

International practice and agreements

- 6.1 This chapter provides a broad overview of the main skills recognition processes, related governing authorities and licensing requirements in four case study countries and compares this with arrangements in Australia. It also maps out the mutual recognition arrangements in skills recognition and licensing that the Australian Government has agreed to, and the international links that Australian based non-government regulatory bodies have made to streamline skills recognition for their members.
- 6.2 This chapter does not map out every mutual recognition agreement in this area signed by each of the case study countries or by their peak regulatory bodies.¹
- 6.3 Overall, the Australian approach to recognising the skills of foreign trained workers compares favourably with that of other countries. However, as this report has identified areas for improvement and further investigation, there are also some important lessons to be learnt from other countries.²

1 A comprehensive analysis of each country's mutual recognition arrangements is beyond the terms of reference for this review.

2 The Committee acknowledges a paper by Ms Erin Chapman, 'Skills Recognition and Upgrading: Australia, Canada and Singapore', prepared during her period of internship in the office of Senator Stephen Parry. The paper provided valuable background information for part of this chapter.

International comparisons

- 6.4 This section compares Australia's approach to skills recognition and related issues with the approach taken in this area by New Zealand, Canada, the United States and the United Kingdom. These countries were chosen as case studies because they manage significant migration programs and are currently facing skills shortages in key employment sectors. They all face similar issues in terms of integrating migrants into the labour market.
- 6.5 A recent report commissioned by the Department of Immigration and Multicultural Affairs (DIMA) noted common policy approaches to skilled migration in Australia, New Zealand, Canada and the United Kingdom as each country has:
- Prioritised skilled migration in the recent period;
 - Diversified immigrant source countries and skill levels;
 - Utilised points systems designed to improve selection objectivity while maximising employment outcomes;
 - Increased scope for 'two-step' migration (transition from temporary to permanent status);
 - Strengthened regional initiatives to encourage more geographically dispersed settlement patterns, in relation to both policy input and settlement options; and
 - Attempted to minimise abuse, through the introduction of more coherent and transparent systems.³
- 6.6 Given the apparent international convergence on approaches to skilled migration and the international competition for skilled migrants, Australia needs to continue to review and improve its procedures for the recognition of overseas skills.
- 6.7 Previous studies comparing the migration and skills recognition processes of other countries have concluded that Australia is the world leader in this regard.⁴

3 Birrell et al, *Evaluation of General Skilled Migration Categories*, pp. 123-124.

4 M. Cully and T. Skladzien, *Assessment of Overseas Qualifications and Skills: A Comparative Analysis*, p. 8; and J. Salt, 'Global competition for skills: An evaluation of policies', *Migration Benefiting Australia*, Conference Proceedings Sydney 7-8 May 2002, DIMIA, p. 202.

New Zealand

- 6.8 The Committee visited New Zealand in August 2006 as part of the annual committee exchange between the two parliaments and took the opportunity to examine New Zealand's skilled migration program and skills recognition process. The Committee was interested to note initiatives in a number of areas – see Figure 6.1. (Some of these areas are discussed in more detail below.)

Figure 6.1 Committee delegation to New Zealand: key observations

Review of the Immigration Act

There is currently a comprehensive review underway of the New Zealand *Immigration Act* 1987, involving extensive community consultation. The review is being undertaken by the New Zealand Government in light of greater global competition for skills and a more diverse population requiring effective settlement outcomes. The Committee will be interested to see the outcomes of the review – in particular, changes made to New Zealand's skilled migration program and skills recognition procedures.

Proposed amalgamation of the immigration and refugee appeals tribunals

As part of the Immigration Act review, the New Zealand Government proposes to establish a single immigration and refugee appeals tribunal serviced by the Ministry of Justice. The new tribunal would provide a single procedure for determining refugee and protection status, and a single right of appeal. The New Zealand Government perceive that this will reduce backlogs, multiple appeal routes, years of delay in awaiting determinations and therefore improve the overall efficiency, fairness and transparency of the appeals system.

Qualifications recognition

The New Zealand Qualifications Authority (NZQA) assesses international qualifications against New Zealand qualifications for migration purposes but does not generally assess work experience. NZQA documentation states that if an individual wishes to practise a profession in New Zealand they may need to apply for registration with, or membership of, a professional body. Skills recognition for the purpose of registration in certain professions in New Zealand appears to be a separate process to that for the purpose of migration. Migrants to New Zealand may therefore experience similar frustrations as expressed by some Australian migrants as a result of a 'gap' between migration and registration skills recognition outcomes.

English language proficiency

New Zealand's skilled migration program generally requires a higher minimum standard of English than that required by Australia under its skilled migration program. Principal applicants in New Zealand generally require an International English Language Testing System (IELTS) overall band score of at least 6.5 whereas in Australia the minimum required standard under the GSM program is generally 'vocational' English – an IELTS band score of at least 5. (However, additional points are awarded under the points test if the applicant demonstrates higher than 'vocational' English and a number of Australian professions, such as the health professions, have mandated IELTS band 7 as the lowest allowable standard.) Further, in New Zealand, if non-principal applicants (partners and dependant children aged 16 or over) do not meet this minimum standard of English, they must pre-purchase English for Speakers of Other Languages (ESOL) training.

Some representatives from the peak New Zealand ethnic groups commented that in some cases they felt the English language requirement for migration was too high, with an over-emphasis on the standard of English. (The importance of English language proficiency to successful employment outcomes is discussed in Chapter 7.)

Peak ethnic groups

The Committee was very interested in the comments from the peak ethnic groups in New Zealand – in particular, the New Zealand Federation of Ethnic Councils – about improving settlement outcomes for migrant communities. The Committee was particularly impressed by the forward vision and commitment of these groups. The groups also highlighted a Canadian online mentoring program to assist in the integration of migrants into the workplace. (This mentoring program is further discussed in the section on Canada later in this chapter, with a recommendation on this area in Chapter 7.)

Strong links between New Zealand and Australia

The Committee noted the strong links and commonalities between Australia and New Zealand and the high level of information sharing and cooperation – on immigration issues, refugee settlement and border control, for example – between authorities in each country.

- 6.9 New Zealand is currently conducting a comprehensive review of its immigration program, including an examination of the legislative

foundation for the program, implementation of a new business model and revision of the policy framework.⁵

- 6.10 The broad aims of the review are to ensure that:
- New Zealand has the skills, talent and labour it needs, now and in the future
 - New Zealanders are confident of the security of [their] border and
 - Migrants and refugees settle well and integrate into communities.⁶
- 6.11 In April 2006, the Minister for Immigration, the Hon David Cunliffe, released a wide-ranging discussion paper on the first part of the review, the Immigration Act Review. The scope of the review includes the purpose and principles of the act, visas and permits, decision making, removals, appeals processes, compliance, enforcement and detention.⁷
- 6.12 The New Zealand Government has called for submissions to the review and it is anticipated that proposed revisions to the act will be considered by Cabinet in late 2006, with a bill to Parliament in 2007. This is the first major review of the act since it was established in 1987.⁸
- 6.13 For the year to December 2005, New Zealand recorded 78,963 permanent long-term arrivals and 71,992 departures, with net migration at 6,971. Arrivals from the UK made up the largest migrant group (22,013), followed by migrants from Australia (13,389), China (4,102) and the United States (3,674).⁹
- 6.14 Approximately 60 per cent of migrants to New Zealand arrive under the Skilled Migration category. Most of these applications are

5 New Zealand Department of Labour, *Immigration Act Review Discussion Paper*, Wellington, 2006, p. 2.

6 New Zealand Department of Labour, *Immigration Act Review Discussion Paper*, p. 2. It appears that skills recognition may fall under the migrant settlement and integration component of the broader review.

7 New Zealand Department of Labour, *Immigration Act Review Discussion Paper*, pp. 13-22.

8 Media release by the Hon David Cunliffe, Minister for Immigration, 'Sweeping review of immigration laws unveiled', Media Release, 5 April 2006, <http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=25371> (accessed 2 August 2006).

9 New Zealand Department of Labour, 'Quarterly Migration Update—December 2005', Wellington, p. 1.

approved onshore and the majority of migrants in this category already have jobs or job offers.¹⁰

- 6.15 Under the Trans-Tasman Travel Agreement, citizens of Australia may visit New Zealand, and vice versa, without formal authority. Just over 34,000 New Zealanders departed to Australia in the year to December 2005.¹¹

Approach to skilled migration

- 6.16 New Zealand has refined its process for selecting skilled migrants in recent years. Since 2003 prospective migrants have been required to complete an Expression of Interest (EOI) form, including a self-assessment against:
- Age;
 - Health and character;
 - English language skills;
 - Employability; and
 - Recognised qualifications or work experience.¹²
- 6.17 Applicants are awarded points on their suitability and EOIs are placed in a pool. EOIs are selected on the basis of score attained.¹³ The information in selected EOIs is then verified and successful candidates are invited to apply for residence.¹⁴
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10 Media release by the Hon Paul Swain, the then Minister for Immigration, 'Government meets immigration programme', Media Release, 13 July 2005, <http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=23666> (accessed 15 June 2006); and OECD, *International Migration Outlook*, SOPEMI, Paris, 2006, pp. 202-203.

11 New Zealand Department of Labour, 'Quarterly Migration Update – December 2005', Wellington, p. 5. New Zealand emigration to Australia under the TTTA is sometimes referred to as 'backdoor migration' and raises further issues for skills recognition and is discussed later in this chapter.

12 Immigration New Zealand, <http://www.immigration.govt.nz/migrant/stream/work/workandlivepermanently/howdoiapply/expressionofinterest> (accessed 15 June 2006).

13 Those who score 140 points and above on their EOI are directly selected from the pool. See Media Release by the Hon David Cunliffe, Minister for Immigration, 'Skilled Migrant Category changes benefit NZ employers', Media Release, 21 December 2005, <http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=24681> (accessed 2 August 2006).

14 Immigration New Zealand website, <http://www.immigration.govt.nz/migrant/stream/work/workandlivepermanently/LinkAdministration/MoreInformationLinks/SMChowitworks.htm> (accessed 15 June 2006).

- 6.18 An EOI attracts additional points where the nominated qualification matches the New Zealand List of Recognised Qualifications or there is an attached qualification assessment by the New Zealand Qualifications Authority (NZQA).¹⁵
- 6.19 NZQA can provide prospective migrants with a Pre-Assessment Result and a Qualifications Assessment Report:
- A Pre-Assessment Result is a report that compares an applicant's nominated qualification to a Level on the New Zealand Register of Quality Assured Qualifications. It is made on the understanding that:
 - ⇒ a pre-assessment result is based solely on unverified information provided by the applicant on the application form; and
 - ⇒ no documentation is sighted; and
 - ⇒ only one overseas qualification is compared; and
 - ⇒ when an application for residence is made, a full assessment (a Qualifications Assessment Report) will be required to determine whether a qualification (or group of qualifications) will qualify for points.
 - A Qualifications Assessment Report:
 - ⇒ assesses an overseas qualification (or group of qualifications) by stating the learning outcomes of the closest New Zealand equivalent qualification;
 - ⇒ states the New Zealand Register of Quality Assured Qualifications level of that equivalent qualification; and
 - ⇒ refers to any verification of the applicant's qualifications undertaken by the NZQA.¹⁶
- 6.20 A Pre-Assessment Result would normally be submitted at the initial EOI stage. A Qualifications Assessment Report is formal, binding and a requirement of the final stage of residence application.

