of elements, which could be considered relevant in skills assessment:

- **Registration or Licensing:** Where registration or licensing is required to work in the occupation in Australia, the skills assessing authorities will often require that the applicant is licensed or registered prior to issuing a skills assessment. This method is common for medical practitioners and allied health professionals, but also apply for lawyers and nurses.
- **Membership of Recognised Associations:** This method of skills assessment is common for accountants and medical practitioners.
- **Formal Qualifications:** There are 4 broad approaches followed in using formal qualifications for skills assessment:
  - **Australian Qualifications:** Assessing authorities in general readily recognise Australian qualifications.
  - **Accredited or Recognised Overseas Qualifications:** Generally, the recognised qualifications are heavily weighted to qualifications issued in the UK, NZ, Ireland, Canada, USA and South Africa.
  - **Equivalence to Australian Qualification in the Occupation:** Other authorities do not provide a list of accredited qualifications, but instead will assess whether the qualification is comparable to an Australian degree or diploma (relying on Country Education Profiles or referral to NOOSR), and assess whether there is sufficient coverage of the topic area to be comparable to an Australian qualification.
  - **Equivalence to Australian Qualification:** VETASSESS does not look at the relevance of the qualification or the work experience in the occupation in issuing skills assessments. They simply ask the question whether the qualification is comparable to an Australian bachelor degree, diploma or certificate IV.
- **Work Experience:** Many authorities specify a minimum amount of relevant work experience the applicant must have, in lieu of or in combination with formal qualifications. Some skills assessing authorities allow skills assessment in 60-point occupations through "Recognition of Prior Learning" where an applicant has significant work experience, but no formal qualifications. A minimum level of work experience is also required by DIMIA for General Skilled Migration and ENS visas.
- **Competency Testing:** Where qualifications are not immediately recognised in allied health professions, it is very common for skills assessing authorities to require applicants to complete formal testing, which can involve both written tests and practical tests. Frequently, the practical testing must be conducted in Australia, and a period of supervised practice in Australia is required in some cases. However, for most other occupations, competency testing is not available as an option for skills assessment.
- **English Language Ability:** Some authorities require the applicant to have a minimum level of English before issuing a skills assessment. For native English

speakers from the UK, NZ, Ireland, Canada and the USA, English testing is waived. Otherwise, applicants will generally be requested to sit for the IELTS or the OET tests. In addition, DIMIA requires a minimum level of English for General Skilled Migration and ENS applicants. In the case of ENS applicants, this requirement can be waived, but there is no such provision for General Skilled Migration applicants

## REVIEW OF SKILLS ASSESSING AUTHORITIES

The MIA has sought feedback from its members on issues they have experienced with skills assessing authorities. Our submission team has also collected information on the following details for the various assessing authorities:

- Cost of skills assessment
- Time taken for assessment
- Methods of assessment
- Availability of application materials online
- Availability of policy materials online
- Review process
- Any general comments from members in dealing with the authorities.

We have also rated the authorities on these aspects. The better authorities provide clear documentation on the policies used in the skills assessment process, are responsive to requests for information and assistance with specific cases and undertake the process quickly.

The lower rating authorities are less approachable, do not give clear reasons for decisions, lack independent review processes, take a long time to reach a decision, and make decisions which do not seem to be consistent across the caseload. Some authorities require a highly expensive and time consuming examination process for applicants whose qualifications are not immediately recognised.

The table below gives a feeling for the number of occupations assessed by each assessing authority, broken down into the Skilled Occupations List, Migration Occupations in Demand List and the ENS List:

	Occupations	SOL		MODL		ENS	
		No.	Perc	No.	Perc	No.	Perc.
VETASSESS	Various	153	38%		0%	201	44%
TRA	Trades	152	38%	27	48%	169	37%
IEAust	Engineers	25	6%	1	2%	24	5%
AMC	Doctors	13	3%	13	23%		0%
ANMC	Nurses	5	1%	3	5%	8	2%
ACS	IT Professionals	8	2%		0%	8	2%
AIR	Radiologists	3	1%	3	5%	3	1%
CPAA/ICAA/NIA	Accountants	4	1%	1	2%	4	1%
AIM	Managers	4	1%		0%	4	1%
Other allied health		18	4%	8	14%	18	4%
Other		20	5%		0%	19	4%
Total		405	100%	56	100%	458	100%

