

3/6/2010

Committee Secretary  
Senate Legal and Constitutional Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

**Migration Amendment (Visa Capping) Bill 2010**

Dear Sir/Madam,

We would like to express our horror and total exasperation at the proposed Amendment to the Migration Act.

As a family of four, we decided to start a new life in Australia after Keith was made redundant from Lloyds Bank, in the UK. As Keith did not have a 'Certificate' to prove he could do the job he had done successfully for 7 years, our only option to allow us to re-locate to Australia was for me to study hairdressing, which at the time was deemed to be a skill in demand and attracted 60 points. Successfully passing this course and meeting all the other requirements would ensure us residency was not just a pipe dream but a very definite proposition. After selling our home to help fund the proposed move we arrived in Australia in December 2006. I commenced my studies in January 2007 and successfully completed my course. During this time, Keith was restricted to working twenty hours per week. This barely qualified as part-time and severely restricted his opportunities. However, determined to support his family, he went to work for Bunning's. The small amount he earned there did little to stem the flow of expenses against our savings. As we were here as overseas students, we were not eligible for Medicare, so had to pay for private medical cover. Nor were we eligible for state education for our children.

As part of our student visa application, we had to have our two boys Daniel (13) and Cameron (10) enrolled in a Victorian school before we could apply for our student visa. Having never been before we had to rely on Vic education to help us. They pointed us in the direction of Sandringham. The boys were enrolled without ever seeing their school and the decision was made to settle in what turned out to be one of the most expensive suburbs in Victoria. Having uprooted our children and brought them to Australia, we were not about to put them through another move so opted to stay in Sandringham where they have settled very well and built their lives. Both boys are keen sports players and

participate well in school and community clubs for soccer, cricket and basketball. Both giving back to their sports as coaches and referees.

Living here without the ability to work full time and paying in the region of \$20,000 per annum for schooling, drained our financial reserves, but as we had budgeted for the two years we were prepared for this.

Once I had passed my course and we had lodged our application for residency on a sponsored visa, Keith's brother is an Australian citizen living in Sydney; Keith was able to secure full time employment. However, as the decision had been taken in July 2009 to freeze our application until at least the end of 2011, we have been faced with a further two and a half years of school fees totaling just over \$50,000 in additional costs we had not anticipated. This ruled out the possibility of us securing a mortgage, as we had to use our deposit reserve to continue to meet the costs. Though in full time employment, we cannot secure a mortgage without a deposit or at least mortgage indemnity insurance, but we are not eligible for this as we are not residents. We have had to continue to rent and pay out money, which would have been used to pay a mortgage.

The financial worries have been immense, but as we believe in the Australian dream, way of life and values, we took it as acceptable as we were positive, given time we would be granted residency as we had met all the requirements laid out by Australian Immigration law.

The news that this amendment could put all our effort, and hard work at risk, by allowing our application to be decided not on the merits of our application but rather but a "lottery" system is very hard to bear. How do we explain to our children that all our efforts and theirs of the last three and a half years building our lives and working hard to assimilate into our community could be wiped out and treated as if our application had never been made. I can assure you for those who suffer at the hands of this amendment, our applications have been very real and most certainly did happen.

We feel we have a lot to offer Australia, we have made many very good friends and Keith has a good job and has just been promoted. These friends and Keith's company cannot believe how much hardship we have had to endure and how uncertain our futures could become if this were to become law. I am currently unable to work as holding a bridging visa (BVA), I had to return home to see my sick mother. I applied for a BVB to allow me to leave Australia to be with her. This BVB is granted on compassionate grounds, but that compassion had an expiry date, which could not be extended even though my mother passed away. To return to Australia, I had to come in on an ETA

(Tourist Visa) which does not allow me to work. Although my BVA has been re-instated, it will not come into effect until the ETA expires. So I now have no job and we have lost an important salary.

This new amendment is Draconian in the extreme. In a speech to the house the Minister for Immigration stated that it was to relieve the applicants of uncertainty. It will have the exact opposite effect. Adding untold uncertainty to those, like us that will wait to see the final outcome. We have invested far too much and our children have lived here too long to return empty handed. Sending our children back to the UK, to a country they no longer understand or relate to is not in their best interests at all. This is their home, let them stay and they will become the future of Australia.

We put our faith and every cent we possessed in the Australian government and laws at the time we applied. These are the laws that should relate to our case. Not a new law. Any new law should not be retrospective. If this one is that is unfair and heartless in the extreme. When the freeze was put on our applications in July 2009. If there were such a problem needing addressed, surely the correct course of action would have been to honor the pending applications but accept no more. Why did the government freeze applications already in place but continue to accept new ones only to increase the backlog? This amendment raises many questions of a political nature, but most importantly are the humanitarian ones.

What of the lives of families and children that will be destroyed if this becomes law? Families who gave everything to settle in Australia with a view to bettering themselves and to enhance this society.

This is a plea for help not a simple complaint. We always believed in the core value of Australia; a "*fair go*". Well now it's time for Australia to live up to this and not introduce a law that is not suited to a democratic and hospitable society.

Yours sincerely

Keith and Gillian Gilhooley