Other skills recognition processes

- 6.21 NZQA is an authority defined by the *Crown Entities Act* 2004 and established by the *Education Act* 1989. The NZQA has oversight of qualifications recognition for migrants and employers, as well as a

15 Immigration New Zealand website, <http://www.immigration.govt.nz/migrant/stream/work/workandlivepermanently/caniworkinnz/whatisrequired/recognisedqualifications/gainingpoints.htm> (accessed 15 June 2006).

16 Immigration New Zealand website, http://www.immigration.govt.nz/nzis/operations_manual/6674.htm (accessed 15 June 2006).

broad role in administering qualifications standards, including providing quality assurance for the tertiary sector and administering the National Qualifications Framework.¹⁷

- 6.22 'Standard' qualification recognition services require a duration of 20 working days to complete. The fee for a standard application for assessment is NZ\$450.¹⁸ At the time of writing, there appeared to be no government supported reimbursement or loan system available to applicants.
- 6.23 NZQA does not assess informal or in-service courses and generally does not assess work experience, except in cases where such experience is a requirement of the equivalent qualification in New Zealand.¹⁹
- 6.24 There are 32 regulated professions in New Zealand covered by 10 registration authorities.²⁰ Unlike Australia, New Zealand is a unitary state and does not have to deal with issues of different jurisdictional bodies and related requirements regulating the same occupations.
- 6.25 Licensing and membership of a professional body for certain occupations in New Zealand requires a further application, according to the particular occupation's national professional association requirements. NZQA also assists applicants in making contact with professional associations.²¹
- 6.26 Settlement services in New Zealand received a significant boost with the implementation of the government's 2004 *New Zealand Immigration Settlement Strategy* for migrants, refugees and their families. The 2004 Budget allocated \$62 million over four years to the strategy to ensure that migrants and refugees:
- Obtain employment appropriate to their qualifications and skills;
 - Are confident using English in a New Zealand setting, or can access appropriate language support to bridge the gap;

17 NZQA website, <http://www.nzqa.govt.nz/about/services/index.html> (accessed 13 June 2006).

18 NZQA website, <http://www.nzqa.govt.nz/for-international/qual-eval/international/fees.html> (accessed 13 June 2006).

19 NZQA website, <http://www.nzqa.govt.nz/for-international/qual-eval/international/faq.html> (accessed 15 June 2006).

20 NZQA website, <http://www.nzqa.govt.nz> (accessed 15 June 2006).

21 NZQA website, <http://www.nzqa.govt.nz/for-international/qual-eval/international/faq.html> (accessed 13 June 2006).

- Are able to access appropriate information and responsive services that are available to the wider community (for example housing, education, and services for children);
 - Form supportive social networks and establish a sustainable community identity;
 - Feel safe expressing their ethnic identity and are accepted by, and are part of, the wider host community; and
 - Participate in civic, community and social activities.²²
- 6.27 The strategy includes funding for the provision of customised career information, advice and guidance for migrants and refugees to assist with their integration into the New Zealand labour market. The labour market information program, provided by Career Services, includes special funding to assist up to 1,200 migrants who are not in work commensurate with their skills and qualifications or are out of work. The program provides, among other things, information about employment opportunities and guidance on workplace culture and employer expectations.²³
- 6.28 In August 2004 the Department of Labour released summary feedback from consultations with migrant communities and service providers on the operation of the strategy. In regard to qualification recognition, the department heard that:
- Improved processes are needed for the registration of medical professionals, with benchmarking of qualifications so the registration process is transparent.
 - Clearer information and assistance about the options for retraining to attain valid qualifications is needed, and funding should be available for the retraining of migrants whose qualifications are not recognised.²⁴
- 6.29 In February 2006, Mr Cunliffe announced a further boost to settlement services by launching the Waitakere Settlement Support New Zealand Initiative. The initiative is part of the New Zealand Immigration

22 Immigration New Zealand website, <http://www.immigration.govt.nz/community/stream/support/nzimmigrationsettlementstrategy> (accessed 14 June 2006).

23 New Zealand Government, *The New Zealand Settlement Strategy in Outline: A Future Together*, Department of Labour, Wellington, 2004, p. 15.

24 New Zealand Government, *Feedback from the Initial Dialogue with Stakeholders (30 July to 13 August 2004)*, Department of Labour, Wellington, 2004, p. 23. At the time of writing it was not clear how the feedback on skills recognition was used to further develop policy approaches in this area.

Settlement Strategy and will strengthen integrated community based support in partnership with the Waitakere City Council.²⁵

- 6.30 New Zealand's Migrant Follow Up Survey (MFUS), which tracked the settlement outcomes for over 2,000 skilled migrant respondents, indicated strong settlement outcomes, with a 95 per cent employment rate from that migrant group three to five months after taking residence. The survey also reported a good level of satisfaction with settlement programs.²⁶
- 6.31 The survey identified skills recognition as a moderate issue for skilled migrants. Almost 90 per cent of respondents did not seek assistance in obtaining recognition of their qualifications. However, of those who did, about one quarter did not receive the assistance they required.
- 6.32 Fifteen per cent of MFUS respondents considered that more information on getting qualifications recognised by registration boards was required. This issue was ranked fifth out of eleven areas where more information was required, behind information about health services, the tax system and pension plans.²⁷
- 6.33 The New Zealand Government has also launched a drive to encourage the return of expatriates in Australia and elsewhere and entice skilled migrants, through a campaign called New Zealand Now. The New Zealand Now website provides current information on New Zealand lifestyle, the business environment and recreation activities.²⁸ In June 2004, there was an estimated 450,000 New Zealand citizens in Australia.²⁹
- 6.34 The Committee heard from one witness that skills recognition processes in New Zealand have a reputation for being less rigorous than those in Australia and may be a better option for migrants seeking skills recognition:
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25 Media release by the Hon David Cunliffe, Minister for Immigration, 'Launch of the Waitakere Settlement Support New Zealand Initiative', 10 February 2006, <http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=24910> (accessed 15 June 2006).

26 R. Wallis, *Skilled Migrants in New Zealand: A Study of Settlement Outcomes*, Department of Labour, Wellington, 2006, pp. 37-39.

27 The report also noted limitations in the coverage of the survey which may bias the sample, such as a low return rate and an over-representation of migrants from the United Kingdom, and an under-representation of Chinese migrants, compared with the demographic profile of skilled migrants.

28 New Zealand Now website, <http://newzealandnow.info> (accessed 3 July 2006).

29 DIMA, 'New Zealanders in Australia', Fact sheet No. 17, <http://www.immi.gov.au/facts/17nz.htm> (accessed 9 June 2006).

... migration agents actually recommend to their clients that they go to New Zealand and it is also recommended to health professionals that they go there and then come across ... They find it very cumbersome to get through the process with Trades Recognition Australia and the assessment process to get into New Zealand is a lot quicker ...³⁰

- 6.35 Evidence to the Committee did not support the claim that under-qualified doctors can migrate from New Zealand to Australia under the Trans-Tasman Travel Agreement and gain recognition in Australia. In some respects, recognition of medical qualifications can be tougher in New Zealand, and some of the specialist medical colleges are colleges of Australia and New Zealand.³¹
- 6.36 While New Zealand requires a higher standard of English to practise as a veterinarian than Australia, the clinical examination fee in New Zealand is half of what is charged in Australia (\$6,000). There may be an incentive for overseas trained vets to migrate to New Zealand and then move to Australia (under the Trans-Tasman Travel Agreement) to practise, as the Australasian Veterinarian Boards Council automatically grants licences to members of the New Zealand Veterinary Association.³²
- 6.37 New Zealanders may have their skills recognised through the Trans-Tasman Mutual Recognition Arrangement or, where applicable, through an occupation specific agreement between the professional regulatory bodies in Australia and New Zealand (these are further discussed below). In such circumstances migrants from New Zealand may avoid assessment by Trades Recognition Australia (TRA) and Australian Education International-National Office of Overseas Skills Recognition (AEI-NOOSR).
- 6.38 However, it is unlikely that migrants could gain entry to Australia and practise their profession any quicker by migrating to New

30 Ms Fletcher, Goldfields Esperance Development Commission, *Transcript of Evidence*, 15 November 2005, p. 44. The submission from the Western Australian Department of Education and Training also detailed a case study of a plumber who considered moving to New Zealand following a frustrating experience of trying to have his skills recognised through TRA – see *Submission No. 20*, p. 16.

31 Ms Cole, Department of Health and Ageing, *Transcript of Evidence*, 27 February 2006, p. 16.

32 Dr Strous, Australasian Veterinary Boards Council, *Transcript of Evidence*, 24 November 2005, p. 86 and p. 88.

Zealand first.³³ Furthermore, the cost of migrating twice would be a significant disincentive to migrate to New Zealand with the short-term intention of settling in Australia.

- 6.39 New Zealand may have a natural advantage over Australia in addressing the needs of migrants with overseas qualifications in that it does not carry the bureaucratic burden of internal jurisdictions. Skills recognition may also be more streamlined in New Zealand due to its smaller population and lower level of immigration. However, the service provided by NZQA focuses on formal credentials to the exclusion of work experience/workplace competence.

Canada

- 6.40 The recently elected minority government of Canada is working to streamline and better coordinate skills recognition processes in order to make better use of migrant skills, improve Canada's international competitiveness in the market for skilled labour³⁴ and address the nation's skill shortage.³⁵
- 6.41 The issue of skills recognition gained prominence in Canada as part of the Conservative Party's immigration platform for the 2006 federal election. The Conservative Party made the following election pledge:
- Create a Canadian Agency for Assessment and Recognition of Credentials, to provide pre-assessment of international credentials and experience. We will work with the provinces and professional associations to ensure foreign-trained professionals meet Canadian standards while getting properly trained professionals working in Canada quickly.³⁶

33 Assuming they travel under the Trans-Tasman Travel Agreement, which applies to citizens of both countries. Typically, citizenship in New Zealand may be granted for three to five years following the attainment of permanent residency, which itself may take up to five years. See New Zealand Department of Internal Affairs website, http://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Services-Citizenship-Requirements-for-New-Zealand-Citizenship?OpenDocument (accessed 16 June 2006).

34 Canada has noted that Australia has performed better in closing the income gap between migrants and non-migrants — see *Canada's Innovation Strategy, Part Two: Knowledge Matters: Skills and Learning for Canadians*, Human Resources Development Canada, Hull, p. 54.

35 Conservative Party of Canada, *Stand up for Canada: Conservative Party of Canada Federal Election Platform*, Ottawa, 2006, p. 38 (accessed 7 June 2006).

36 Conservative Party of Canada, *Stand up for Canada: Conservative Party of Canada Federal Election Platform*, Ottawa, p. 38.