In terms of skills assessment methodology, we note that the vast majority of skills assessing authorities require applicants to possess formal qualifications. The only skills assessing authorities that will accept work experience in lieu of formal qualifications are TRA and the ACS. There are no skills assessment authorities that will accept a competency based assessment in lieu of formal qualifications.

Whilst formal qualifications are more readily verifiable than work experience or competency, we question whether these arrangements exclude candidates who would in fact be highly skilled in their occupation and readily employable in Australia.

We provide detailed comments on 4 of the assessing authorities handling a large number of occupations on these lists:

- TRA: Trades Recognition Australia
- VETASSESS
- AMC: Australian Medical Council
- IEAust: Institute of Engineers Australia
- ACS: Australian Computer Society

Body	Occupations	Criteria*	English	Offshore Quals			Onshore Quals			Appeal	Exam		Online info		MIA Member Comments	Rating ***
				List**	Cost	Time (weeks)	List	Cost	Time (weeks)		Avail	Cost	Form	Policy		
VETASSESS	Various	Q	N	N	350	6	N	290	6	Y	N		Good	Good	Very responsive; efficient process; Online lodgment system does not work for agents	5
IEAUST	Engineers	Q + CDR	GT 6	N	250/ 450	6	Y	100/ 450	6	Y	N		Good	Good	Very responsive; fair and reasonable; clear application process	5
AASW	Social Workers	Q	N	Y	600	4	Y	260	4	Y	N		Good	Good	Good responsiveness; excellent policy info	4.5
ANMC	Nurses	Q/Q+E	AC 7/OET	N	580	3	N	580	3	Y	Y		Good	Good	Good to work with	4.5
ICAA	Accountants	Q/M	N	N	350	15	Y	350	3	Y	N		Good	Good	Good to work with	4
AIQS	Quantity Surveyors	Q/M	N	Y	250	3	Y	250	3	N	N		Good	Good		4
ISA	Surveyors	Q + W	N	N	300	4	Y	300	4	Y	N		Good	Good		4
AIWCW	Welfare Workers	Q/Q+W	N	N	500	8	Y	200	8	Y	N		Good	Good		4
APS	Psychologists	Q	N	N	636	8	N	636	8	Y	N		Good	Good		4
NAATI	Translators & Interpreters	Q/E	N	N	66	6	Y	75	6	Y	Y	364/ 391	Good	Good		3.5
CASA	Pilots	R	Oral	N	0	3	N	0	3	N	Y	2000	Confusing	Yes	Very responsive and easy to deal with	3.5
AIMS	Medical Scientists	Q/Q+W+E	N	N	300	6	Y	300	6	Y	Y	300	Good	Good		3.5
AMSA	Mariners	Q	Oral	N	185	2	Y	185	2	Y	N		Good	Confusing	Difficult to understand criteria	3
SPAA	Speech Pathologists	Q + W	OET	N	350	12	Y	350	12	Y	N		Good	Good		3
NOOSR	Teachers	Q	AC 7/OET	N	300	12	N	300	12	Y	N		Good	Good	Slow processing; difficult to get in contact with; poor admin processes	2.5
DAA	Dieticians	Q/Q+E	AC 7/OET	N	650	6	Y	100	6	Y	Y	1400	Good	Good		2.5
COTRB	Occupational Therapists	Q + E	AC 7/OET	No	500	12	Y	500	12	Y	Y	200	Good	Good		2.5
AIR	Radiologists	Q	AC 7/OET	Y	700	16	N	700	16	Y	N		Good	Good		2.5

