



Australian Government

Department of Immigration and Citizenship

2008-09 Migration Program Changes Frequently Asked Questions

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Skilled Migration

Q1 What changes have been announced for the Skilled Migration program?

The changes announced to the skilled migration program by the Minister for Immigration and Citizenship are:

- a new section 499 ministerial direction on priority processing
- the introduction of a critical skills list (CSL)
- greater scope for state and territory governments to meet critical skills shortages in their jurisdiction.

Q2 Which applicants will receive priority processing?

The new priority processing Direction gives priority to applicants with employer sponsorship, state or territory nomination and those skilled migration applicants with an occupation on the CSL.

Q3 When will these changes be introduced?

These changes came into effect on from 1 January 2009.

Q4 Why have these changes been introduced?

In the 2008 Budget, the skill stream of the migration program for 2008-09 was significantly increased to 133 500 places as part of the Government's strategy to counter the risk of increased inflation due to pressure on the growth of wages. However, since the 2008 Budget, there has been a significant change in Australia's economic circumstances as a result of the recent global financial crisis.

This crisis has weakened the Australian economy, as reflected in the recent Mid Year Economic and Fiscal Outlook (MYEFO) forecasts. In response to these changes in circumstances, the minister has announced a more targeted approach to the 2008-09 skilled migration program. This announcement includes priority processing of employer sponsored, state and regional sponsored and the introduction of a CSL of occupations. People seeking to migrate to Australia who have skills or qualifications in one of the occupations on the CSL will be processed in a higher priority to those applicants who do not. This will include all applications that are on hand at the time of the announcement as well as any applications received in the future.

Q5 Are these changes temporary or permanent?

The skilled migration program is continually reviewed and assessed for its relevance and outcomes in light of the economic and social needs of Australia. The program is modified as these needs change.

Q6 Will the program be capped, either officially or unofficially?

If the processing of priority categories does not consume all of the department's processing resources, there are a number of legislative based tools available to the minister to manage the skilled application pipeline, if necessary, including suspension of processing or capping the number of visas to be issued.

Q7 Is there any difference in processing between onshore and offshore programs?

No, the new priority processing will affect onshore and offshore applications equally.

Q8 What occupations or industries are affected?

Occupations that are not included in the CSL will not be given priority processing unless applicants are sponsored by an employer or sponsored or nominated by a state or territory government.

Q9 An employer has offered me a job in Australia. Will I get priority processing?

The priority processing only applies to those who have an employer willing to sponsor them for migration, not simply a job offer. Applicants who are sponsored by an employer must apply for one of the employer sponsored scheme (ENS) visas.

Q10 An employer has offered to sponsor me. What should I do?

You will need to check your eligibility for an employer sponsored visa. The employer intending to sponsor you must also meet certain requirements.

If you have applied for a GSM visa since 1 September 2007, you may be able to apply for an ENS visa without having to pay a new application visa charge. You will have to complete another visa application form.

If you applied for a GSM visa before 1 September 2007, you may be able to be assessed for an ENS visa without having to lodge a new application or pay a new application charge.

Applications for ENS visas will receive priority processing.

See: [Employer Sponsored Workers](#)

Q11 A State or Territory has agreed to nominate/sponsor me. What do I do?

You will need to provide your nominator/sponsor with your application reference details. Your nominator will then submit a nomination form on your behalf to the department. If the nomination is successful your application will then be eligible for priority processing.

Q12 My occupation is now on the CSL. What should I do?

You do not need to do anything. The department identifies those applications which are now prioritised and will advise you when you are assigned a case officer.

Q13 I am an accountant but only have IELTS 6 and have not completed the Professional Year. How can I receive priority processing?

Only accountants who have a minimum of 7 in each IELTS component or have completed the Professional Year program under the sc485 visa qualify for priority processing under the CSL.

This means that if you want to have your application given priority, you have the option of sitting the IELTS test and gaining a minimum of 7 in each component of the test, which is 'proficient English'.

Once you have received your 'proficient English' IELTS results, you should contact the department on the post-lodgement form to have your visa processed as a priority.

See: [General Skilled Migration Post-Lodgement Enquiry Form](#)

Q14 What is happening to the Migration Occupations in Demand List (MODL)?

