10 June 2010

Migration Amendment (Visa Capping) Bill 2010

Dear Sir or Madam

I wish to make following comments to the proposed bill referred above.

Migrating to another country is neither an instant nor a simple task. Doing so requires the applicants to follow strict immigration rules set by the selected countries and to conduct certain assessment and verification of qualifications. Specifically, in order to meet certain application criteria, some of the applicants may have to take years of training. I am one of them.

Five years ago, inspired by one of the government advertisement campaign, my families and I decided to migrate to Australia. However, according to Australian immigration laws, there would be no points awarded to my foreign education qualifications. Therefore, I decided to take my PhD in Australia in order to gain extra points. In 2005, my family arrived in Australia. Successfully, I completed my PhD in April 2009. My families and I submitted a permanent visa application (sub-class 885) in November 2009 with all required documentations.

Unfortunately, according to recent changes on the immigration regulations (e.g. SOL lists) as well as the proposed amendment in this bill, my application is very likely to be made redundant by the immigration department. The bill was motivated by a large number of applications lodged in to the immigration department. I would, however, argue that this bill should not be passed because the significant delay in application processing was not caused by any individual applicants but was created by Australian government's mismanagement.

Following are some of the examples of the mismanagement: A. focusing on promoting Australian international education, the government failed to improve the point system that is clearly encouraging and rewarding people to take Australian education for their immigration purposes; B. the government failed to update the SOL list that informed the public of a false demand for certain skills in Australian labour market; C. the government failed to keep the public informed about the number of outstanding applications, a failure that suggested the public a false and unrealistic hope of preparing and lodging such applications.

Therefore, the bill should not be passed because the innocent individual applicants cannot take the consequences of mistakes made by the Australian government. In contrast, I would argue that, to fulfil the psychological contract with the public, the government should assess all outstanding applications immediately (longer the time of delay, more unnecessary damage will be caused to the applicants), and approvals should be granted unconditionally to all qualified applicants.

Yours sincerely,