- 6.42 Led by the Conservative Party leader, Stephen Harper, the government's first budget set aside funds for developing the new foreign credentials recognition body and allocated an additional \$307 million in funding over two years for immigration settlement measures.³⁷
- 6.43 Prime Minister Harper described Canada's current skills recognition process as excessively bureaucratic:
- Immigrants often face a strange web of bureaucracy and an unfamiliar jungle of red tape. In Canada there are 13 different jurisdictions, 15 regulated professions, and more than 400 regulatory bodies.³⁸
- 6.44 Similar to Australia, Canada currently has a variety of regulatory bodies, with oversight of skills recognition which differs according to the jurisdiction and type of skills assessed. Unlike Australia, Canada currently has minimal formal processes for assessing skills of migrants at the application stage.
- 6.45 The Government of Canada shares jurisdiction over immigration with its provinces and territories and this is administered through comprehensive framework agreements on a range of matters, including the number of migrants and settlement services. For the year ending 2004, Canada admitted 235,824 new permanent residents, 57 per cent of which were under the 'economic class', including 113,442 skilled workers. The top source countries were China (36,411), India (25,569), Philippines (13,301) and Pakistan (12,796).³⁹

Approach to skilled migration

- 6.46 Skilled workers seeking to migrate to Canada must, among other things, meet the minimum requirement of one year full-time work experience, in the previous 10 years, in a particular skilled category listed in the Canadian National Occupational Classification. Applicants are screened on their work experience by undertaking a self-assessment through the Department of Citizenship and

37 Prime Minister Stephen Harper, 'Promoting opportunity for new Canadians', Speech to migrants in suburban Toronto, 12 May 2006, <http://www.conservative.ca/EN/1004/42890> (accessed 7 June 2006).

38 Prime Minister Harper, 'Promoting opportunity for new Canadians'.

39 Citizenship and Immigration Canada, *Annual Report to Parliament on Immigration 2005*, http://www.cic.gc.ca/english/pub/annual-report2005/section3.html#table_5a (accessed 7 June 2006).

Immigration Canada website.⁴⁰ Additional points are awarded based on the years of experience in a profession, local experience and arranged job offers.

- 6.47 In contrast to Australia's practice of pre-migration screening of skills and qualifications for a nominated occupation, Canada's more liberal processes for assessing skilled migrants are informal and advisory. All skills assessment is undertaken onshore. At the time of writing, pre-migration skills assessment was not undertaken.⁴¹
- 6.48 Canada's approach to skilled migration has been described as a 'human capital model', where applicants are valued not only for their ability in a profession or trade but also for their flexibility and adaptability in the changing labour market.⁴²
- 6.49 Canada has maintained this human capital approach despite the widening gap in employment outcomes between migrants and non-migrants, the lower than expected employer acceptance of migrant credentials and the more stringent credential based procedures of regulatory bodies. Major costs of this approach, compared with Australia's screening of skilled migrants, are lower employment outcomes and under-utilisation of migrant skills,⁴³ with a resultant shortfall in productivity gains than would otherwise have been achieved.

General skills recognition processes

- 6.50 The main government sponsored initiatives for post-migration skills assessment and recognition in Canada are the national Foreign Credential Recognition (FCR) program, the Canadian Information Centre for International Credentials (CICIC), the Alliance of Credential Evaluation Services of Canada and the Interprovincial Standards Red Seal Program. Canada also has a number of smaller national and provincial based programs supporting the recognition of foreign skills and credentials.

40 Canadian Information Centre for International Credentials, Minimum Work Requirements, <http://www.cic.gc.ca/english/skilled/qual-2.html> (accessed 31 May 2006).

41 Canadian Information Centre for International Credentials, 'Assessment and recognition of credentials for the purpose of employment in Canada', Fact sheet No. 2, <http://www.cicic.ca/en/page.aspx?sortcode=2.17.20> (accessed 6 June 2006).

42 Birrell et al, *Evaluation of General Skilled Migration Categories*, p. 125.

43 Birrell et al, *Evaluation of General Skilled Migration Categories*, p. 147.

- 6.51 The FCR program is one element of the Canadian Government's Internationally Trained Workers Initiative, which coordinates over 14 federal departments to assess the education credentials and job experience of foreign trained workers. The program is supported by a government commitment of \$68 million over the next six years. FCR operates through coordinating and engaging provincial and territorial governments, licensing and regulatory bodies, sector councils and other stakeholders. While FCR is a federal program, the recognition of regulated occupations remains a provincial responsibility.⁴⁴
- 6.52 CICIC was established in 1990 to assist Canada in fulfilling its obligations under the UNESCO Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region. The Centre collects information on the recognition of occupational credentials in Canadian provinces and supports the development of initiatives for greater recognition and portability of foreign credentials.
- 6.53 CICIC also refers people seeking skills recognition to Canada's provincially mandated services:
- Academic Credentials Assessment Service, Manitoba;
 - International Credential Evaluation Service, British Columbia;
 - International Qualifications Assessment Service, Alberta, Saskatchewan, Northwest Territories;
 - Service des évaluations comparatives d'études, Québec; and
 - World Education Services – Canada, Ontario.⁴⁵
- 6.54 While there are no common standards for assessing qualifications, the provincially mandated services, through their peak body, the Alliance of Credential Evaluation Services of Canada, have developed Guiding Principles for Good Practice. These principles include non-discrimination, adequate access to skills assessment, and a clear, rational and reliable procedure.⁴⁶

44 Government of Canada, Foreign Credential Recognition website, <http://www.hrsdc.gc.ca/en/cs/comm/hrsd/news/2005/050425bb.shtml> (accessed 7 June 2006).

45 CICIC website, <http://www.cicic.ca/en/page.aspx?sortcode=2.17.22> (accessed 7 August 2006).

46 Alliance of Credential Evaluation Services of Canada, *General Guiding Principles for Good Practice in the Assessment of Foreign Credentials*, ACESC, Toronto, 1998, p. 2.

- 6.55 Assessments by the provincially mandated services are essentially advice on comparisons of foreign and Canadian qualifications. The assessments do not guarantee the acceptance of foreign qualifications for the purposes of employment, certification, immigration or further studies in Canada.⁴⁷
- 6.56 The Interprovincial Standards Red Seal Program was established in 1952 to promote the mobility of tradespeople across Canada. The program recognises some trade skills and qualifications at a national level allowing the Red Seal holder a kind of passport to work anywhere in Canada.⁴⁸
- 6.57 Red Seal certification is mandatory for some trades in some provinces. In 2004 over 30,000 Red Seal examinations were administered for 45 designated Red Seal trades.⁴⁹ However, not all trades and provinces are covered.
- 6.58 The Canadian Institute for Recognising Learning is another body that supports recognition of foreign credentials by working with education institutions, government departments, industry, professional and regulatory bodies, and community based organisations.⁵⁰ The institute does not directly provide assessment services.
- 6.59 Other provincial projects include the:
- Government of Ontario Bridge Training Project;
 - Ottawa Leadership Council's Moving Forward Project;
 - Toronto Region Immigrant Employment Council; and
 - British Columbia International Qualifications Program.

47 CICIC, 'Assessment and recognition of credentials for the purpose of employment in Canada', Fact sheet No. 2, <http://www.cicic.ca/en/page.aspx?sortcode=2.17.20> (accessed 6 June 2006).

48 Interprovincial Standards Red Seal Program website, <http://www.red-seal.ca> (accessed 7 June 2006).

49 Canadian Council of Directors of Apprenticeship, *Annual Report 2004*, CCDA, p. 6.

50 Canadian Institute for Recognising Learning website, http://www.cirl.org/about_us.html (accessed 7 June 2006).

- 6.60 All of these programs aim to improve the labour market integration of migrants, improve access to information and promote a more integrated approach to skills recognition.⁵¹
- 6.61 In June 2006 the Ontario Government announced its intention to introduce the *Fair Access to Regulated Professions Act* into parliament. The act would apply to 34 regulated professions in Ontario, including physicians, accountants, lawyers, teachers, engineers and social workers.⁵²
- 6.62 The Ontario Government also announced a Loans Program to provide loans of up to \$5,000 to cover assessment, training and exam costs for new migrants.⁵³
- 6.63 Skilled workers seeking recognition of their qualifications and assistance in establishing themselves in their profession can access career mentoring programs such as that provided by CanadaInfoNet (Canadian Information and Networking Services). The Toronto Region Immigrant Employment Council also provides an occupation specific mentoring program for skilled migrants.⁵⁴
- 6.64 CanadaInfoNet provides mentoring and information resources to assist skilled and experienced professionals and tradespeople considering migration, or those who have already migrated, make the most of their expertise in Canada. Prospective and settled migrants interact with volunteer mentors through an online forum. The program is supported by a non-government organisation funded through federal and provincial grants and donations.⁵⁵
- 6.65 The Committee notes the potential value of an online occupation mentoring program to provide industry and state specific guidance
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51 Canadian Alliance of Education and Training Organization, *Foreign Credential Recognition: An Overview of Practice in Canada*, Human Resources Partnerships Directorate, Government of Canada, 2004, pp. 10-12.

52 News Release by the Ontario Government, 'Mcguinty Government to Introduce Legislation to Help Internationally Trained Professionals, News Release, 2 June 2006, <http://www.citizenship.gov.on.ca/english/about/n030606.htm> (accessed 7 June 2006).

53 News release by the Ontario Government, 'Mcguinty Government Breaks Down Barriers For Newcomers', News Release, 3 June 2006, <http://www.citizenship.gov.on.ca/english/about/n030606.htm> (accessed 07 June 2006).

54 CanadaInfoNet website, <http://www.canadainfonet.org/about%20us/default.asp?s=1> (accessed 7 June 2006). This was brought to the attention of the Committee by Ms Howell, Migrant Employment and Training Taskforce, *Transcript of Evidence*, 23 November 2005, p. 20. See Toronto Region Immigrant Employment Council, 'The Mentoring Partnership', <http://www.triec.ca/mentoring/> (accessed 7 July 2006). For an overview of international refugee mentoring programs, see *Exhibit No. 54*.

55 JVS Toronto website, <http://www.jvstoronto.org> (accessed 6 June 2006).

on skills recognition before a migrant has entered Australia. This is further discussed in Chapter 7.

- 6.66 Migrants to Canada can also access a number of other settlement programs including Language Instruction, the Immigrant Settlement and Adaptation Program and the Host Program. There are also a range of refugee programs and services.⁵⁶ Table 6.1 sets out other Canadian migrant employment programs of relevance.

Table 6.1 Other Canadian migrant employment programs

Employment Mentoring	• Mentoring Partnership Program (Toronto) • Mentoring Program for Migrant Women (Ottawa) • Supported Volunteering program for New Canadians (Ottawa)
Apprenticeship	• Career Bridge Program (Ontario) • New Immigrant Workforce Development Project (Calgary) • Programme d'aide à l'intégration des immigrants et des minorités visibles en emploi (PRIIME) (Québec)
Bridging/Training	• Talent at Work Program (Ontario) • Gong Global for Canadian Women Micro-Entrepreneurs (Ontario)
Employment/Bridging Courses	• The Immigrant Access Fund (Calgary) • Immigrant Employment Loan Program (Toronto)
Multi-stakeholder Workforce Integration Initiatives	• Community Consultation: Immigrant Skills Workforce Integration • Waterloo Region Immigrant Employment Network • Toronto Region Immigrant Employment Council

Source S. V. Wayland, *Unsettled: Legal and Policy Barriers for Newcomers to Canada*, Community Foundations of Canada and the Law Commission of Canada, 2006.

- 6.67 However, Canada still struggles to improve the settlement and employment outcomes of migrants. A recent report on legal and policy barriers to the settlement of migrants in Canada identified difficulties in finding employment as a key issue and noted that some migrants complained that 'they were worse off in Canada than before migrating'.⁵⁷

- 6.68 On skills recognition and licensing, the report noted that:

... foreign-trained professionals seeking to be licensed by regulatory bodies face numerous legal and policy barriers, including the cost of the licensing process; the absence of independent appeal mechanisms for rejected applicants; and a lack of internship ... and other placement opportunities to

56 Citizenship and Immigration Canada website, <http://www.cic.gc.ca/english/newcomer/menu-programs.html> (accessed 7 June 2006).