Body	Occupations	Criteria*	English	Offshore Quals			Onshore Quals			Appeal	Exam		Online info		MIA Member Comments	Rating
				List**	Cost	Time (weeks)	List	Cost	Time (weeks)		Avail	Cost	Form	Policy		
CPAA	Accountants	Q	N	N	350	6	N	350	6	Y	N		Good	Good	Do not accept exemptions; more difficult than other accounting bodies	2
NIA	Accountants	Q	N	N	350	6	N	350	6	Y	N		Good	Good	Good processing times; can be difficult to contact	2
AVBC	Veterinarians	Q/Q+E	AC 7/OET	N	220	6	Y	220	6	Y	Y		Good	No		2
ACS	IT Professionals	Q/Q+W /M+W/ W+ CDR	N	N	350/ 400	10	Y	100/ 400	10	Y	N		Good	Good	Unrealistic work experience requirements; inflexible in considering evidence of work experience	1.5
AIM	Managers	W	N	N	350	8	N	350	8	Y	N		Good	Good	Very difficult to meet standard	1.5
ACOPRA	Physiotherapists	Q/Q+E	AC 7/OET	N	495	12	Y	55	4	N	Y	2860	Good	Good	Expensive exam process	1.5
APC	Podiatrists	Q/Q+E	OET	Y	650	24	N	650	24	N	Y	2100	Good	Good	Expensive exam process	1
APEC	Pharmacists	Q/Q+E	AC 7/OET	N	350	50	Y	350	50	Y	Y	3160	Good	Confusing	Lengthy exam process and supervised practice in Australia	1
SCORB	Chiropractors	Q + R/Q + E	OET	N	250		N	250		Y	Y	1500	Good	Multiple sites	Complex; lengthy exam process	1
OCANZ	Optometrists	Q + W	AC 7/OET	Y	350	4	Y	350	4	Y	Y	5000	Good	Good	Very expensive exam process	1
ADC	Dentists	Q/Q+E	OET	N	415	4	Y		4	Y	Y	5310	Good	No	Very expensive exam process	1
AMC/State/Territory Medical Boards	Medical Practitioners	Q +E	AC 7/OET	N	100/ 250	6	Y	100/ 250	6	N	Y	3300	Good	Confusing	Relationship between medical colleges, state medical boards and AMC is difficult to follow	1
SLAA	Legal Practitioners	Q + R	N	N	varies	varies	N	varies	varies	Y	N		Good	Multiple sites	Generally requires attending admission ceremony in Australia	0.5
TRA	Tradespersons	Q + W/W	N	N	300	24/ 12	N	300/ 500	24	Y	N		Good	Good	Slow processing time; inconsistent decisions; poor reasons; difficult to contact; will not request additional material	0.5
AACA	Architects	Q	N	N	1050	15	Y	550	4	Y	N		Good	Good	Slow processing; no reasons; inconsistent decisions; poor communication	0.5

## **AUSTRALIAN MEDICAL COUNCIL (AMC)**

### **1. The Agency**

Australian Medical Council (AMC) has the responsibility of assessing overseas qualification of medical practitioners. AMC's primary method of assessment is conducting examination of applicants, both in academic and clinical aspects.

Like IEA, AMC has developed a comprehensive website that guides the applicants through the procedure step by step. Assessment fees are significantly higher than other agencies. There is a \$100 preliminary fee, \$1350 for academic tests and \$1850 for clinical examination, in order to obtain complete assessment. The date for each examination is set out in the beginning of the year and the results are usually available within 4 weeks.

AMC requires English language competence at level 7 of IELTS.

### **2. Assessment policy**

AMC's assessment is based on the Australian medical schools' program of training and education. The agency has published guide books for both sections of the examination which could be purchased by the candidates. AMC website also contains a list of other sources that it recommends to be used in order to prepare for the examinations.

Once a candidate passes the first exam, they would be eligible to take the clinical or practical exam in accordance with AMC's timetable. Those who fail the first test will have to re-sit the test. There is no review policy in place.

### **3. Access**

AMC's office in Canberra is open to public during office hours, in person or by telephone. Agents report no difficulties in contacting the AMC staff or in obtaining guidance and advice from them.

