

TO: THE COMMITTEE SECRETARY

Senate Legal and Constitutional Committee

PO Box 6100

Parliament House

Canberra ACT 2600

Australia

Date: 1-6-2010

Dear Sir.

RE: Migration Amendment (Visa Capping) Bill 2010

I am a Migration Agent and I wish to present to you my views and comments on the above mentioned proposed Bill that would enable the Minister to make a legislative instrument to determine the maximum number of visas of a specified class or classes that may be granted in a financial year to visa applicants with specified characteristics, and treat outstanding applications for the capped visa as never having been made is NOT FAIR and EQUITABLE because:

- 1) Applicant who had submitted his/her application have spent long time and money on the application and when payment is made with application acknowledged received by DIAC, and when capping is done, applicant will only be refunded partial payment for the application, i.e. only the DIAC's application fee is refunded excluding all other costs that have been incurred by applicant, e.g. skill assessment fee, agent's fees,

certification fees, translation fees, etc.

2) When an applicant decided to apply for his visa to Australia, he/she has gone through much thought and have given hope to be able to move and settle down in Australia and when his/her application has been accepted by DIAC and payment has been paid, he/her application is suddenly returned with refund without any fault of the applicant! This is against the principle of fair and equitable law!

3) Imagine when an applicant who has submitted his/her application fully knowing that all the criterias for his visa application have been met and complied with and has waited patiently for so long with his/her whole family for his/her application to be processed and approved, suddenly he/she was told that her application is returned and partial refund has been done, what would be his/her including his/her whole family feeling would be? It is like the whole dream came tumbling down just like that without any of their fault!

4) I also come to know that they are some cases since 2006 are still lying pending to be processed and now with this proposed bill, it would not be fair to the applicant and his/her family! To be fair, DIAC should at least finish processing all the past cases first and start capping the new case that come in now on the principle and fair and equitable law/reason.

5) Now all the agents' livinghood are also affected by this new changes. They have done their job and now with this new bill, they will have to face all their disappointed and angry clients not forgetting about their

income and career!

6) All bills proposed must be fair and equitable and must not be retrospective affecting all the applications which have been submitted to DIAC before the new bill to be proposed on capping, i.e. DIAC must process and finalise all past applications before this new bill is implemented and must not punish all applicants who have submitted their valid application.

In SUMMARY, I do hope that proposed bill is not retrospective and must now penalise all applicants who have submitted their applications before the implementation of the capping. The Australian Government must be a responsible to process all applications who have been submitted to DIAC validly and not punish applicants unfairly and unequitably with capping some of the application retrospectively.

I do hope my views and comments will be taken into account by the Legal and Constitutional Affairs Committee for inquiry and report.

Thank you

Yours Sincerely,