57 S. V. Wayland, *Unsettled: Legal and Policy Barriers for Newcomers to Canada*, Community Foundations of Canada and the Law Commission of Canada, 2006, p. iv.

gain the Canadian work experience required by some professions prior to licensing.⁵⁸

- 6.69 One initiative from the Canadian experience that merits further consideration in the Australian context is career mentoring. This is addressed in Chapter 7.

United States of America

- 6.70 At the time of writing, the US Congress was in the process of considering a number of significant changes to its immigration arrangements centred on two bills: the Comprehensive Immigration Reform (CIR) Bill 2006, passed in the Senate in May 2006, and the Border Protection, Antiterrorism, and Illegal Immigration Control (BPAIIC) Bill 2005, passed in the House of Representatives in December 2005.⁵⁹
- 6.71 Both bills cover border security, law enforcement and visa reform and they gained high profile for their proposals for dealing with the estimated 10 million 'illegal aliens' residing in the US, predominantly from Mexico. Among a number of measures, the BPAIIC proposed a much tougher treatment of aliens, with harsher detainment and deportation procedures. In contrast, the CIR proposed to grant a path to legal status, work rights and citizenship.
- 6.72 The CIR also included a number of measures to increase the level of employment related migration, including the temporary worker program. In particular, the bill proposed a lift in the cap on employment based visas from 140,000 to 450,000 and on high skilled temporary worker visas from 65,000 to 115,000.⁶⁰
- 6.73 It is anticipated that the difference between the two bills will be resolved in a conference committee. President George W. Bush spoke in favour of the general proposals of the CIR, particularly the temporary worker measures and the path to citizenship for 'aliens'

58 Wayland, *Unsettled: Legal and Policy Barriers for Newcomers to Canada*, p. v.

59 S. 2611 *Comprehensive Immigration Reform Act 2006*, <http://thomas.loc.gov/cgi-bin/query/z?c109:S.2611>; and HR 4437 *Border Protection, Antiterrorism, and Illegal Immigration Control Bill*, <http://thomas.loc.gov/cgi-bin/bdquery/z?d109:HR04437:@@L&summ2=m&> (accessed 22 June 2006).

60 S. 2611 *Comprehensive Immigration Reform Act 2006*, 'Title V Backlog Reduction', <http://thomas.loc.gov/cgi-bin/query/z?c109:S.2611> (accessed 21 June 2006).

with 'roots' in the US (following the fulfilment of a number of conditions).⁶¹

- 6.74 Australian immigration and labour commentators, Bob Birrell and Sue Richardson, have stated that they believe the proposed changes would have a major impact on Australia's skilled migration program, as the US is the dominant player in the global market for skilled migrants.⁶²
- 6.75 In the year ending June 2005, 1,122,373 people migrated to the US as legal permanent residents, most of whom were born in Mexico (161,445), followed by India (84,681), China (69,967) and the Philippines (60,748). The most popular type of admission was immediate relatives of US citizens (436,231), followed by employment based admissions, including skilled and unskilled workers and investors (246,878), family sponsored migrants (212,970) and refugees (112,676). The year 2005 saw the highest overall immigration intake since 1991 and the fifth highest recorded in US history.⁶³

Approach to skilled migration

- 6.76 Temporary and permanent employment related visas for entry into the US are employer-driven.
- 6.77 The main permanent employment related visas that may be granted through the United States Citizenship and Immigration Service (USCIS) are outlined in Table 6.2.
- 6.78 Under the 'E' visa class, employers are required to sponsor an immigration petition to USCIS and submit a Labor Certification Application (LCA) to the Department of Labor. The purpose of the LCA is to ensure 'that there are no qualified US workers able, willing ... and available to accept the job at the prevailing wage for that occupation in the area of intended employment and that employment

61 President Bush, 'President Discusses Comprehensive Immigration Reform', Speech to the United States Chamber of Commerce, Washington DC, <http://www.whitehouse.gov/news/releases/2006/06/print/20060601.html> (accessed 22 June 2006).

62 Cited in J. Chong, 'World feels effects as US takes in more skilled migrants', *The Age*, 17 June 2006.

63 Department of Homeland Security, *Year Book of Immigration Statistics 2005*, <http://www.uscis.gov/graphics/shared/statistics/yearbook/LPR05.htm> (accessed 10 August 2006).

of the alien will not adversely affect the wages and working conditions of similarly employed US workers'.⁶⁴

Table 6.2 Main US permanent employment visas

Code:	Class:	Eligibility
EB1	Priority workers	Those with an outstanding or extraordinary ability in the arts, science, commerce, academia etc.
EB2	Professionals with advanced degrees or persons with exceptional ability	Advanced degree professionals or those with exceptional ability
EB3	Skilled or professional workers	Bachelor degree holders, skilled workers with two years experience, and unskilled workers
EB4	Special immigrants	Religious workers and current and former employees of US government agencies
EB5	Immigrant investors	Those with a minimum level of capital

Source UC Citizenship and Immigration Services website, <http://www.uscis.gov/graphics/services/residency/employment.htm> (accessed 7 August 2006).

6.79 The LCA must also include information on the applicant's skills, experience and qualifications. Supporting documents, which may include credential assessments, are not required, but must be provided if requested in the evaluation process or where an audit is undertaken.⁶⁵

6.80 Evidence of qualifications or an assessment of those qualifications may be attached to a petition. The level of evidence required depends on the sub-category of visa. For example, applications for EB2 visas (professionals with advanced degrees) must provide three of the following:

- An official academic record showing that the alien has a degree, diploma, certificate, or similar award from an institution of learning relating to the area of exceptional ability;
- Letters from current or former employers showing that the alien has at least ten years of full-time experience in the occupation for which he or she is being sought;
- A license to practice the profession or certification for a particular profession or occupation;

64 US Department of Labor Employment and Training Administration website, <http://workforcesecurity.doleta.gov/foreign/perm.asp> (accessed 22 June 2006).

65 US Department of Labor Employment and Training Administration website, <http://workforcesecurity.doleta.gov/foreign/perm.asp> (accessed 22 June 2006).

- Evidence that the alien has commanded a salary, or other remuneration for services, which demonstrates exceptional ability;
 - Evidence of membership in professional associations; or
 - Evidence of recognition for achievements and significant contributions to the industry or field by peers, governmental entities, or professional or business organizations.⁶⁶
- 6.81 Applications for EB3 visas (skilled or professional workers) require the basic labour certification to demonstrate skills and qualifications.
- 6.82 The H-1B visa is designed for highly skilled professionals holding a bachelor's (or equivalent) degree for temporary residence of three years, with the possibility of extension of up to six years. H-1B also offers a path to permanent residency.
- 6.83 In addition to the labour certification, H-1B visa petition must be accompanied by, among other things:
- Evidence showing that the alien has the required degree by submitting either:
 - ⇒ A copy of the person's U.S. baccalaureate or higher degree as required by the specialty occupation;
 - ⇒ A copy of a foreign degree and evidence that it is equivalent to the U.S. degree; or
 - ⇒ Evidence of education and experience that is equivalent to the required U.S. degree.
 - A copy of any required license or other official permission to practice the occupation in the state of intended employment.⁶⁷
- 6.84 The majority of applications for employment visas occur onshore (up to 85 per cent in recent years) and where the primary applicant already has a job offer or is occupying the job, and so employment outcomes for these visa holders are high.⁶⁸
- 6.85 Documentary evidence that an applicant's education and experience are equivalent to US standards, professional membership and licences
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66 US Citizenship and Immigration Services, 'I-140 Immigrant Petition for Alien Worker', <http://www.uscis.gov/graphics/formsfee/forms/files/i-140.pdf> (accessed 22 June 2006).

67 US Citizenship and Immigration Service, 'Instructions for Completing Form I-129', <http://www.uscis.gov/graphics/formsfee/forms/files/i-129instr.pdf> (accessed 22 June 2006).

68 P. Martin, M. Abella, and C. Kuptsch, *Managing Labor Migration in the Twenty-first Century*, Yale University Press, New Haven, 2006, p. 67.

must be obtained from credential evaluation services provided by a range of predominantly state based regulatory authorities and professional associations.

General skills recognition process

- 6.86 The US government does not have responsibility for the administration of credential evaluation services. While the US Department of Education website does provide some links to credential evaluation services, it also states that it does not endorse any particular service and that, in some instances, it is recommended that common search engines, such as 'yahoo' and 'google', be used to source these services.⁶⁹
- 6.87 The National Council on the Evaluation of Foreign Academic Credentials is responsible for determining standards to assist credential evaluators in assessing the equivalence of foreign qualifications.⁷⁰
- 6.88 For a professional seeking membership of an association and/or a licence to practice, the US Department of Education website provides links to state licensing agencies and professional associations through the government sponsored Council on Licensure, Enforcement and Regulation and the Federal Association of Regulatory Boards.⁷¹
- 6.89 Skills recognition procedures are particularly complex in the US due to jurisdictional requirements. While most states regulate the same professions, 'there are variations from state to state and usually no reciprocity regarding recognition of qualifications or licenses'.⁷²
- 6.90 Skills recognition has historically not been an issue in the US, for a number of reasons. The majority of skilled migrants are onshore, employed and likely to have studied at American institutions. The size of the US economy and the more flexible labour market conditions enable foreign trained workers to pursue a broader range

69 US Department of Education website, <http://www.ed.gov/about/offices/list/ous/international/usnei/us/edlite-visitus-forrecog.html> (accessed 22 June 2006).

70 US Department of Education website, <http://www.ed.gov/about/offices/list/ous/international/usnei/us/edlite-natcouncil-about.html> (accessed 22 June 2006).

71 US Department of Education website, <http://www.ed.gov/about/offices/list/ous/international/usnei/us/edlite-state-reg.html> (accessed 22 June 2006).

72 US Department of Education website, <http://www.ed.gov/about/offices/list/ous/international/usnei/us/edlite-state-reg.html> (accessed 22 June 2006).

of career paths. Skills recognition has also generally been perceived as a matter for the private sector.⁷³

- 6.91 The federal US government does not provide the broad range of settlement services for migrants comparable to that provided in Australia. The US Committee for Refugees and Migrants coordinates resettlement services for refugees by matching refugees with a resettlement organisation.⁷⁴ General settlement services are mostly delivered through voluntary organisations (which may also receive federal and/or state funding) and cover community orientation, English language training and employment assistance.
- 6.92 A number of mentoring programs covering settlement and labour market integration are provided by community sector organisations targeting refugees. These include the:
- Ecumenical Refugee Services Mentoring Program;⁷⁵
 - International Rescue Committee;⁷⁶
 - AmeriCorps Vista program;⁷⁷
 - Refugee Mentoring Program, International Institute of Minnesota;⁷⁸ and
 - Refugee Mentoring Program, Volunteer Match.⁷⁹
- 6.93 The US permanent and temporary labour migration systems have been heavily criticised for being inflexible and overly complex, and quota allocations in the past have not been met.⁸⁰
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73 Iredale, *Skills Transfer: International Migration and Accreditation Issues*, p. 42.

74 US Committee for Refugees and Migrants website, <http://www.refugees.org/home.aspx> (accessed 23 June 2006).

75 Ecumenical Refugee Services Mentoring Program website, <http://www.ersden.org/mentor.htm> (accessed 6 July 2006).

76 International Rescue Committee website, <http://www.theirc.org/index.cfm> (accessed 6 July 2006).

77 AmeriCorps Vista program website, <http://www.theirc.org/index.cfm/wwwID/605/topicID/67/locationID/0> (accessed 6 July 2006).