### **4. Comments/Recommendations**

The AMC's role as assessing authority is somewhat divorced from the practical necessities that should be met by the off-shore migration applicants. Since all AMC's examinations take place in Australia only, the applicants need to obtain a visa to enter Australia to take the exams. These visas are characteristically short term and allow stays of up to 3 months.

There is commonly a gap of up to 12 months between the academic and the practical exams. Off-shore applicants should not be expected to return home after the first exam and travel back to Australia in a few months for the practical examination. DIMIA needs to devise a practicable system for this group of applicants whereby they are allowed to stay in Australia until they complete their exams, with safety mechanisms in place to prevent overstays and risks. For example, such applicants could assist in emergency rooms or do on-the-job training in the interim.

The employer-sponsored subclass 457 visa is open to this group to extend their stay while waiting for the practical examination to take place. However, the limited number of employers - generally the emergency rooms of public hospitals, who are willing to provide such sponsorship to individuals, give priority to Australian citizens and residents, and off-shore applicants would have little chance of obtaining sponsorship in these circumstances. As a consequence, many potential applicants are discouraged from

obtaining skills assessment because they would have to sacrifice a whole year waiting for entry visas.



## **AUSTRALIAN COMPUTER SOCIETY (ACS)**

### **1. The Agency**

Australian Computer Society (ACS) provides skills assessments for IT professionals. ACS' primary method of assessment is to look at qualifications and work experience.

ACS has developed a comprehensive website that guides the applicants through the procedure step by step. The application forms and full policy document are available on the website. Assessment fees for skills assessment is \$350.00 and Recognition of Prior Learning (RPL) \$400.00. If applicants would like to appeal a decision this is a refundable amount of \$300.00. The fee for re-assessment is \$100.00

### **2. Assessment policy**

To qualify for skills assessment as an IT professional you must meet the criteria of one of the following groups:

#### *Group A*

- 4 years work experience in IT; and
- Bachelor degree with major in IT; or
- Full membership of ACS, British Computer Society, or NZ Computer Society

#### *Group B*

- Diploma in IT (including MCSE, MCSD, CNE, CLP); or
- Bachelor degree or higher with minor in IT; and
- 6 years of work experience in IT

#### *Group C*

- Australian Bachelor degree or higher with a major in IT, completed within 6 months of application.

#### *Recognition of Prior Learning (RPL)*

- 8 years work experience in IT with on the job training equivalent to a Diploma in IT

In other words, formal qualifications in IT must generally be accompanied with significant work experience in IT. A number of members have expressed concern over the amount of work experience required to qualify for assessment – for example, a highly qualified IT professional with a Masters or PhD in IT might be highly employable depending on the specialisation.

We note that there are many applicants who have an overseas degree in computer science who can apply for skills assessment as an engineer under the Washington Accord – such applicants do not need to provide any evidence of work experience.

### **3. Access**

ACS's office in Sydney is open to public during office hours, in person or by telephone from 9:30 AM to 1:00 PM on weekdays.

Applicants receive a confirmation of receipt for their application within 1 business day of lodgment. The ACS also provides an online service whereby applicants can check the progress of their application. Both of these are welcome developments which could be emulated by other skills assessing authorities.

If applications are found to be incomplete, ACS advise applicants to provide additional information to support their application via email.

Agents report some difficulties in dealing with ACS staff – there are some reports that case officers can be inflexible or unresponsive.

#### **4. Comments/Recommendations**

Members have expressed concerns that the skills assessment criteria for recent graduates are too easily met, whereas the work experience requirements for holders of overseas qualifications are excessive.

The result of this is that a large number of international students have obtained skilled visas but who do not have the required skills to work in IT in Australia. At the same time, highly skilled and employable applicants with overseas qualifications can be excluded because they are unable to satisfy work experience requirements. Given that some specialisations are more in demand than others in the IT industry, DIMIA may consider using the MODL to more effectively target the skills which are in short supply in Australia.

