

The Committee Secretary,  
Committee on Legal and Constitutional Affairs.

I would like to provide my views on the enquiry.

I would like to submit that if Minister is given authority in the Law to Cap and cancel the skilled migration visa applications, it shall not apply retrospectively. The changes shall only apply to applications lodged on or after the date of the Royal assent.

Applicants who have used their time and money to lodge an application deserve a fair chance to have their applications determined in accordance with the Legislation applicable at the time the application was lodged. They have not only spent money on the DIAC fees. They have also spent money preparing themselves for the applications such as gaining skills, seeking skills assessment, attempting IELTS exams, providing professional fees to their Migration Agents, apply for character clearances and health checks etc.

DIAC has entered into a contractual agreement by accepting the application fees and issuing an acknowledgement letter.

If Minister is seeking authority to apply capping and culling to the applications, it should only be allowed on future applications after applicants being made aware in the new application that this authority may be exercised by the Minister.

Secondly, this provision shall never be allowed to apply for any onshore skilled migration application. Applicants who have applied for onshore skilled migration application have already met certain prerequisites such as employment / study in Australia. Some students have spent a lot towards their expensive college fees and living costs in Australia. I wonder if the current Government would have been in a position to take credit of avoiding Australia going into recession ( GFC ) if International student sector was not around.

Onshore applications shall rather be finalised promptly such as 6 -12 months so the approved applicants can move on with their lives. Applicants who are unable to meet the grant criteria can pursue further avenues in a timely manner.

Capping provisions shall only be allowed to be exercised on future OFFSHORE skilled migration applications if it is so required. However, the affected applicants shall be paid back all their expenses and NOT just the DIAC fees. Moreover, as a matter of fairness, they shall be given priority in lodging / processing of the applications if similar applications are required by the Minister in the next program year.

We shall remember that Migration is a two way process. Australia equally needs skilled migrants as the migrants need Australia.

Let us be fair in our approach and not make the applicants puppets of the Immigration Minister who can make them dance as and when he/she likes. It is not a fair and just practise for any Government to let applicants keep hanging out there.

Thanks for your time to read and consider this submission.