Migration Amendment (Visa Capping) Bill 2010

Quote: “The Migration Amendment (Visa Capping) Bill 2010 (the Bill) seeks to amend the Migration Act 1958 to enable the Minister for Immigration and Citizenship (the Minister) to cap visa grants and terminate visa applications based on the class or classes of applicant applying for the visa.

In particular, the Bill 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.

The proposed amendments are intended to address issues relating to the General Skilled Migration (GSM) visa program.”

I understand these proposed changes will allow DIAC to AXE many 1000s of applications from people who have been waiting patiently for substantial periods of time already. This is in my opinion is totally unfair and does great damage to Australia's international reputation.

Anyone potentially affected by such axing who may have a general skilled migration application with DIAC (475, 487, 175, 176, 885, 886 or 887 visa categories) may suffer a great deal through no fault of their own. This is tantamount to deception and fraud. If the government lured people into a position with the promise of a carrot then withdraw from the agreement, they should offer all those affected with compensation for any losses incurred as a result of the government affectively rescinding the contract.

If the government wishes to change the laws, then those new laws should only take affect from the date of the change and not be retroactive affecting existing visa applicants who may have been waiting many years already at great expense to themselves.

When quotas are met it seems that processing of any future applications will cease and be returned to the applicant. In other words an application will be AXED even if you have been waiting a year, 2 years, 3 years for a decision. This is potentially going to affect many thousands of people who have been waiting.

This is unfair in so many ways and is a very draconian piece of legislation. It eats at the core of Australian fairness for all those people who have sacrificed so much in making sure they meet Australia's requirements, lodged perfectly good applications, and then had to wait patiently whilst their applications and lives have been put on hold an inordinate amount of time.

This is not the fault of the department of immigration (DIAC), they only follow what they are told to do. This legislation is the responsibility of the minister for immigration and ultimately the PM. This legislation is unfair and wrong. The amendment to ‘cap and terminate’ should not be retroactive.

End.