

Applying For A Skilled Student Visa

General Overview

Applying for permanent residency can be a tricky process when you are a new graduate. It is very important that you follow the correct procedures to lodge a successful visa application. In many cases students may not have enough knowledge about certain procedures with the visa application process. It is vital that the visa application process is completed correctly as one wrong step could lead to serious or irreversible consequences. If you are unsure about any procedure with applying for a visa you should always seek advice.

This article has been designed for overseas students applying for Skilled - Independent Overseas Student Class DD Subclass 880 category and also gives a brief overview of general skilled migration in Australia.

The Australian Department of Immigration and Multicultural Affairs "DIMA" currently adopts a points test to determine eligibility for this visa category.

As a starting point, students should make sure that they satisfy the basic legal criteria prior to examining their points under the points test.

Students should:

- Be less than 45 years of age
- Nominate an occupation from DIMA's skilled occupation list
- Lodge the visa application within 6 months of completing their course
- Ensure that their course is taught at an approved Australian Education Institution in English
- Study their course while in Australia (long distance courses studied by students overseas that entitles the student with a qualification from an Australian education institution do not apply)
- Undertake a course of at least 2 years full time study

Once the basic criteria have been satisfied, you may calculate your points on the points test. To maximise your points it is ideal that you have:

- nominated a 60 point occupation
- are under 30 years of age
- lived and studied in South Australia for a minimum of 2 years
- can obtain an overall band score of 6.0 on the IELTS Test as well as a minimum score of 6.0 in each component

You may also consider claiming additional points for:

- spouse skills where your spouse also meets the basic criteria as mentioned above
- knowledge and proven ability in a recognised community language
- \$100,000 capital investment for a minimum period of 12 months
- gained recent work experience in an occupation on the skilled occupation list for a minimum of 6 months within the 48 months immediately before lodgement of the visa application.

Notwithstanding the above, all application must be of good health and character and must provide corresponding documentation to evidence this.

Common problems and tips

- Start your process as early as possible as there is a large amount of documentation to accompany your application. Many other graduates will be in the same situation and therefore skills assessment bodies, IELTS testing centres, the Australian Federal Police will be dealing with a high concentration of requests. Wherever possible, you should always consider using return registered post when requesting important documentation from organisations/authorities.

- if you are unsure about your English language ability always register for an IELTS test as soon as possible as it will at least give you more time to re-sit the test if necessary. Students should take note that there is approximately a 3 month waiting period until the next available IELTS test in South Australia. Although the same situation applies to all test centres across Australia it wouldn't hurt to check available test dates at other test centres as you might be able to sit the IELTS test earlier elsewhere. This is especially the case for test centres in smaller cities.

- If you don't get the required IELTS test scores – depending on which stage of your application you have reached, it is always best to try and re-sit your IELTS test. If you are in the late stages of your application process and your DIMA case officer is requesting your IELTS test results it is always best to try and get your IELTS test re-marked if your results are very close to the requisite scores and advise your case officer of this. During this time, it be a good idea to apply to re-sit the IELTS if time is permitting. Therefore it is prudent to sit the IELTS test a few months before making your application to the DIMA, as this will give you an indication of your overall points.

- choosing an occupation – it is easy to determine which occupation you fall under if you are studying a specialist course, however, if you are undertaking a more general course such as 'health science' or 'business studies' it may be more difficult to determine which occupation best suits you. Students would have noticed that many trade occupations are awarded 60 points for their occupation such as Cook or Hairdresser. Students should choose their course very carefully to avoid issues later on in the visa application process. Students should note – do not choose a course just for its status, its high level of entry, or its ease of entry, make sure that it will benefit you in the future. Research the market that you would like to work in and the future

prospects of gaining employment. The employment markets that are in high demand will generally be a good indication that you will be rewarded higher points under the Points Test.

- Always check the criteria of the relevant skills assessment body in addition to the DIMA visa application requirements. Skills assessment bodies have their own criteria for applicants to obtain a positive skills assessment therefore it is important to make sure that you satisfy these. In some cases, the skills assessment body may require a higher standard in comparison with DIMA one example is where skills assessment bodies specify a higher level of English than the 6.0 on IELTS as DIMA does. Always check these criteria and make sure you fulfil them as you cannot successfully gain permanent residency without a positive skills assessment.
- The date of completion of your course differs from your graduation date – do not confuse one with the other!
- Adding a spouse or de facto partner when you apply – a spouse or de facto partner can only be added as a secondary applicant on your application only if they satisfy the basic criteria as mentioned above
- Adding a spouse or de facto partner after visa approval – you can do this by applying for the appropriate spouse visa in accordance with your circumstances
- 2 years full time study – 2 years full time study accounts for the summer break and all term/semester breaks even though actual contact hours at Uni or TAFE do not add up to 2 years full time. You may claim points for 2 years full time study as long as you provide evidence that you have been enrolled in course for at least 2 years full time study.

Proposed changes to the general skilled migration program

There has been much talk about the upcoming changes to general skilled migration in Australia. There has not yet been confirmation of any dates in regard to when the expected changes are to occur, however, its imminence is felt by all.

In March 2006, a 300 page report entitled “Evaluation of the General Skilled Migration Categories” written by Dr Bob Birell, Monash University, and two other academics was released and included recommendations to general skilled migration in Australia.

In May 2006, Senator Amanda Vanstone issued a Media Release indicating that the general skilled migration program would reflect the following changes:

- greater emphasis on work experience in the points test
- increase the base level of English proficiency for applicants
- bonus points awarded to applicants for English proficiency above the specified

base level

As the law stands, overseas students applying for the above mentioned visa category will gain permanent residency after their visa application has been approved. The government's focus on work experience is leading to a two stage permanent residency process. This is where a temporary visa will be granted for an initial period and a permanent residency visa will only be granted at a later date when certain criteria, for example work experience for a certain duration of time, have been fulfilled. Examples of the work experience pre-requisite reflect similarities in the popular "SIR" visa and the newly introduced Skilled - Designated Area-Sponsored visa on the 1st of July 2006.

The report may be accessed from:

<http://www.immi.gov.au/media/publications/research/gsm-report/index.htm>.

Sometimes students are torn between studying a profession that they are really passionate about and studying a course that will lead them to permanent residency. It is undeniable that many overseas students enter Australia with the ambitions and hopes of paving a brighter future for themselves in all aspects of their life. However, this still remains a difficult choice that students have to make in determining what their real aspirations are when embarking upon important life-changing decisions.

It is a shame that many students have a genuine intention to migrate to Australia but find it hard to fulfil the legal criteria allowing them to do so. Students spend a great deal of personal and financial investment to many years of study in Australia and in the end find it difficult to remain permanently in Australia. The reality of Australia's current migration policy rests on skills shortage and skill needs in Australia. The government is rigorously attempting to respond these matters in pursuit of implementing a well-rounded migration program that will benefit Australia as a whole.

For further information or queries please contact qh & partners on 8231 0618 or admin@qhpartners.com or visit our office at Suite 6, Level 1, 9-15 Field St, Adelaide SA 5000.

This article should only be regarded as general information and a reference for readers.

Although, Qh & Partners endeavours to provide information according to the legislation in place at the time of writing the article Qh & Partners accepts no responsibility for the completeness or accuracy of the information.

Qh & Partners takes no responsibility for the suitability of the information for any particular purpose. Readers should employ their own judgement when reading the article and seek independent legal advice.