Members also report difficulty providing the documentation required to establishing the required work experience. Many IT companies, particularly dot com companies, cease trading and it is difficult to obtain a reference on letterhead to establish work experience. The ACS will generally disregard work experience if it is not provided in this format.

## **INSTITUTE OF ENGINEERS AUSTRALIA (IEAUST)**

### **1. The Agency**

The Institute of Engineers Australia (IEAust) has received the most complimentary comments from the agents. To its credit, IEAust has the most comprehensive and transparent assessment procedure in place, and its website in relation to pre-migration qualification assessment is excellent with all relevant policy documents and application materials readily available. There is a comprehensive and step by step guideline on the website, including examples of how the applicants are expected to prepare their submissions both in form and in substance. There is also a complete set of materials for self-assessment, which plays an important role in demonstrating to the applicants the level of expectation they have to meet.

IEAust charges \$450 for assessing overseas qualifications on the basis of competency demonstration (CDR) and \$250 for skills assessments under the Washington or Sydney Accord. Assessments may take between 2 to 4 months.

### **2. Assessment Policy**

IEAust assesses engineering qualifications at three levels:

- *Washington Accord – Professional Engineers*: where the applicant has a bachelor degree recognised by the Engineering Peak Body in the UK, Ireland, South Africa, USA, Hong Kong, New Zealand or Canada
- *Sydney Accord – Engineering Technologists*: where the applicant has a diploma-level qualification recognised by the Engineering Peak Body in the Ireland, UK, Canada, South Africa, Hong Kong, Australia and New Zealand
- *Competency Demonstration Report*: requires applicants to provide 3 career episodes of about 1,000 words which show that they have competency in the main core engineering areas

The agency requires English language competency at level 6 of IELTS.

There is no minimum period of work experience required by IEAust, but a Competency Demonstration Report would be impossible to do without employment in an engineering field, and work references and a CV should be submitted on application.

### **3. Assessment Results & Feedback**

IEAust has a policy of notifying the applicants or the agents of incomplete or defective submissions, and of seeking clarification or additional information. Agents have experienced no difficulties in reaching the assessing officers by telephone and obtaining guidance from them.

Results are advised in writing, and there is provision for a review.

### **4. Comments**

IEAust is a very good example of a transparent system of qualification assessment and other agencies would do well to implement similar systems.

## **TRADES RECOGNITION AUSTRALIA (TRA)**

### **1. The Agency**

TRA is responsible for assessing a very large number of occupations, and almost 50% of the occupations on the MODL. TRA receives approximately 950 applications per month. In recent months this figure has increased to 1500 and in view of the government's recent decision to increase skilled migration intake, it is expected that the upward trend will continue.

TRA has branch offices in Sydney, Melbourne and Brisbane. Assessment of overseas qualifications however, is dealt with at Canberra office only.

A recent meeting with TRA management revealed that they felt they were both overloaded and understaffed. This is of obvious concern given the additional workload that they will be allocated an unmanageable caseload given their current operating conditions.

### **2. Assessment Policy**

TRA provides policy guidelines as to its method of assessment on its website as follows:

- Australia Certificate III plus 900 hours of relevant experience in Australia; or
- Formal apprenticeship in the trade and 4 years relevant experience (1 additional year for electrical trades)
- Vocational qualification plus 5 years relevant experience (1 additional year for electrical trades)
- 6 years of relevant experience, plus an identifiable transition in skill (1 additional year for electrical trades)

Competency-based Trade Testing is only rarely utilised as a method of skills assessment by the TRA.

