

## QUESTION TAKEN ON NOTICE

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 15 October 2012**

IMMIGRATION AND CITIZENSHIP PORTFOLIO

**(SE12/0246) PROGRAM – 1.1: Visa and Migration**

Senator Cash (written) asked:

SkillSelect: Who determines, and how do they determine, which EOIs receive an invitation to submit a visa application? Is there legislative authority that sets out the criteria under which an invitation to apply must be issued by the Minister? Is there legislative authority that outlines the Expression of Interest Framework?

*Answer:*

The relevant provisions in Schedule 1 to the *Migration Regulations 1994* give the Minister power to issue invitations to apply to migrate. The legislation does not directly set any limits on this power, but it would be futile, for instance, to issue an invitation to a person who would clearly be unable to meet the criteria for grant of a visa.

The Minister has decided that invitations will be given only in writing to persons who have submitted an Expression of Interest and met the selection criteria established under the SkillSelect process. Details of the SkillSelect process have been set out in the Procedures Advice Manual which is publicly available. Acting under section 495A of the *Migration Act 1958*, the Minister has arranged for a computer system to assess and rank Expressions of Interest and to issue invitations in accordance with the published process.