

Dear senators,

I am writing to express my concerns regarding the Migration Amendment (Visa Capping) Bill 2010.

I have been in Australia lawfully for 9 years and have completed both my undergraduate and postgraduate degrees. I have met all the requirements for the grant of a General Skilled Visa and have lodged my application in June 2009. I am still awaiting the outcome of my application.

Although I am not in any of the “targeted” occupations, I nevertheless feel that the Bill is unfair and should not be passed in its current form.

I believe that it is grossly unfair to treat overseas students who have completed their studies in Australia and who have already lodged applications in Australia to be subject to capping.

I fully appreciate the need to protect the interests of Australia and Australians in decisions made by the Australian government. However, I would honestly say that any fair-minded person will find the Bill unfair and harsh. I am not going to repeat the potential adverse consequences of the Bill which I believe have already been well covered in the submissions lodged by others. Rather, I will suggest some alternatives which I believe will meet the objective of the Australian government to balance the spectrum of skills intake without adversely affecting the interests of overseas students who have already lodged their applications.

I believe the capping provisions are unfair and will create administrative nightmares. For example, if the occupation for “Hairdresser” is capped in June 2011, all existing applications having Hairdressers as their nomination occupations will be returned. If the labor market has changed in 2012 and the government no longer caps “Hairdressers”, applications lodged in 2012 will have a much more favourable outcome than those lodged the year before. Although it can be argued that applicants who have been capped can lodge applications again in 2012, I believe that most of them will probably not do it as they will have lost their confidence in the Australian migration system. I do not believe it is fair as there is no difference between skills of those applicants who lodge their applications in 2011 and those in 2012.

Labor market conditions change every year but migration is a big decision of intending migrants. I believe the skills shortage can be better met by the temporary visa regime.

A fairer system is the quota system under which the applications will not be returned but will be placed in a queue for certain targeted occupations. This can still meet the objectives of the Australian government in balancing the skills intake but at the same time allow overseas students to get their permanent visas one day. They can continue to work and stay while waiting for their visas.

There have been numerous researches which concluded that migration should not be used as an economic policy. It is particularly difficult to target certain skills to meet the Australian skills shortage.

If Australia requires migrants for sustainable economic growth, I believe overseas students who have Australian qualifications and have lived in Australia for a considerable period will be most suitable as they understand the Australian culture a lot more compared with someone who have not lived here before.

The shift towards Employer Sponsored visas is not problem-free. Firstly, the chance of abuse is a lot higher compared with general skilled, non-sponsored migrants. Secondly, it is arguable that the employers should be able to employ locally if they are willing to pay the market salary. In other words, employers who can sponsor employees from overseas are given an unfair advantage compared with those which do not meet the requirement to sponsor skilled migrants. In a free economy, the government should not intervene on the demand and supply of labor and should let market forces prevail.

I wish you can consider the Bill carefully and determine whether it should be passed in its current form.

Yours faithfully

---