78 International Institute of Minnesota Refugee Mentoring Program website, http://www.iimn.org/index.asp?Type=B_BASIC&SEC={135B8689-D0BA-4051-9C16-CC46A2A0CCD6}&DE= (accessed 6 July 2006).

79 Volunteer Match Refugee Mentoring Program website, http://www.volunteermatch.org/results/org_detail.jsp?orgid=24271 (accessed 6 July 2006).

80 S. Martin, 'US Employment-Based Admissions: Permanent and Temporary', Policy Brief No. 15, Migration Policy Institute, January 2006, p. 9.

United Kingdom

- 6.94 The government of the United Kingdom is also in the process of reviewing and streamlining its immigration program. Following a 'top down, bottom up' review of managed migration in April 2004, in February 2005 the government launched a five-year strategy for asylum and immigration, *Controlling Our Borders: Making Migration Work for Britain*.⁸¹
- 6.95 The strategy covered the visa framework, temporary and permanent settlement, border security and removals. In particular, the strategy included the development of a new points system to bring together and streamline the assessment of work and student entry under four tiers, and establish a new advisory body on skills shortages to promote a more flexible system that is responsive to the labour market. The changes are expected to be implemented in early 2007.
- 6.96 Following the May 2005 United Kingdom election, the government launched a consultation paper, *Selective Admission: Making Migration Work for Britain*, focusing on employment related migration. The aim of the paper was to stimulate feedback on a more detailed proposal for work migration under the strategy, with an additional tier of entry (bringing the proposal to a total of five tiers).⁸²
- 6.97 *Selective Admission* describes the current system of employment related migration as overly 'complex and bureaucratic', with about 50 different ways to enter the country as a worker or student.⁸³

Approach to skilled migration

- 6.98 The four broad streams under the UK's current system of labour migration are as follows:
- The Work Permit Scheme: 89,173 issued in 2004 (compared to 30,000 in 1991);
 - The Highly Skilled Migration Programme (HSMP): 24,000 applications in 2004-05;
 - Additional schemes: contributing to the balance of 1,504,000 foreign nationals resident and working in the UK by 2005; and

81 Secretary of State for the Home Department, *Controlling Our Borders: Making Migration Work for Britain*, Home Office, London, 2005.

82 Home Office, *Selective Admission: Making Migration Work for Britain*, London, pp. 1-3.

83 Home Office, *Selective Admission: Making Migration Work for Britain*, p. 52.

- European Union flows: the source of an estimated 487,000 workers in 2005.⁸⁴

- 6.99 The Work Permit Scheme is the most established labour migration route. Permits are issued for up to five years and may be a path to permanent settlement after four years. Almost all work permit applications are made offshore. The scheme includes business and commercial work permits, the training and work experience scheme, sports and entertainers, student internships and employees of companies based outside the European Union (EU).⁸⁵
- 6.100 The HSMP was introduced in 2002 to target elite professionals through a points based system with a high emphasis on qualifications. Applications under the HSMP must be made offshore. Once accepted, applicants are approved to stay and seek work in the UK for 12 months and may apply for longer residence on the basis of their employment.
- 6.101 Additional labour migration programs include the Seasonal Agricultural Worker's scheme, the Sector Based scheme, the Working Holiday Makers scheme and the International Students scheme.
- 6.102 Citizens of EU member states and other European Economic Area (EEA) nations do not require a special visa to work in the UK, although those from new Central and Eastern European member states need to register.
- 6.103 In 2004 the UK received a record 582,000 migrants, with an estimated net migration of 223,000 people. EU transfers made up the majority of the overall migration intake.⁸⁶ Migrants from Australia made up the largest immigrant group, followed by China, France, Germany and India. Labour migration made up about 36 per cent of total migration by category.⁸⁷
- 6.104 As Great Britain has traditionally been a 'zero immigration country',⁸⁸ little effort has been made, until recently, to quantify the employment and other outcomes of its labour migration program.⁸⁹

84 Birrell et al, *Evaluation of General Skilled Migration Categories*, 2006, p. 137.

85 Home Office, *Selective Admission: Making Migration Work for Britain*, London, p. 53.

86 UK National Statistics website, <http://www.statistics.gov.uk/cci/nugget.asp?id=260> (accessed 26 June 2006).

87 OECD, *International Migration Outlook*, p. 223.

88 C. Joppke, *Immigration and the Nation State: The United States, Germany and Great Britain*, Oxford University Press, Oxford, 1999, p. 100.

- 6.105 People seeking work permits generally require an employer sponsor (depending on the type of permit). The application requires documentary evidence of qualifications and appropriate licences. HSMP applicants do not require employer sponsorship. These applicants either require an MBA from one of 50 leading universities or need to demonstrate outstanding career experience.
- 6.106 Applications under the work permits scheme and HSMP are assessed in two stages. Immigration clearance is assessed at the post offshore. Employment qualifications are assessed in the UK by the Managed Migration Directorate. The new proposals for labour migration in the UK include replacing the two-stage assessment with 'a single interface and application process for all applicants'.⁹⁰
- 6.107 The UK government's proposed restructure of labour and student migration according to five tiers is described in Table 6.3.

Table 6.3 UK's proposed structure of labour and study migration

Tier 1	Highly Skilled	Occupations most in need, no job offer required, similar to HSMP
Tier 2	Skilled	Job offer required, vacancy may be verified through market testing, geared to shortage areas such as teaching and nursing
Tier 3	Low Skilled	Primarily to be made up from EU migrants, replacing earlier schemes for agricultural workers etc.
Tier 4	Students and Specialists	Similar to Australian, Canadian and New Zealand schemes
Tier 5	Other Specific Temporary Schemes	Included in this category are secondment workers, business visitors, youth mobility/cultural exchange and selected development schemes

Source Home Office, *Selective Admission: Making Migration Work for Britain*.

General skills recognition processes

- 6.108 Overseas trained workers seeking skills recognition in the UK may apply for a qualifications assessment from the UK National Academic Recognition Information Centre (NARIC), funded by the Department of Education and Skills. A standard evaluation service takes up to 15 working days, at a cost of £42.30 (including value added tax).⁹¹

89 Research, Development and Statistics Directorate, *Migration: An Economic and Social Analysis*, Home Office, London, 2001, p. vii; and Birrell et al, *Evaluation of General Skilled Migration Categories*, p. 280.

90 Home Office, *Selective Admission: Making Migration Work for Britain*, London, p. 3.

91 National Academic Recognition Information Centre website, <http://www.naric.org.uk/default.htm> (accessed 26 June 2006).

6.109 NARIC's main functions are:

- To provide a recognition service and comparability information for international qualifications from 183 countries worldwide with those in the UK
- To promote UK qualifications abroad through the promotion of recognition and acceptance of British awards.⁹²

6.110 NARIC also manages the UK National Reference Point for Vocational Qualifications (NRPVQ), which advises on skills recognition and provides assessments on trade and technician level qualifications. NRPVQ also represents the UK on the European network of National Reference Points for vocational qualifications.⁹³

6.111 EU and EEA migrants to the UK can also use the Europass scheme to assist in skills recognition and employment. Europass was launched in January 2005 by the European Parliament to form a single transparent framework for qualifications and competencies by setting a European standard for employment and qualifications documents.⁹⁴

6.112 The Europass is made up of five documents: the Europass curriculum vitae and the Language Passport, which are filled in by the individual, and the Certificate Supplement, Diploma Supplement and Mobility document, which are issued to the individual by assessment authorities.

6.113 Educational institutions that award the original documents can issue Certificate and Diploma Supplements on request. These documents provide clear information on the qualification, level and associated competencies, for use in seeking employment in EU member states. The Europass Mobility document sets out the particular skills and competencies acquired by an individual through structured training abroad.⁹⁵

6.114 The UK Department for Education and Skills coordinates and provides links to competent authorities and peak professional bodies

92 NARIC website, <http://www.naric.org.uk/index.asp?section=6> (accessed 7 August 2006).

93 National Reference Point for Vocational Qualifications website, <http://www.uknvp.org.uk> (accessed 26 June 2006).

94 Europass website, <http://europass.cedefop.europa.eu/europass/preview.action> (accessed 26 June 2006); and UK Europass Centre website, <http://www.uknec.org.uk> (accessed 26 June 2006).

95 The Europass scheme was launched in 2005 and there appears to be limited information available on its use and acceptance.

responsible for licensing and occupational regulation through the 'Europe Open for Professionals' website.⁹⁶

- 6.115 As an EU member, the UK is also a party to the European Union Directive on Mutual Recognition of Qualifications for Regulated Professions. In this role the UK Department for Education and Skills provides targeted guidance for EU citizen migrants seeking to work in the UK, and vice versa.
- 6.116 The department can also provide advice on the need for a Certificate of Experience for EU tradespeople. A Certificate of Experience is a document produced in an EU member state for an individual who has demonstrated work experience and complies with standard criteria set out by the Council of European Commission Ministers. The certificate details the nature of the professional experience of a person in a trade/profession.
- 6.117 Requalification services targeting refugees and overseas qualified health professionals are funded by the National Health Service, the North East London Pathway for Refugee Health Professionals, Refugee Education and Training Advisory Services, Praxis Community Projects and the Thames Gateway International Healthcare Employment Scheme.⁹⁷
- 6.118 The British Medical Association and the Refugee Council operate a refugee doctors database which medically trained refugees may apply to join. Those listed on the database are sent information to assist them in preparing to continue their careers in the UK.⁹⁸
- 6.119 The Medical Journal Club of the London Borough of Brent assists non-UK qualified doctors by organising study meetings in preparation for the medical exam, career counselling, access to the medical library and skills centre, and funding for exams and eventual registration.⁹⁹
- 6.120 General settlement services targeted to those in greatest need, such as refugees and asylum seekers, include the:

96 UK Department of Education and Skills website, <http://www.dfes.gov.uk/europeopen/index.shtml> (accessed 26 June 2006).

97 Time Together website, http://www.timetogether.org.uk/facts__1_9.html (accessed 6 July 2006).

98 For more information on the database see Time Together website, http://www.timetogether.org.uk/facts__1_9.html (accessed 6 July 2006).

99 Brent Medical Journal Club website, <http://www.brent.gov.uk/regen2.nsf/24878f4b00d4f0f68025663c006c7944/3b9b39a20e30bde380256eda0054cea8!OpenDocument> (accessed 6 July 2006).

- National Asylum Support Service, which provides accommodation and financial services for refugees;¹⁰⁰
 - Refugee Education and Training Advisory Service, which provides employment advice and training for refugees;¹⁰¹
 - Praxis Community Projects, which provide settlement assistance to migrants and refugees;¹⁰² and
 - Sunrise (Strategic Upgrade of National Refugee Integration Services) program, which assigns caseworkers to spend up to 117 hours with selected refugees to establish and implement 'Personal Integration Plans'.¹⁰³
- 6.121 A number of mentoring services are also available for migrants in the UK, the most prominent of which is Time Together, established by Timebank in 2002. Timebank works with established refugee and community organisations to provide mentoring schemes to assist the integration of refugees into the community. In 2005 the Home Office increased funding for Time Together to match 2,550 refugees with mentors by 2007.¹⁰⁴

International skills recognition agreements and other arrangements

- 6.122 Australia has signed a number of international mutual recognition agreements to facilitate greater mobility of skilled professionals in and out of Australia and to maximise the efficiency of their integration into the labour market.
- 6.123 There are a number of general governmental mutual recognition agreements. These are complemented by occupation specific agreements driven by non-government professional regulatory bodies.

