Sirs,

My submission will be a rare one in that it comes from a visa applicant but is in support of the proposed bill. The vast majority of submissions are from concerned applicants stating that the bill itself, and in particular, its retrospective application are unfair. I will address each of these points in turn.

*Unfairness of capping applications* – this is very much a subjective notion and depends upon one's viewpoint. Capping and ceasing applications may seem unfair to an affected applicant but the migration programme is in place to further Australia's interests and as such the 'fairness' of the bill should be focussed on whether it best serves Australia's interests. In this regard, it would seem that the bill is indeed fair as it allows the Minister for Immigration the powers to be more selective in those applications that he chooses to have processed rather than being tied to applications that no longer serve to help meet Australia's skills shortages. Applicants would be well advised to consider a visa application as being akin to an employment application. If one applies for a position in a company, and subsequently it transpires that the position is no longer required, then it would come as no surprise that the job application is unsuccessful. A clear analogy can be made to applications for skilled migration where the skill in question has been removed from the SOL list.

*Retrospective application* – were this bill to be applied retrospectively, then granted residence visas would be revoked. This has never been suggested. The Minister has proposed that he is given the right to investigate whether to process existing applications. These applications are live and hence the application of the bill is in no way retrospective.

As my points have outlined, I support the bill in that it enables Australia to be able to select from its pool of visa applicants those who would add the greatest human capital. I do add a word of caution however, that the bill should be used carefully in reducing the backlog of visa applicants rather than using a 'broad-brush' approach. For instance, it is expected that the bill may be used to cease applications for professions no longer on the SOL list, but for those professions/trades that remain on the SOL list, there is still much room to ensure that the limited number of GSM visas each year are given to the highest quality candidates. For example, rather than capping a whole profession, the Minister could consider capping those with poorer English language skills (being less likely to find gainful employment) or those whose skills assessment was granted based upon only a degree qualification (as opposed to qualified, experienced professionals who are not only more likely to work in the nominated profession, but will be far more likely to find work quickly and add value to the Australian economy). Using a broad brush approach to process applications for a given profession up to a budgeted level and then capping all others risks accepting lower quality candidates at the expense of more qualified applicants.

As a final point, I believe the proposed bill gives an excellent opportunity to reduce the backlog of visa applicants and ensure that the grants are given to the applicants offering

the greatest value to Australia. However, on a prospective basis, the Minister would be well placed to consider raising the eligibility criteria for future applications. Were the Minister to insist upon a higher standard of English, professional qualifications for skilled professions or a greater degree of required work experience for a potential applicant to be able to apply for skilled migration, then the pool of future applicants would be smaller, and more skilled, and the likelihood of a build up an application backlog (such as we see now) would be reduced.