
**Submission to the Public Inquiry
Legal & Constitutional Affairs Committee
Australian Senate**

Migration Amendment (Visa Capping) Bill 2010

Sir/Madam,

With due respect, I am a full member of Poms in Oz internet forum, a link to which is below: (purely informal and unpaid) as "virtual_bajwa,"

<http://www.pomsinoz.com/forum/migration-issues/>

Joining Poms in Oz costs nothing. None of the contributors to Poms in Oz get paid anything for our own time and effort. People ask questions or raise concerns and the rest of us answer the questions or address the concerns as best we can.

My younger brother moved to Australia from the India in 2000 and is now an Australian Citizen. My brother did his Bachelor degree from India and then did his Master degree from top rated university of Australia (Deakin University, Melbourne). Then he got his P.R. in 2003 and now he is citizen.

I am an experienced Public Relation Officer working for last 10 years in an Indian educational Institute (Computer based). I am Masters in Computer Science (Software) and also has Network Computing diploma. Because of my own family and professional backgrounds, I have had opportunities to stroll into Australia. So I had grabbed this opportunity with both hands and applied for family sponsored provisional 496 application to visa on 30th August 2007. Well, according to the rules and regulations provided at that time, I have to score 5.5, overall band score. I scored 6.0(L 7.0, R 6.0, W 5.5 and S 6.0) band with this detail and I had total of 10 year of Experience in Public Relation.

I, along with my family, very badly affected by the Cap and Cease on Pre September applicants. I applied on the bases of rules and regulations mentioned on the DIAC website in August 2007. I spend lots of money and time on making it to my dream land, Australia. First I was asked to submit medical and PCC by my MARA agent from Melbourne. Then on 20th October 2008, my application was handed over to case officer. My agent submitted all the required documents. Then after wait of around one year job verification was done on 03.09.09. Since that date has passed and I did not hear anything from department. Sir/Madam, there is no fault of mine here that this delay hurt me very badly.

However in his radio interview with Peter Mares on 4th June 2010, the Minister claimed that he has already killed off all of the applications for offshore skilled GSM visas which were received by his Department prior to 1st September 2007.

<http://www.abc.net.au/rn/nationalinterest/stories/2010/2918752.htm#transcript>

The Minister told Mr Mares:

As you know, we did that earlier with a group of people who were offshore who had lodged pre-September 2007. They had no chance of becoming migrants to this country, and we used that power then to ensure they got their refund and knew where they stood.

A new thread about this has been started on Poms in Oz :

<http://www.pomsinoz.com/forum/migration-issues/87922-pre-september-applicants-let-us-count-how-many-us.html>

I do not know about the other subclasses in the relevant group but I understand that subclass 496 cannot be Capped & Terminated by Section 39 of the 1958 Act. I have not investigated the details myself but I am told that the relevant legislation for subclass 496 omitted to include the necessary powers to invoke Section 39 of the Act. The migration agent who told me about this did not know why the necessary powers were not included but apparently they were not.

The capping and ceasing of Pre September applications will also affect families in Australia and other members of their families around the world. The subclasses which are affected by the capping and ceasing are predominantly family sponsored applications. Many of the offshore visa applications who applied under family Sponsored Skilled migration Program have 50 or 40 point occupations are not necessarily under skilled and included occupations like mathematicians, accountants and Public relations Officers like me. Furthermore, if the English is not at required level they are required to pay for English classes which are to be undertaken on their arrival in Australia. This hurdle is also cleared by me and my other half(wife), as I score 6.0 band in July 2007 and 5.5 by my wife. My wife has a teaching experience of around 12 years in a community language of Australia(Punjabi) in a Catholic church school here in India. My application proposed to be capped is a provisional visa which therefore means that we have to meet a certain criteria to apply for permanent residency. Family sponsored skilled migration recognises the right of Australian citizens and permanent residents to bring family over and importance of family reunion programs.

My brother is who is well settled in Australia and paying regular taxes to Australian Government will of great help to me and my family as he is not yet married. I am also qualified in my field and will be well assisted by my brother in Australia.

I would request minister to get rid off the deficiencies found in capping and Ceasing od Pre September applicants.

It remains only for me to thank the Inquiry Committee for taking the time and trouble to read and consider the contents of my submission.

Regards,