100 Refugee Council website, http://www.refugeecouncil.org.uk/infocentre/entit/sentit001.htm#nass_package (accessed 6 July 2006).

101 Education Action, Refugee Education and Training Advisory Service website, http://www.education-action.org/retas.asp_ai=advice.htm (accessed 6 July 2006).

102 Praxis Community Project website, <http://www.praxis.org.uk> (accessed 6 July 2006).

103 Home Office Immigration and Nationality Directorate website, <http://www.ind.homeoffice.gov.uk/lawandpolicy/refugeeintegration/sunrise> (accessed 6 July 2006).

104 Time Together website, http://www.timetogether.org.uk/about_us.php (accessed 6 July 2006).

Inter-governmental mutual recognition arrangements

- 6.124 Inter-governmental mutual recognition arrangements include the Trans-Tasman Mutual Recognition Arrangement, the Asia-Pacific Regional Convention and the Lisbon Recognition Convention.

Trans-Tasman Mutual Recognition Arrangement

- 6.125 The Trans-Tasman Mutual Recognition Arrangement (TTMRA) is a non-treaty arrangement between the Commonwealth, state and territory governments of Australia and the Government of New Zealand. It was signed in June 1996.
- 6.126 TTMRA originated from the *Mutual Recognition Act* (MRA) 1992 between the Commonwealth, states and territories of Australia and from the Australia New Zealand Closer Economic Relations Trade Agreement (1983).
- 6.127 The arrangement supports the in-principle free trade of goods between New Zealand and Australia and the mobility of people to work in both countries:
- The basic principle in respect of Occupations is that a person Registered to practise an Occupation in the Jurisdiction of any Australian Party is entitled to practise an Equivalent occupation in New Zealand, and a person Registered to practise an Occupation in New Zealand is entitled to practise an Equivalent occupation in the jurisdiction of any Australian Party.¹⁰⁵
- 6.128 The TTMRA covers all registrable occupations, except medicine.¹⁰⁶ However, recognition is not automatic.
- 6.129 In practice, an individual seeking registration under the TTMRA must apply to the relevant registration authority and provide information on the nature of their occupation and current registration and licensing details. Registration bodies have one month to grant, postpone or refuse registration. The applicant may be granted

¹⁰⁵ Agreement between Australian Governments and the New Zealand Government relating to Trans-Tasman Mutual Recognition, http://www.dfat.gov.au/geo/new_zealand/ttmra.pdf (accessed 19 June 2006).

¹⁰⁶ DEWR, *Submission No. 63*, p. 8.

deemed registration, valid until the decision from the registration authority is finalised.¹⁰⁷

- 6.130 The Committee heard that Queensland had issues with regard to the recognition of certain trades under the TTMRA:

We would love to see the Trans-Tasman Mutual Recognition Agreement operate at the trade level. I am quite amazed that our ITABs [Industry Training Advisory Bodies] ... have not done more work with the ITOs, the equivalent in New Zealand. Although I did see on the New Zealand Qualifications Authority website that there is some work being done in mapping the Australian Qualifications Framework and Australian training packages with New Zealand or using a combination, but at the moment I think there is only one particular electrical licence that operates under a TTMRA in the trades.¹⁰⁸

- 6.131 A review of the MRA and the TTMRA by the Productivity Commission in 2003 concluded that 'mutual recognition has contributed significantly to increased labour mobility across MRA and TTMRA jurisdictions'.¹⁰⁹

- 6.132 In relation to the mobility of registered professionals, the Productivity Commission found that the operation of the TTMRA could be maximised by:

- Enhancing the information exchange systems and procedures among registration boards (for example, in relation to incomplete disciplinary actions) by greater use of electronic database registration systems with capacity for access by counter-part registration boards;
- Improving the capacity of registration systems to accommodate short notice applications for registration to allow short term service provision across jurisdictions;
- Encouraging Australian occupational registration authorities to develop national registration systems where the benefits justify the costs; and
- Encouraging jurisdictions to continue to work on reducing differences in registration requirements to address

107 COAG Committee on Regulatory Reform, *A User's Guide to the Trans-Tasman Mutual Recognition Arrangement (TTMRA)*, CRR, 1998, pp. 13-20.

108 Ms Rogers, Department of Employment and Training, Queensland, *Transcript of Evidence*, 9 March 2006, p. 58.

109 Productivity Commission, *Evaluation of Mutual Recognition Schemes*, p. xxvii.

concerns that the entry of professionals through the 'easiest jurisdiction' might lower overall competencies.¹¹⁰

- 6.133 The Productivity Commission also suggested that Australian and New Zealand Medical Councils work towards harmonising competency standards for medical practitioners to remove their exemption from the TTMRA by the time of the next review, scheduled for 2008.¹¹¹

Asia-Pacific Regional Convention

- 6.134 The Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific (the Regional Convention), was adopted in December 1983, and signed and ratified by Australia in 1985.
- 6.135 This convention focuses on the recognition of qualifications for access to further education. Its purposes include:
- Making their higher educational institutions as widely accessible as possible to students or researchers from any of the Contracting States;
 - Recognizing the studies, certificates, diplomas and degrees of such persons; and
 - Establishing and improving the system for the exchange of information regarding the recognition of studies, certificates, diplomas and degrees.¹¹²
- 6.136 Between November 2000 and March 2003, Australia was the Chair of the Regional Committee established under the convention. During this time, Australia worked with the United Nations Educational, Scientific and Cultural Organisation (UNESCO) Asia and Pacific Regional Bureau for Education to develop the Asia Pacific Academic Recognition Network (APARNET).
- 6.137 APARNET operates a website 'to provide an on-line place for exchange and dissemination of information on issues relating to higher education systems, assessing authorities and the recognition of educational qualifications within the region', accessible to registered members of signatory states.¹¹³

110 Productivity Commission, *Evaluation of Mutual Recognition Schemes*, p. xviii.

111 Productivity Commission, *Evaluation of Mutual Recognition Schemes*, p. xxxii.

112 DEST, *Submission No. 91*, p. 12.

113 Asia Pacific Academic Recognition Network website, <http://www.aparnet.org/about.htm> (accessed 30 June 2006).

Lisbon Recognition Convention

- 6.138 The Convention on the Recognition of Qualifications Concerning Higher Education in the European Region (the Lisbon Recognition Convention) was developed by the Council of Europe and UNESCO and signed by the original partners at Lisbon on 11 April 1997. The convention was signed by Australia in September 2000 and ratified in November 2002 to come into force in January 2003.¹¹⁴
- 6.139 The convention focuses on the recognition of qualifications for access to further education and requires, among other things, that:
- Holders of qualifications issued in one country shall have adequate access to an assessment of these qualifications in another country;
 - No discrimination shall be made in this respect on any ground such as the applicant's gender, race, colour, disability, language, religion, political opinion, national, ethnic or social origin; and
 - The responsibility to demonstrate that an application does not fulfil the relevant requirements lies with the body undertaking the assessment.¹¹⁵
- 6.140 Article IX.3 of the convention requires that signatories promote the use of a Diploma Supplement to support transparent assessments of qualifications and thereby the international mobility of students and professionals.¹¹⁶ The supplement is a short document attached to a higher education qualification providing 'a description of the nature, level, context, content and status of the studies that were pursued and successfully completed by the individual named on the original qualification'.¹¹⁷
- 6.141 The Department of Education, Science and Training (DEST) have launched a number of pilot projects to determine the feasibility of implementing the Diploma Supplements. Early indications of the

114 Council of Europe website, <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=165&CM=8&DF=20/05/05&CL=ENG> (accessed 27 June 2006).

115 DEST, *Submission No. 91*, p. 12.

116 The Convention on the Recognition of Qualifications Concerning Higher Education in the European Region, http://www.aei.gov.au/AEI/GovernmentActivities/BolognaProcess/Lisbon_pdf (accessed 30 June 2006).

117 DEST, *The Bologna Process: Next Steps*, 2006, p. 8.

trials are that implementing the scheme would involve 'substantial workload and technical enhancement costs'.¹¹⁸

- 6.142 The future of the Diploma Supplement will be determined following consultation on the Bologna process (discussed below).

ASEAN-Australia Development Cooperation Program

- 6.143 In 1998, the Association of Southeast Asian Nations (ASEAN) agreed to the Hanoi Plan of Action, which in part dealt with particular measures 'to establish networks of professional accreditation bodies to promote regional mobility and mutual recognition of technical and professional credentials and skill standards'. This led to the Enhancing Skills Recognition Systems Project, currently in progress and funded by AusAid and ASEAN through the ASEAN-Australia Development Cooperation Program.¹¹⁹
- 6.144 The Enhancing Skills Recognition Systems Project will, among other things, report on skills recognition arrangements in ASEAN countries and the role of industry bodies and recognition agencies, and analyse the findings to identify any lessons that can be learned. The overarching goal is to promote greater integration and movement of skilled labour across the ASEAN region.¹²⁰
- 6.145 The project's implementing partner is the Australian Expert Group for Industry Studies from the University of Western Sydney. The project is funded to 2006–07.

APEC Architect

- 6.146 The Asia Pacific Economic Cooperation (APEC) Architect project was adopted at the APEC Human Resources Development Working Group meeting in 2000, following an Australian Government proposal, with the support of 15 participating economies.

118 Australian Vice-Chancellor's Committee, *Response to Discussion Paper: The Bologna Process Next Steps*, AVCC, Canberra, 2006, p. 9, <http://www.avcc.edu.au/documents/publications/policy/submissions/AVCC-response-to-Bologna-Process.pdf> (accessed 30 June 2006).

119 AusAid, ASEAN-Australia Development Cooperation Program website, <http://www.aadcp.org/ps/projectdetails.html> (accessed 28 June 2006).

120 AusAid, ASEAN-Australia Development Cooperation Program website, <http://www.aadcp.org/ps/projectdetails.html> (accessed 28 June 2006).

- 6.147 APEC Architect sets a common basis for the recognition of professional competence to assist qualified architects, on the APEC Architect Register, to practise in other participating APEC economies.
- 6.148 The criteria for gaining recognition as a registered 'APEC Architect' consists of:
- An accreditation or recognition procedure for education programs in architecture;
 - A minimum period of post-graduate practical experience, with specified requisites;
 - Fulfillment of registration, licensing or other requirements for full professional recognition;
 - A minimum period of professional practice as a registered or licensed architect, with specified requisites.¹²¹
- 6.149 A member economy may recognise architects on the register without further examination or require that an architect meet special requirements to practise in their jurisdiction. Where special requirements are necessary, member economies are obliged under the agreement to make those requirements fully transparent.¹²²
- 6.150 Australia provided secretariat support to the project until 2004, after which this function was administered by Chinese Taipei.¹²³

Mutual recognition in trade agreements

- 6.151 Mutual recognition measures are also contained in bilateral and multilateral trade agreements such as the free trade agreements that Australia has signed and the General Agreement on Trade in Services administered by the World Trade Organisation.

Free trade agreements

- 6.152 Australia pursued mutual recognition arrangements in bilateral negotiations on free trade agreements with the United States, Singapore and Thailand. The Department of Foreign Affairs and Trade (DFAT) considers this 'as an important means of facilitating

121 APEC Architect Central Council, *APEC Architect Operations Manual*, APEC Human Resources Development Working Group, 2005, p. 6.

