

File reference number:

Main applicant: Roman Churakov

Dependent applicant: Larisa Churakova

Dear Sir or Madam!

I am writing to you in regard to the Visa Capping Bill 2010.

I am waiting for decision on my visa application since 2007. And so are many thousands other applicants.

Together with my spouse, we decided to migrate to Australia early in 2004. Since that time we have been living with this radiant dream, which progressively acquired shape and became our firm goal. We studied all possible materials and found that our way was independent professional immigration. The criteria was not easy for me at the time, and so I began to work hard to become worthy of being Australian permanent resident. I grew steadily as a professional. I worked honestly, and all my spare time I devoted to Australia.

First of all, I worked at my Competency Demonstration Report (CDR), the main thing in my qualification assessment (by Engineers Australia). I worked it through very thoroughly, following every item. The main thing was, that I decided not to include in the report career episodes (the task was to describe 3 career episodes), which I found not major enough; though I suppose they could have satisfied my assessment. I decided to complete really grand projects. And that was the longest thing, because, when I submitted CDR, It was July, 2007. I was proud of myself, because my 3 career episodes were really significant. Yes, I had spent lots of time, but I became professional Software Engineer and felt myself suitable for the role in Australian society. The letter from Engineers Australia enabled me to apply for Visa on 1 September, 2007. At my calculation, I had 10 points over the required level.

Secondly, I learned life and work in Australia, especially, labour market. I estimated, which vacancies I could occupy, which skills were in demand, how long could it take to find the job, and how to do it. We decided with the city. My wife specialised in learning everyday things: housing, nourishment and so on. We accumulated the necessary sum of money. So, this aspect was ready, too.

And, thirdly, we continually improved our English. Even IELTS test was better than necessary. Thus, we devoted ourselves to our current jobs and to Australia only.

All six years.

And continue to do so.

But that was not all. The correctives that I made to my professional and career growth, though optimal for Australia, were not always the best option for the course of life in Russia. For example, proficiency in a certain computer language, technology, or product is very well-paid in Russia and absolutely useless in Australia, because this language, technology, or product is never used. Or career growth in a certain company may turn too much too the administrative line, while I am valuable for Australia as a professional. (I do not deny leadership and capacity to run projects; I mean other administrative issues, which, to some extent, specific for the Russian society and therefore not very useful in Australia.) I swapped such opportunities for my Australian plans. Even all expenditures for execution of documents, application processing and so on, though not small, are insignificant compared to this loss of profit. And here I am, aimed at Australian future, professional, ready, completely suitable and waiting for visa.

Why I am telling you my story. This is not just a complaint or tale of woe. This is an example of a stalwart of Australia, and I am convinced, there are many. There are many applicants like me, who will inevitably be cut off by the Minister, if the Migration Amendment Bill passes. I

understand the effect of the Crisis on Australian economy, and that we are strong competitors for Australian citizens looking for jobs. But since Australia continues to accept immigrants, then it still needs professional and initiative persons.

My point is that applicants, who are already in the queue, deserve better priority, than newcomers, because they proved their loyalty for Australia by changing their destiny, as I described it at my case. They should be given an opportunity to adopt their applications for new demands without losing their priority based on application date (FIFO principle), not telling of losing applications at all.

My suggestions are the following.

- 1) If it is possible, then to stop Visa Capping Bill at all.
 - 2) If it is impossible to stop, then to exempt already lodged application from cutting. Applicants, who lodged before 1 July 2010, should be granted that their applications will be kept in queue and finalised, sooner or later.
 - 3) Applicants, who lodged before 1 July 2010, should be supplied with high priority, or, at least, with opportunity to raise their priority. Consider my example. I am a Software Engineer Professional. On one side, I am a programmer, on the other side, I am an engineer. Such dualism takes place not only at my position. When I assessed via Engineers Australia, I didn't know that my visa application would be annihilated in 3 years with the help of Visa Capping Bill. If I knew, I could assess via ACS as a C++ programmer, occupation, which subsequently came in the Critical Shortage list. Even if I had to prepare one more year (gaining required experience). Such was my job, that I performed my software-engineering activity using C++ at high level. I know people, who lodged two years later than me and are already in Australia. They had very similar background, skills and positions and were luckier only in that they were two years younger than me - when they came to assessment and lodgement, they knew priorities and selected "proper" assessment way. With skills and experience that I possessed one year ago, I could pretend to 2 CSL assessments. But this meant withdrawal of application (without refund), and all the process from the very beginning, all documents, new references, new expenditures new application lodgement date (and place in queue), and all this without any guarantee, because at any time CSL could be cancelled, which finally happened.
- There is no way to "change" profession, which is stated in application, although, as I explained at my example, it could be fair to give such opportunity. I know that there will be new ASCO codes and new priority rules, and I suggest that interests of long waiting applicants should be kept under those new rules.

In conclusion I would like to say that I believe in Australia. I admire Australian laws, order and fairness. As I am brought up with my parents as an honest and decent person, and so is my spouse, I see our place in Australian society. I believe that you appreciate my point as well as other long waiting applicants'.

Yours faithfully,
Roman Churakov.