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**Australian
MIGRATION
Options Pty Ltd**
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Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT 2600

**Submission to Legal and Constitutional Affairs Committee
Migration Amendment (Visa Capping) Bill 2010**

I make the following submission in relation to the proposed Migration Amendment (Visa Capping) Bill 2010 which has been proposed as a post –lodgement management tool for the current backlog of migration applications.

It is disappointing that the skills program has been allowed to reach the chaotic current state and that Immigration has not listened to recommendations and suggestions made for many years about the integrity issues that have arise in this program that have allowed the program to move out of control.

I draw to the attention of the committee “The New Enterprise Architecture Project” of DIAC which was announced earlier this year. In their brochure “Transforming DIAC” it is stated:

“ DIAC is transforming to position ourselves as the best immigration and citizenship organisation in the world, where we are equipped to compete in global markets and to attract the best migrants and key skills required for Australia”

“ Client Services—increases our integrity focus, and enhances the way we service our clients to become a leader in client service delivery”

There is absolutely no integrity in the proposed amendment bill and it will not in any way enhance DIACs “transforming process”. In fact it will do the opposite and make Australian Immigration pathway one of uncertainty and unfairness.

Already thousands of people have been seriously adversely affected by the automatic cancellation of unfinalised skilled visa applications lodged prior to September 2007. Not only have people's hopes and dreams been shattered but they have been left seriously and unjustly financially disadvantaged. Whilst the Minister agreed to refund DIAC fees this does not go anywhere near to compensating costs for skills assessments, medicals, IELTS tests; translation of documents and migration agent fees.

If the Minister was granted this arbitrary power to cancel visa applications it would even more seriously jeopardise the lives of applicants who are onshore and who have established their lives, homes and employment in Australia. There would not necessarily be any other visa class criteria they would meet.

There is absolutely no integrity and no justice in the proposed bill. It will create an Australian Immigration system that simply creates uncertainty, vulnerability, distrust and anxiety and will undermine the moves to attract skilled workers to Australia.

I urge the Committee to reconsider this bill. It lacks integrity. It lacks fairness.

Yours Sincerely

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