

17 June 2010

SUBMISSION TO SENATE COMMITTEE INQUIRY

MIGRATION AMENDMENT (VISA CAPPING) BILL 2010 PROVISIONS

In relation to the above matter and as an Australian citizen who has held senior leadership positions in the NSW Department of Education and Training and the NSW Department of Human Services, I wish to comment on the implications of the Migration Amendment (Visa Capping) Bill 2010 Provisions.

For the past three years my wife and I have provided support to Mr Bo Jiang, a university student from China who studied in Australia at both the University of Western Sydney and The University of New South Wales where he completed Master's Degrees in translation and interpreting.

During that time his parents paid for his education knowing that he wished to pursue a career in Australia. Following advice from Australian officials in China, that as long as he was to meet the requirements of the Australian Government Immigration Policy, he would be eligible to gain a permanent visa to live and work in Australia.

Mr Jiang completed his study in the 2009 calendar year along with the IELTS test of English language proficiency and gained his required police clearance. He submitted his application for a bridging visa in December 2009, while he awaited a permanent visa. He was advised at that time by his agent (in my presence) that he may have to wait for up to two years for a permanent visa, but that he had met all the requirements for his application.

The proposed Migration Amendment (Visa Capping) Bill 2010, now intends to terminate any existing applicants waiting for permanent visas if they fail to be selected for such a visa.

This intended action is extremely unfair to those (including Mr Jiang) who complied with the rules, gained the correct qualifications, applied in time and are now on the waiting list.

Their families have paid extensive costs for their child's education according to the rules at the time and the students have worked hard to be qualified according to the rules at the time. They should therefore be allowed to continue through to permanent residency.

To deny them this opportunity, makes a mockery of fairness that is espoused by the Australian Government. It also sends a message to foreign countries that the rules laid down by the Government can be changed at will and that the Government cannot be trusted.

These students have given up so much in their endeavour to gain permanent residency in this country. They are young people who because of their hard work, enthusiasm and qualifications, are in a position to make a significant contribution to the future of Australia. They need to be given a fair go.

I submit that the proposed new legislation should not apply to any foreign student such as Mr Jiang, who became qualified and submitted an application for a permanent visa and therefore residency by the due date towards the end of last year. A deal is a deal and new arrangements should not therefore be retrospective.

Whilst I understand the Government's desire to ensure that migration to this country is carefully monitored, I implore Senator Evans to ensure that the legislation only applies from the date of the ascendancy of this bill, should it become an Act.