### **3. Assessment Results & Feedback**

Agents have experienced that assessment of identical applications could produce different results. Agents have also experienced receiving negative assessments for applicants who had proven competence and have been successfully working in their trade field for extensive periods in Australia or overseas. A few examples of negative results are:

- An auto mechanic who has been supervising a major national authorised car repair shop for over 11 years, while TRA only requires 6-7 years experience;
- A holder of certificate IV in Graphic Pre-Press tradesperson from Australia, while another application of an identical nature was granted positive assessment;
- A holder of certificate IV of Film & TV Production from JMC Academy and Master of Design Science from University of Sydney, while three fellow graduates received a positive assessment. No reason for refusal was provided;
- An electrician with 21 years of experience in various countries;
- A carpenter who had been successfully operating a business in the field for several year overseas and in Australia for 6 years;
- A applicant holding a Certificate III in Horticulture was refused because the line 'has successfully completed all course requirements' was not evident, despite clearly passing all subjects for the course. Additional information for review was not accepted;

- A cook with in excess of 14 years experience, three of which were in Australia on a subclass 457 visa, was refused three times despite the member speaking in length with assessing officers to ensure that they were submitting the correct documents.

TRA has implemented a policy whereby they will not request additional documentation or engage in any substantive communication with applicants after lodgment. As far as we are aware, all other skills assessing authorities will request necessary additional information.

The most frequent cause of refusal is inadequate employer references. The level of detail requested in references for TRA is significantly higher than for other skills assessing authorities, and must include both the position title and dates of employment as well as a highly detailed listing of tasks and duties, tools used and items which are worked on. Work experience must be in the trade, rather than in a supervisory capacity. This can cause difficulty where an applicant has shown a high level of skill in the trade and has progressed rapidly to a supervisory or management position.

TRA advises the assessment results by letters. Negative assessments contain a form with a generic series of reasons and it is left to the applicant and their agent to determine which of those reasons may or may not be applicable to their application.

TRA management advised us that they reject approximately 2.5% of the applications. Feedback from agents portray a different picture and places that estimate at a much higher rate, some suggest closer to 50%. Given that a significant number of applicants, particularly from overseas, submit their assessment applications directly to TRA, it is difficult to make a realistic estimate of the rejected applications.

#### **4. Review**

Negative assessment advice letters offer the applicants the option of filing a review application for an additional \$300 fee if they are not satisfied with the assessment results. Review of applications however, are confined to the existing documents and no additional clarifications or evidence would be considered. Review applications are assessed in consultation with the primary decision maker.

TRA advised us that it would be rare for a primary decision to be varied at review. There is a perception that the review process may not be as independent as it should be.

#### **5. Access to TRA**

TRA is accessible via phone from 2 PM to 4 PM on Mondays, Wednesdays and Fridays. Members have reported difficulties in contacting even during these times, and it is not uncommon to wait for up to 30 minutes on hold.

#### **6. Comments/Recommendations**

As migration professionals, our members most important duty to a new client and to the MARA is to make a preliminary determination of their chances of success before advising them to go ahead with their applications. The agents are of collective view that in relation to TRA, it is impossible to make such determination with any certainty or probability.

The most significant issues are the difficulty of communicating with the TRA, lack of detail in reasons for decisions and inconsistency of results.

## **VETASSESS**

### **1. The Agency**

VETASSESS also received a high number of complimentary comments from the agents. VETASSESS has a highly comprehensive and transparent assessment procedure in place, and its website is also highly user-friendly, with on-line lodgement a recently added feature.

VETASSESS perform both qualifications assessments and also competency based assessments. In addition to this, they also offer consulting services, tests and examinations for police and nursing, publishing section and also all on-line services.

### **Fees**

Australian qualifications are assessed for a fee of \$319.00 (incl. GST) and overseas qualifications for a fee of \$385.00 (incl. GST). An assessment from VETASSESS will take approximately 30 working days (or six weeks).

### **2. Assessment Policy**

VETASSESS compares applicants' qualifications with NOOSR's guidelines to determine if they are comparable to Australian qualifications. If the assessor suspects that there is any integrity issue with the application, they may seek further evidence.

If an application is found to be non-genuine, DIMIA would be provided with all details of the applicant in question to ensure that character issues are addressed. They also report to DIMIA agents who lodge a number of these types of applications and they go on an integrity watch list.

### **3. Assessment Results & Feedback**

VETASSESS has a policy of notifying the applicants or the agents of incomplete or defective submissions, and of seeking clarification or additional information. This can happen at many stages through the application process.