122 APEC Architect Central Council website, <http://www.apecarchitect.org/framework.php> (accessed 4 July 2006).

123 DEST website, http://www.dest.gov.au/sectors/international_education/organisations_contacts/apec_human_resources_development_working_group/apec_architect.htm (accessed 28 June 2006).

trade and services through overcoming regulatory barriers such as licensing, educational recognition, qualifications and so on'.¹²⁴

6.153 Australia's free trade agreements with Singapore (which came into effect on 28 July 2003) and Thailand (1 January 2005) contain clauses on skills recognition:

- A Party may recognise the education or experience obtained, requirements met, or licences or certifications granted in the other Party.
- The Parties shall encourage their relevant competent bodies to enter into negotiations on recognition of qualification requirements, qualification procedures, licensing or registration procedures with a view to the achievement of early outcomes.¹²⁵

6.154 DFAT has supported a mutual recognition arrangement between CPA Australia and their counterparts in Singapore under the Singapore-Australia Free Trade Agreement. Further discussions are continuing in the fields of pharmacy and dentistry. Arrangements have also been put in place to recognise certain law degrees. However, lawyers from Singapore still face registration requirements from relevant state and territory authorities in Australia.¹²⁶

6.155 Annex 10-A of the Australia-United States Free Trade Agreement (AUSFTA) on 'Development of Professional Services' goes further, to require that:

The Parties shall encourage the relevant bodies in their respective territories to develop mutually acceptable standards and criteria for licensing and certification of professional services suppliers and to provide recommendations on mutual recognition to the Joint Committee ... with regard to the following matters:

- Education – accreditation of schools or academic programs;
- Examinations – qualifying examinations for licensing, including alternative methods of assessment, such as oral examinations and interviews;
- Experience – length and nature of experience required for licensing;

124 Ms Witbreuk, DFAT, *Transcript of Evidence*, 5 September 2005, p. 21.

125 Singapore-Australia Free Trade Agreement, Article 23, 'Recognition'. A similar clause appears in the Thailand-Australia Free Trade Agreement, Article 806 'Recognition', <http://www.fta.gov.au> (accessed 28 June 2006).

126 Mr Lade, DFAT, *Transcript of Evidence*, 5 September 2005, p. 23.

- Conduct and ethics – standards of professional conduct and the nature of disciplinary action for non-conformity with those standards;
- Professional development and re-certification – continuing education and ongoing requirements to maintain professional certification;
- Scope of practice – extent of, or limitations on, permissible activities;
- Local knowledge – requirements for knowledge of such matters as local laws, regulations, geography, or climate; and
- Consumer protection – alternatives to residency requirements, including bonding, professional liability insurance, and client restitution funds, to provide for the protection of consumers.

[and] ... Where the Parties agree, each Party shall encourage the relevant bodies in its territory to develop procedures for the temporary licensing of professional services suppliers of the other Party.¹²⁷

- 6.156 The working group established to consider the recognition of qualifications under AUSFTA Annex 10-A held its first meeting in June 2005. The outcome of this meeting is not currently available. The working group is required to report, in 2007, to the joint committee which supervises the implementation of the agreement.¹²⁸
- 6.157 The Australia New Zealand Closer Economic Relations Trade Agreement is supplemented by the Trans-Tasman Mutual Recognition Arrangement (as discussed above).
- 6.158 The Committee notes that Australia is currently negotiating or considering free trade agreements with ASEAN and New Zealand; China; Malaysia; Japan; and the Gulf Cooperation Council. The Committee supports the inclusion of further skills recognition measures in these possible agreements.

General Agreement on Trade in Services

- 6.159 The General Agreement on Trade in Services (GATS) is an international treaty establishing a framework of basic rules for trade

127 Australia–United States Free Trade Agreement, Annex 10-A, paragraphs 1-2, 4, http://www.dfat.gov.au/trade/negotiations/us_fta/final-text/chapter_10.html (accessed 28 June 2006).

128 DFAT, *Government Response to the Final Report of the Senate Select Committee on the Free Trade Agreement between Australia and the United States of America*, June 2006, p. 18.

in services between World Trade Organisation (WTO) member states. GATS came into force in 1995 following the Uruguay Round negotiations. The agreement outlines a number of general obligations that apply to all WTO members and specific obligations that are particular to individual WTO members.

6.160 GATS covers four modes of services. Mode 4, 'Movement of Natural Persons', covers the travel of individuals to another country for the purpose of supplying a service.

6.161 Article VI.4 of the general agreement seeks to ensure that skills recognition processes are not prohibitively burdensome:

With a view to ensuring that measures relating to qualification requirements and procedures, technical standards and licensing requirements do not constitute unnecessary barriers to trade in services, the Council for Trade in Services shall, through appropriate bodies it may establish, develop any necessary disciplines. Such disciplines shall aim to ensure that such requirements are, *inter alia*:

(a) based on objective and transparent criteria, such as competence and the ability to supply the service;

(b) not more burdensome than necessary to ensure the quality of the service;

(c) in the case of licensing procedures, not in themselves a restriction on the supply of the service.¹²⁹

6.162 Australia is currently in the process of determining its second round revised offer on its specific commitments in response to bilateral market requests.¹³⁰

6.163 Australia's specific commitments in its first revised offer (May 2005) included the liberalisation of temporary skilled migration by removing the previous requirement of labour market testing, in preference to sponsorship arrangements and reference to the occupations list. This reflects Australia's need to more flexibly meet

129 World Trade Organisation website, http://www.wto.org/english/docs_e/legal_e/26-gats_01_e.htm (accessed 3 July 2006).

130 In accordance with the Hong Kong Ministerial Declaration, the second round of revised offers is due by 31 July 2006. DFAT website, http://www.dfat.gov.au/trade/negotiations/services/wto_services_negotiations_0306.html (accessed 3 July 2006).

labour market demands, as well as meeting the needs of developing countries.¹³¹

Other governmental mutual recognition arrangements

- 6.164 The Bologna process and EU directives on mutual recognition are activities that Australia is not a party to but should monitor, as they are likely to impact in some way on the recognition of overseas qualifications, particularly from Europe, and the ability for Australians to have their qualifications recognised overseas.

Bologna process and other higher education initiatives

- 6.165 In 1999 a meeting of 29 European Ministers of Education issued the 'Bologna declaration' to establish a European Higher Education Area (EHEA) by 2010. The EHEA would create a common higher education framework among the signatory states by:
- Implementing a system of easily readable and comparable degrees;
 - Standardising degree structures (Bachelor/Masters/Doctorates);
 - Implementing a system of credits;
 - Promoting greater mobility by overcoming obstacles;
 - Promoting European cooperation in quality assurance; and
 - Promoting European dimensions in higher education (closer international cooperation and networks).¹³²
- 6.166 DEST anticipates that the Bologna process will have a 'profound effect' on higher education at a global level.¹³³ There are now 45 countries across Europe committed to the process, and a number of Latin American and Asian countries, including China, have also shown interest.
- 6.167 The Bologna process will also have ramifications for skills recognition in Australia. One potential benefit of Australia aligning with the Bologna initiative is the facilitation of greater interaction and qualification recognition among member states.

131 DFAT website, http://www/dfat.gov.au/trade/negotiations/services/gats_revised_offer_explnotes.html (accessed 3 July 2006).

132 DEST, *The Bologna Process and Australia: Next Steps*, p. 4.

133 DEST, *The Bologna Process and Australia: Next Steps*, p. 3.

- 6.168 The Committee notes that DEST is currently undertaking consultation on Australia's response to the Bologna process, and considers higher education reform towards 'Bologna compatibility' would generally be a positive development for skills recognition in Australia. However, the Committee also notes that a number of issues will need to be resolved to align Australia with the Bologna measures, including the feasibility of the Diploma Supplement and the differing professional accreditation requirements.
- 6.169 Australia participates in or has observer status on other multi- and bilateral fora that examine international higher education issues such as the comparability and recognition of qualifications. The multilateral fora include the:
- APEC Human Resources Development Working Group's Education sub-group;
 - UNESCO-OECD Forum on Trade in Education Services, which Australia hosted in 2004; and
 - South East Asian Ministers of Education Organisation.¹³⁴
- 6.170 While the Committee considers that these international higher education initiatives may potentially bring about positive outcomes for skills recognition, it notes a lack of similar effort in vocational education.
- 6.171 Australian Education International also supports skills recognition through its Professional Services Development Program. The program 'supports the promotion of Australian education and training internationally through advancing the recognition of Australian qualifications overseas and the recognition of overseas professional qualifications in Australia'. Australian education providers and professional bodies may tender for advertised projects under this program with proposals 'that promote best practice procedures for recognition of professional skills and qualifications in Australia'.¹³⁵

134 DEST, *Higher Education Report 2004-05*, 2005, p. 110.

135 Australian Education International website, <http://aei.dest.gov.au/aei/governmentactivities/professionalservicesdevelopmentprogram/default.htm> (accessed 30 June 2006).

European Union Directives for Mutual Recognition of Qualification for Regulated Professions

- 6.172 The mobility of labour within Europe and the regulation of professions prompted the European authorities to consider skill and qualification recognition and licensing issues.
- 6.173 The European Commission sought to harmonise education and professional qualification standards and has issued sectoral directives on the recognition of certain professions since the 1960s, initially covering medical professions. Such sectoral directives proved difficult to expand and by the 1980s general system directives were being negotiated.¹³⁶
- 6.174 In 1989 the Directive on the Recognition of Professional Qualifications (89/48/EEC) was adopted by the Council of European Commission Ministers. This directive covered professions that required a university degree or equivalent. This was followed by another general directive covering regulated professions requiring qualifications below a degree level (92/51/EEC). These general directives were supplemented by the Certificate of Experience (directive 99/42/EEC) promoting the recognition of trades experience and qualifications.¹³⁷
- 6.175 The general directives are based on the principle that an individual qualified and licensed to practise in a regulated profession in an EU member state should be able to practise the same profession in another member state without the need to requalify. In cases where there is a substantial difference in the requirements of an occupation between states, some compensation measures may be required.¹³⁸

International engineering agreements

- 6.176 Australian and international engineering organisations have been particularly active in developing systems for the mutual recognition of members of prescribed professional bodies. Engineers Australia is a signatory to the Washington Accord, the Sydney Accord and international registers such as the APEC Engineer Register, the

136 Iredale, *Skills Transfer: International Migration and Accreditation Issues*, pp. 24-27.

137 Europe Open for Professionals, Directives website, http://www.dfes.gov.uk/europeopen/page_5.shtml (accessed 27 June 2006).

138 DEST, *Submission No. 91*, p. 11; and Europe Open for Professionals, Directives website, http://www.dfes.gov.uk/europeopen/page_5.shtml (accessed 27 June 2006).

Engineer Mobility Forum and the Engineering Technologist Mobility Forum.¹³⁹

Washington and Sydney Accords

- 6.177 The Washington Accord is a multinational agreement that was signed by peak engineering bodies in each member state in 1989 for the 'recognition of equivalency of accredited engineering education programs leading to the engineering degree'.¹⁴⁰
- 6.178 The accord is limited to the recognition of undergraduate degrees and excludes postgraduate and specialist degrees. It also does not cover specific licensing requirements of signatory countries such as minimum amount of experience.
- 6.179 The nine member countries of the Washington Accord are Hong Kong, the UK, the US, Australia, New Zealand, South Africa, Ireland, Japan and Canada. Singapore, Chinese Taiwan, Malaysia and Korea are, at the time of writing, seeking full-time membership.¹⁴¹
- 6.180 The Sydney Accord was signed in June 2001 to establish a system to recognise Engineering Technologist/Incorporated Engineer courses of study. Signatories to the accord are Australia, Hong Kong, China, Ireland, South Africa and the United Kingdom.¹⁴² The accord is in its early stages of implementation.

