Dear Sir or Madam,

As an existing visa applicant who applied for visa 885 in June 2009, I would like to express my concern about the Migration Amendment (Visa Capping) Bill 2010.

I appreciate the proposed transitional arrangements for international students announced by DIAC in May 2010. Without these generous arrangements, students would face greater uncertainty and would be in predicament.

However, I oppose the Migration Amendment (Visa Capping) Bill 2010 because it is not necessary and may cause great suffering to genuine visa applicants. Furthermore, if the Bill had to be approved, it must not have any retrospective effects.

The existing backlog in the general migration system is not completely out-of-control and can be solved by other measures. As far as I know, there are approximately 147, 000 applications waiting for decisions and many of them are from ‘less unwanted’ applicants such as cooks or hairdressers. The backlog is apparent. However, given the new thresholds of general skilled migration will be raised considerably, it is unlikely to have the ‘hairdressers crisis’ again. And the current ‘capping and ceasing’ clauses should be capable of dealing with any similar problems in future, if any. What is more, the backlog issue can be solved by other ways. I would suggest that DIAC could initiate ‘go-bush’ strategy for applicants in the queue. To be more specific, DIAC

could process existing non-priority applications, if the applicants could agree to live and work in a rural area of Australia for certain periods.

The Bill may cause anguish and onshore applicants would suffer most. It is acknowledged that migration requires great efforts and considerable resources. It is quite common for an applicant to spend 8, 000 dollars and a few months on preparing a valid application. Some offshore applicants may be demoted and even fired, if their intentions are detected by employers. If the Bill were approved, all their efforts would go down the drain.

In particular, onshore applicants would take the greatest hit. Most onshore applicants who are still waiting on bridging visas have been living, studying and working in Australia for many years. In other words, they have contributed to Australia, academically and financially. In addition, many onshore applicants have established close relations with Australian citizens. Therefore, they are already a part of Australia. If the Bill came into effect and applied, certain applicants might be traumatized because they would have no options but to leave with insufferable despair — after years of waiting, they must return home to start their lives from scratch.

If the Bill is deemed necessary and must be approved, it should not be retrospective. Although I know little about law, I do feel that ex post facto laws are against natural right. Genuine applicants applied for visas in good faith. They should not be affected

by any retrospective changes.

All in all, I am against the Bill and I am adamant that the Bill must not come into effect with retrospective clauses if it were approved.

I appreciate the valuable opportunity given by the Parliament to present my opinions about the Migration Amendment (Visa Capping) Bill 2010. I often read articles released by the DIAC media center and I am moved when I read stories about how Australia commits herself to helping refugees. Based on those articles, I can tell the government is compassionate. Therefore, I trust that the government would fairly treat all existing GSM visa applicants under any circumstances as well.

Yours sincerely,

X