

I refer to the announcement made by the Minister on the 8th February 2010 to invalidate the GSM applications lodged before 1 September 2007 as well to the new bill .

From 1 September 2007 the Migration Regulations were amended and the new changes were made to improve efficiency and effectiveness of the GSM programme. The KEY changes were an increased English threshold requirement for all GSM visas, changes to the recent work experience and changes to the points test system allowing applicants to gain more points for strong English language skills. This was supposed to simplify the GSM visa structure.

After numerous changes in the legislation over the past 3 years, on 8 February 2010 the Minister announced he would set a maximum number of visas that could be granted and once the number is reached the rest of the applications will be returned to the applicants and a refund will be made.

Furthermore, the Minister announced that the main reason for cancelling the said applications is because those people applied under “easier standards” such as lower English language skills and a less rigorous work experience requirement.

Has the Minister considered that there are applicants who fall in the above category although they achieved high marks in the English test examination, higher even than the current requirements and they also met the work experience required after 1 September 2007? There are applicants affected by the changes who if had applied after 1 September 2007 for the same visa category, with the same occupation, would have achieved a higher score (points) because of their English ability for eg... My sister's in law application falls in that category even if she met all the requirements, had a high English score and the required work experience. If she had applied after 1 September 2007, she could have gained more points because of her English results.

Why the Government did not stop in taking new applications after amending the MODL list in 2007?. Priority processing of visas has been created but the Department has continued to receive new applications.

I think the issue has no room for debate. The government should not apply rules retrospectively. It is contrary to the rules of natural justice for the applicants not to be assessed on the principles of legislation, which applied to their application at the time when the application was lodged. To apply new rules retrospectively because of the Department of Immigration mistake or ignorance, without having any right for appeal is a denial of procedural fairness, contrary to the fundamental legislative principles.

These ridiculous decisions made by the Minister gravely affect students, applicants, Australian families, human rights and even Australia's reputation. It is extremely unjust for those who are so close to the end of the migration process after waiting so many years to pay for the Department of Immigration negligence or ignorance to implement effective migration rules. I once was an immigrant, now I am an Australian citizen and I think this is a shame for Australia.