There have been no changes to the points allocated for MODL. The MODL will be reviewed as necessary to determine any changes required for its continued use for skilled migration purposes. Under the section 499 direction, General Skilled Migration applicants who nominate an occupation from the MODL will receive priority processing after those applicants who nominate an occupation from the CSL and those applicants sponsored or nominated by a state or territory government.

Q15 When will the review of the MODL be undertaken?

It is expected that the review of the MODL will be undertaken in early 2009.

Q16 What subclasses have been affected by this announcement?

The introduction of the CSL and the changes to the processing priorities will affect applications for most GSM subclasses, including those lodged after 1 January 2009 and those already lodged but not yet granted. Applicants for subclasses 485 and 887 will not be affected by this change.

Q17 How many grants were made in 2007-08 for skills that are now on the CSL?

During program year 2007-08, there were 23 424 grants made to all subclasses for occupations that are now on the CSL.

Q18 Where do agents/clients enquire about specific cases?

In the first instance, agents and clients should refer to the information available on the department's website. This will provide valuable background information on the changes and possible implications.

Where an agent or client's question is not answered by the information available on the website, they can contact the General Skilled Migration line:

- In Australia: 1300 364 613 for the cost of a local call
- Outside Australia: +61 1300 364 613 (charges applicable in your home country will apply).

Q19 What is the feedback mechanism for general queries about the change?

General enquiries about the changes should be referred to the information available on the department's website. Where more specific information is required, clients can contact the General Skilled Migration line:

- In Australia: 1300 364 613 for the cost of a local call
- Outside Australia: +61 1300 364 613 (charges applicable in your home country will apply).

Q20 Has something like this happened before?

In 1997, the department introduced priority processing in the partner migration program. In that instance, applicants sponsored by an Australian citizen with children were given priority.

The MODL is updated periodically, based on DEEWR labour market research, to meet the changing skill shortages in Australia.

Q21 What is the processing priority going to be now?

The new priority processing direction gives priority processing to permanent applications in the following order:

1. employer sponsorship
2. state or territory sponsorship
3. an occupation on the CSL
4. an occupation on the MODL
5. all other applications.

The new priority processing direction gives priority processing to provisional applications in the following order:

1. state or territory sponsorship
2. family sponsorship where the applicant's occupation is listed on the CSL
3. all other applications.

Q22 What will happen to those applications which are in the final stages of processing and where the department has requested applicants to provide health and character clearances?

Those applications which are currently close to being finalised will be finalised by the department, subject to health and character clearances.

Q23 What about applications outside the skill stream?

These measures only affect the skill stream.

See:

[Is your occupation in demand?](#)

[Critical Skills List](#) (40KB PDF file)

State Nomination

Q1 How can states and territories nominate, or sponsor, people?

States and territories can nominate applicants who have an occupation on their skills shortage list and they may also sponsor up to 500 people a year who do not have occupations on their state or territory list. Applicants should approach the relevant state or territory agency directly to enquire about nomination.

Q2 How many people can states and territories bring in under the state and territory skills shortage list?

The number of potential migrants which each state or territory can sponsor from their skills shortage list is unlimited, barring the total skilled migration program's ceiling being reached. However, each state and territory is allocated a quota of 500 off-list nominations per program year from occupations included on the Skilled Occupations List (SOL) but not on the state or territory's skills shortage list. These off-list nominations are in addition to the nominations from their skills shortage list.

Q3 What is the state skills shortage list?

Each state and territory compiles its own skills shortage list. Each state or territory can sponsor potential migrants with skills in an occupation included on their skills shortage list for a General Skilled Migration (GSM) visa. Applicants sponsored by a state or territory government for a permanent visa receive an additional 10 points on the GSM points test.

Q4 Is there any restriction on the types of skills that states and territories can bring in under the state skills shortage list?

The state and territory skills shortage lists identify occupations believed to be in shortage in each jurisdiction. The only limitation is that occupations included on the state skills shortage lists must also be listed on the GSM SOL.

Q5 Can the states and territories bring in people with skills that are not on the CSL?

Yes, states and territories may sponsor applicants who have nominated an occupation which is on the SOL but is not on the CSL. They may use their 500 off-list nominations to sponsor other applicants.

Q6 If I have already lodged an independent skilled application, is there any way to change it to a State Sponsored visa?

If you have lodged a Skilled – Independent (subclass 175) visa or a Skilled – Independent (subclass 885) visa, your visa can be assessed as a State Sponsored visa.