APEC Engineer

- 6.181 APEC Engineer – 'Towards Mutual Recognition of Qualifications' – was adopted at the 13th APEC Human Resources Development Working Group Meeting in Wellington in 1996.
- 6.182 APEC Engineer set a framework to streamline recognition procedures to enable qualified engineers to access work opportunities in the APEC region. The agreed process was to:
- Map existing arrangements for accreditation, recognition and development of professional engineering qualifications,

139 Engineers Australia website, http://www.engineersaustralia.org.au/member-services/members-overseas/international-activities/international-activities_home.cfm (accessed 4 July 2006).

140 Washington Accord website, <http://www.washingtonaccord.org> (accessed 27 June 2006).

141 Mr Taylor, Engineers Australia, *Transcript of Evidence*, 27 February 2006, p. 20.

142 Engineers Australia, *Submission No. 76*, pp. 10-11.

- Use this information to identify best practices in accreditation, recognition and development of professional engineering qualifications, and
 - Develop and deliver a best practices workshop.¹⁴³
- 6.183 Of the 21 APEC economies, 15 participated in some or all of the stages of the project, with 11 signatory organisations from Australia, the US, New Zealand, Hong Kong, Malaysia, Canada, Indonesia, Japan, Korea, Thailand and the Philippines.
- 6.184 The APEC Engineer Coordinating Committee defines a recognised engineer as one who is recognised by an authorised body within an APEC economy in accordance with the committee's criteria and procedures to ensure they have:
- Completed an accredited or recognised engineering program, or assessed recognised equivalent; and
 - Been assessed within their own economy as eligible for independent practice; and
 - Gained a minimum of seven years practical experience since graduation; and
 - Spent at least two years in responsible charge of significant engineering work; and
 - Maintained their continuing professional development at a satisfactory level.¹⁴⁴
- 6.185 The project was overseen by a steering committee, chaired by Australia, which included government officials from participating member economies and a task group of engineering experts.

Engineering Mobility Forum

- 6.186 The Engineer Mobility Forum (EMF) was developed from a 1996 initiative of the Washington Accord signatories to facilitate the mobility of experienced professional engineers by establishing a framework for national regulatory bodies of member states to 'recognise the substantial equivalence in professional competence and

143 DEST website, http://www.dest.gov.au/sectors/international_education/organisations_contacts/apec_human_resources_development_working_group/apec_engineer.htm (accessed 27 June 2006).

144 APEC Engineer Coordinating Committee, *The APEC Engineer Manual The Identification of Substantial Equivalence*, APEC Human Resources Development Working Group, 2003, p. 7.

standing' of engineers.¹⁴⁵ The constitution for the forum was formally adopted in 2003.

6.187 The key part of the framework was to develop an international register of professional engineers. Forum members are also obliged to:

- develop and promote mutually acceptable standards;
- examine existing barriers to mobility and develop strategies to address them;
- encourage licensing authorities to adopt mutual mobility procedures; and
- promote best practice for the preparation and assessment of engineers.¹⁴⁶

6.188 Similarly, the Engineering Technologist Mobility Forum (ETMF) originated from the Sydney Accord signatories seeking greater international mobility and recognition for experienced engineering technologists. The constitution for the ETMF, adopted in June 2005, sets the framework for establishing an international register of engineering technologists and further cooperation between members.¹⁴⁷

Other non-government accords

6.189 A number of professional occupation regulatory bodies gazetted by AEI-NOOSR in Australia recognise or license members of affiliated bodies overseas and streamline the recognition of members of those overseas bodies with minimal or no re-qualification requirements. Some regulatory bodies are multinational by nature.

6.190 The membership of the Australasian Veterinary Boards Council comprises the Australian veterinary boards; the Veterinary Council of New Zealand; and the Australian Veterinary Association and the New Zealand Veterinary Association, which are non-financial members.¹⁴⁸

145 Engineers Mobility Forum, *International Register of Professional Engineers Constitution*, EMF, 2003, p. 5.

146 Engineers Mobility Forum, *International Register of Professional Engineers Constitution*, pp. 5-6.

147 Engineering Technologists Mobility Forum, *International Register of Engineering Technologists Constitution*, ETMF, 2005.

148 Dr Strous, Australasian Veterinary Boards Council, *Transcript of Evidence*, 24 November 2005, p. 86.

- 6.191 The Australian Dental Council recognises dental qualifications from England, Ireland and New Zealand.¹⁴⁹
- 6.192 The Electricity Regulators Association of Australia recognises licensed New Zealand electrical workers and they may be granted a state electrical licence in Australia.¹⁵⁰
- 6.193 The Accreditation Board of the Australia New Zealand Society of Nuclear Medicine regulates overseas qualifications assessment for those in the field of nuclear medicine in Australia and New Zealand.¹⁵¹
- 6.194 The Overseas Qualifications Assessment Panel of the Australian Institute of Radiography recognises certain courses from UK, Ireland, New Zealand and Hong Kong. Applicants from these countries can be fast tracked.¹⁵²
- 6.195 The Architects Accreditation Council of Australia have a reciprocity of registration agreement with the New Zealand Architects Education and Registration Board and, at the time of writing, are in discussion with the similar authorities in the United States and Singapore.¹⁵³
- 6.196 The Council on Chiropractic Education Australasia consists of the Australian and New Zealand Chiropractic Registration Boards, professional chiropractic associations, chiropractic educational institutions and specialist laypersons and undertakes skills assessment for migration to and practise in Australia.¹⁵⁴
- 6.197 State and territory based regulatory authorities have also undertaken mutual recognition arrangements. For example, the Queensland Building Services Authority recognises the apprenticeship equivalents as outlined in Table 6.4.

149 Australian Dental Council, *Submission No. 29*, p. 2.

150 Mr Tighe, Communications, Electrical and Plumbing Union, *Transcript of Evidence*, 23 November 2006, p. 88.

151 Australia New Zealand Society of Nuclear Medicine, *Submission No. 106*, p. 1.

152 Australian Institute of Radiography, *Submission No. 8*, p. 2.

153 Architects Accreditation Council of Australia, *Submission No. 36*, p. 5.

154 Council on Chiropractic Education Australasia, *Submission No. 51*, p. 1.

Table 6.4 Queensland Building Services Authority: recognised apprenticeship equivalents

Overseas Qualification	BSA Equivalent Licence
Flat glass (New Zealand)	Glass, Glazing and Aluminium
Carpentry and Joinery (New Zealand)	1. Carpentry 2. Joinery
Joinery (New Zealand)	Joinery
Painting and Decorating (UK)	Painting and Decorating
Painting and Decorating (New Zealand)	Painting and Decorating
Carpentry (New Zealand)	Carpentry

Source Queensland Government, *Submission No. 83*, p. 22.

International comparison of migrant employment outcomes

- 6.198 According to the OECD, migrant labour market outcomes vary according to the country of origin, the migration category through which migrants enter and the economic cycle of the economy.¹⁵⁵
- 6.199 The process through which migrants are selected is crucial. The more efficiently the skills of migrants are recognised, the more quickly they can contribute to their family and the economy, and productivity losses are minimised.
- 6.200 Also crucial are specialised introduction programs at the time of entry, and for a few years after, covering language, cultural orientation and vocational training and work experience, if required. Thereafter, mainstream labour market programs have an increasingly important role to play.
- 6.201 Table 6.5 provides a comparison of unemployment rates by OECD country and male and female outcomes. While taking into account the differing immigration programs and labour market environments between Australia and the other OECD countries, the table shows Australia has produced strong migrant employment outcomes. Other OECD data shows that second-generation migrants to Australia have employment outcomes much closer to the national average, which is exceptional at an international level.

155 OECD, *Employment Outlook*, Paris, 2006, pp. 142-147.

Table 6.5 OECD unemployment rates of native- and foreign-born populations

	Native-born	Foreign-born	Ratio ^b
Men			
Australia ^a	6	6.5	1.1
Austria	4.3	11.2	2.6
Belgium	5.6	15	2.7
Canada ^a	5.5	6.6	1.2
Denmark	4.4	14.4	3.3
France	8	13.6	1.7
Germany	10.3	18.3	1.8
Greece	6.5	6.7	1
Ireland	4.9	6.5	1.3
Italy	6.4	6.1	1
Netherlands	3.6	10.3	2.9
Portugal	5.7	9.9	1.7
Spain	7.8	11.4	1.5
Sweden	6.2	13.9	2.3
United Kingdom	4.7	7.3	1.5
United States	6.9	5.8	0.8
Women			
Australia ^a	6.1	6.5	1.1
Austria	4.3	10.7	2.5
Belgium	7.5	15	2
Canada ^a	4.9	6.8	1.4
Denmark	5.2	10.3	2
France	9.9	17.2	1.7
Germany	9.6	15.2	1.6
Greece	15.7	18.9	1.2
Ireland	3.6	5	1.4
Italy	10.1	13.1	1.3
Netherlands	4.3	10.6	2.5
Portugal	7.4	9.6	1.3
Spain	15.1	17.1	1.1
Sweden	5.2	12.2	2.3
United Kingdom	3.9	7.3	1.9
United States	5.5	6.8	1.2

a) Data refer to 2003 for Australia and to 2002 for Canada.

b) Ratio of foreign-born to native-born unemployment rates.

Source OECD *Employment Outlook 2006*, p. 144.

Conclusion

- 6.202 The case study countries examined in this chapter face similar skill shortages in key sectors of the economy and longer-term demographic changes (particularly an ageing population in some countries).
- 6.203 The case studies demonstrate that these countries, which are in competition with Australia for skilled migration, are continuing to review and develop their immigration and settlement programs with a view to increasing their overall intake, attracting the most skilled of migrants and more efficiently integrating all migrants into the labour market.
- 6.204 Processes for skills recognition need to be continually reviewed to ensure that they meet world's best practice and are responsive to changing labour market requirements.
- 6.205 Also, over the past 15 years, great progress has been made in establishing government and non-government mutual recognition arrangements generally with other countries and, in specific professions, between accredited national professional bodies.
- 6.206 However, there is limited information available on the specific impact of these agreements. The agreements also appear to lack coordination in Australia, with some falling under the responsibility of DEST and some under DFAT, while others come under the responsibility of the professional regulatory authorities.
- 6.207 While Australia has done well to participate in a number of international mutual recognition accords, the Committee acknowledges that the real challenge will be to implement them to make a real difference to the transferability of skills in Australia. It appears that greater accountability through regular reporting is required to ensure that maximum value is extracted from these accords.

Recommendation 43

- 6.208 The Committee recommends that the Australian Government continues to encourage and assist professional regulatory authorities to expand their use of bilateral and multilateral international mutual recognition arrangements, while ensuring that Australian standards are not compromised. In particular, the Committee recommends improved policy oversight to facilitate this initiative.

Recommendation 44

- 6.209 The Committee recommends that the Department of Foreign Affairs and Trade coordinate, on behalf of the Australian Government, an annual report to be tabled in parliament on international skills recognition and licensing arrangements. The report should cover the progress in establishing, implementing and monitoring inter-governmental mutual recognition arrangements, including the Trans-Tasman Mutual Recognition Arrangements, the Asia-Pacific Recognition Convention, the Lisbon Recognition Convention, the recognition measures in the free trade agreements and the General Agreement on Trade in Services.