Members report few difficulties in reaching the assessing officers by telephone and obtaining guidance from them.

Results are advised in writing, and there is provision for a review.

### **4. Refusals**

If the assessor feels that the application does not meet NOOSR guidelines, then they will refuse the application. The refused application is then given to a verifying assessor to review the application. If the refusal is confirmed, a second verifier will examine the application and if the third assessment is varied, the three assessors will discuss the application and make a final determination. If the third assessor confirms the refusal the application will be refused.

VETASSESS will charge a fee of \$209.00 (in Aus and \$190.00 out of Aus) to review the refused application. VETASSESS will accept additional documents for the re-assessment.

### **5. Comments**

VETASSESS too, is an excellent example of a transparent system of qualification assessment and other agencies would do well to implement a similar method.

## **RECOMMENDATIONS**

### **1. Review of Operations of TRA**

By far the most common concern of our members is in relation to skills assessment by the TRA – some 85% of our members providing feedback for this submission have expressed dissatisfaction with the outcomes provided by TRA. A general comment is that TRA's focus seems to be on providing expedient outcomes, rather than carefully considered outcomes. Given that many of the skills in critical short supply in Australia are trade skills, it is critical that trades assessment is fair and thorough. The TRA has reduced the processing fee in recent times and will reduce the fee further in the future but this has been at the detriment of successful applications and relationship with applicants and external Agents. Applicants might prefer a higher fee with a corresponding higher quality of services and outcomes from the TRA.

Main concerns expressed by our members are as follows:

- Lack of clear guidelines for assessments
- Lengthy processing times
- Lack of clearly expressed reasons for decisions
- Lack of independent review mechanism for decisions – perception that very few reviews are successful and further documentation will not be accepted by TRA
- Poor access to TRA staff during processing
- Not requesting further documentation during processing
- Inconsistency of outcomes – applicants completing identical courses have received different outcomes
- Lack of responsiveness when such issues are raised with management

The MIA would like to see the above matters addressed by TRA.

There is considerable concern in the community of agents regarding the introduction of the requirement that international students completing a certificate III in Australia must complete 900 hours of relevant trade work experience in Australia as of 1 July 2005. International students can only work for 20 hours per week, so this represents 12 months of employment in Australia. Given that the courses applicants are doing are very time intensive to start with, requiring work experience as well places a significant burden on students. In addition, relevant part-time work in the field of study is difficult to find and pay rates are very low.

Some members have suggested the following alternatives to the current TRA process:

- Increasing access to trade testing as a truer measure of competence in the trade
- Involving TAFEs in the skills assessment process

### **2. Review of Skills Assessment for VETASSESS Occupations**

For general skilled migration, Regulation 2.26A(4) currently constrains skills assessing authorities from providing a positive skills assessment for 40- and 50- point occupations unless the applicant has a formal qualification at a diploma or degree level.

Many of our members have expressed frustration at the requirement for formal qualifications for VETASSESS occupations as it prevents applicants with many years of relevant work experience in certain occupations from obtaining a positive skill assessment. These highly skilled applicants are excluded entirely from the general skilled migration stream, and from 2 April 2005 are highly constrained in their ability to apply for an ENS visa.

On the other hand, the fact that VETASSESS does not consider the work experience or even the relevance of the qualification for skills assessment represents a significant integrity issue for both ENS and General Skilled Migration streams. For example, it is possible for any person with a qualification comparable to an Australian bachelor degree to qualify for skills assessment as a Child Care Co-Ordinator, even if they have no prior work experience in this occupation or have not covered a single relevant subject in their course. On the other hand, most qualifications leading into the child care industry are at the diploma or certificate level and a person with less than a bachelor degree, even if they have a highly relevant qualification and considerable work experience, is locked out of the General Skilled and ENS streams.

In terms of the operations of VETASSESS, many of our members have expressed their satisfaction with the level of professionalism and efficiency of VETASSESS operations.