To obtain a state or territory nomination, you should approach the state or territory you would like to live in and request they consider nominating you. Please note that state-sponsored migrants are expected to live for at least two (2) years in the state or territory which sponsors them.

See: [Nomination by State/Territory government](#)

If you are accepted by a state or territory government, they will notify you and lodge the relevant nomination form directly with the department.

You will also need to complete the post-lodgement form to let the department know that you have accepted a nomination and wish to have your application assessed under either the Skilled – Sponsored (subclass 176) visa or a Skilled – Sponsored (subclass 886) visa.

See: [General Skilled Migration Post-Lodgement Enquiry Form](#)

Students

Q1 How will these changes impact on international students?

Australia has a well-deserved reputation for high-quality education and training. We continue to welcome overseas students, and appreciate the contribution they make to both academic life and the communities in which they live. There are no changes being proposed to the student visa program itself. The pathway from a student visa to General Skilled Migration (GSM) also remains in place. However, applying for a student visa and applying for GSM are separate processes. It is important to note that student visas are aimed at achieving an educational outcome. GSM on the other hand is predominantly driven by the labour market needs of Australia.

Q2 I am an international student, can I still apply for permanent residence?

International students who were eligible for permanent residence before these changes will still be eligible for permanent residence.

International students who have graduated from an Australian education provider and meet other necessary requirements will still be eligible to apply for permanent residence under the GSM program. Student visa holders will still need to meet the points test and basic eligibility requirements such as having the required level of English language proficiency and having completed a degree, diploma or trade qualification resulting from at least two academic years of study in Australia. While the requirements for GSM have not changed, Australia continually adjusts and reviews its migration program to ensure it meets changing needs and circumstances. Prospective permanent visa applicants should continue to monitor the website for changes.

Q3 The course I am studying will not allow me to qualify for an occupation on the Critical Skills List (CSL), can I still apply for a permanent residence visa?

These changes do not impact on the application requirements for GSM. The points test and requirements for GSM have not changed. Students studying in courses leading to 50- or 60-point occupations on the Skilled Occupation List (SOL) will still be eligible to apply for GSM. Students with 60-point occupations will also still be eligible for additional points on the points test if that occupation is listed on the Migration Occupations in Demand List (MODL). The SOL and MODL have not changed.

Eligible applicants with occupations not on the CSL will still be able to apply for GSM. However, their visa applications will not be processed as quickly. Those people nominating occupations on the CSL will be given processing priority.

Q4 What visas other than skill stream visas can I access?

International students holding a student visa can continue to apply for other temporary or permanent visas provided that they meet the necessary eligibility criteria.

Q5 The course I am studying will not allow me to qualify for an occupation on the Critical Skills List - Can I enrol in another course?

Students wishing to change course should firstly discuss with their education provider how this can be done. Those students who wish to change to a course in a different education sector may also need to apply for a Student visa of a different subclass and should contact the Department of Immigration and Citizenship (DIAC).

Q6 I am an education provider with students enrolled in a course that will not allow them to qualify for an occupation on the CSL and these students are now withdrawing their enrolment. Is the Government going to compensate me?

No. The Government has not made any changes to international education or student visa policy. There is no reason why a provider cannot continue to offer the same courses. The occupations eligible for GSM have not changed. The changes will only impact on those students who apply for GSM on graduation. The change will mean faster visa processing for applicants with employer sponsorship or who are nominated by a State or Territory Government or who have an occupation on the CSL.

The government changes GSM visa requirements in response to economic conditions and labour market needs. As such, the government makes no guarantees that courses delivered by education providers in response to students seeking a permanent migration outcome will continue to assist them in meeting this goal.

Q7 What further changes are proposed for the student program?

At this time, there are no changes proposed to the student visa program.

Applying for a student visa and applying for GSM are separate processes. GSM requirements may be altered in future in response to changing economic circumstances.

The Government is focused on shifting the outcome of the migration program to a more industry driven model where employer sponsored visas become a significant pathway to permanent residence. Further changes along this direction will potentially be made in the future.

Subclass 457 – Business (Long Stay) visa

Q1 Do these changes affect my 457 application?

No.

Q2 Can I apply for General Skilled Migration while I hold a 457 Visa?

Yes, you can apply for an offshore GSM visa in Australia as a holder of 457 visa as long as you meet the threshold requirements. However, as this is an offshore category visa, you must be outside Australia at the time of grant and you will not be eligible for a bridging visa.