The MIA suggests that Regulation 2.26A(4) be modified and that an option for competency based assessment be introduced for VETASSESS occupations. The competency based assessment could either be provided by alternative skills assessing authorities (eg professional bodies for the relevant occupation) or through Registered Training Organisations.

### **3. Country Education Profiles**

Country Education Profiles are booklets produced by NOOSR and are the basis for determining whether overseas qualifications are comparable to Australian qualifications. Unfortunately, many of the country education profiles are badly out of date – for example, the latest country education profile for the UK is from 1992. The UK is one of the main sources of skilled migrants, and the UK higher qualification system has undergone significant change since 1992. Accordingly, the UK country education profile is hopelessly inadequate.

Much of the Country Education Profile is taken up with a detailed review of the relevant country's education system, starting with primary education. Most of this is not relevant for the purpose of determining the equivalence of qualifications and only the last few pages are commonly referred to by practitioners.

The MIA would recommend more frequent country education profile updates. NOOSR should focus more effectively on updating the important information on what qualifications translate across to the Australian equivalents. Ideally, this information would be either publicly accessible or accessible via subscription on the internet so that the latest information is available.

### **4. Review of Requirements for IT Professionals**

Our members have expressed concerns about the excessive amount of work experience required to qualify for skills assessment as an IT professional. In the absence of formal qualifications, applicants must demonstrate 8 years of relevant work experience in IT to qualify for an RPL assessment. As many highly skilled IT professionals develop their skills through private learning and on the job training, many members feel that the bar is set too high and excludes many applicants who would easily find employment in Australia.

On the other hand, there is a perception that many applicants who have completed Australian qualifications in IT are not readily employable in Australia. Anecdotal reports indicate that many international students with no background in IT have completed a masters or graduate diploma in IT, passed skills assessment as an IT professional and



qualified for general skilled migration. However, many of the students are unable to find work in Australia.

In reality, the shortages in the IT marketplace change rapidly and it is frequently the case that there is a surplus of people with expertise in certain areas, but an acute shortage in other areas. One possible way to address this would be to reduce the number of points allocated to IT professional occupations and for DIMIA to work closely with the ACS to put particular specialisations on the Migration Occupations in Demand List.

## **5. Medical Practitioners and Allied Health Professionals**

Medical Practitioners and a number of allied health professions are in short supply in Australia. However, the assessment process for these occupations is difficult to understand, expensive, and often requires a lengthy examination process to be undertaken in Australia. In particular, for the medical practitioners, the state/territory registration boards have been specified as the skills assessment authorities, but there is a complicated relationship between the medical colleges, state/territory registration boards and the AMC with regard to assessment of skills. It is very difficult to understand which qualifications are recognised in Australia, and what the application process should be for each individual.

For the allied health professionals, many of the assessing authorities do not have clear information published on their websites and follow up calls often need to be made to verify the exact requirements. For allied health professionals, it is common for each state to have legislation on the registration for the profession, and applicants often need to refer to this legislation to confirm requirements for registration. There are often inconsistencies between the states in terms of requirements for registration, which can occasionally act as a “loophole” for registration due to mutual recognition between states.

If qualifications are not immediately recognised, then for this group of occupations the applicant will be required to undergo an examination process, which often requires attendance in person in Australia. The cost of the process is often very high – for Optometrists and Dentists, the total examination cost is in excess of \$5,000.

The other issue of concern is the issue of temporary entry visa for the applicants to undertake the AMC’s required examinations. The entry visas are generally for 3 months, but the two examinations are commonly 12 month apart. Given the visa application fees, travel costs, and other costs involved, this lack of a coordinated approach to the assessment process of this profession renders the whole exercise close to impossible to embark on.

There is a perception that the skills assessing authorities are being overly protective of the occupation and are setting very high bars to prevent overseas-trained professionals from entering their industries. If Australia is serious about meeting shortages in these areas, we must streamline the process of qualified applicants. Examples could be provision of accredited conversion courses which will provide incentives for international students to study in these occupations.