Honourable Members of the Senate Committee,

I am a British citizen who came to Australia in 2005 to gain additional tertiary qualifications from an Australian institution. At the time I was uncertain as to whether I wanted to migrate permanently to Australia and decided to leave this decision until I had experienced the Australian lifestyle and culture.

After gaining post-graduate qualifications in Education and Information Technology from a G8 University I applied for Permanent Residency in December 2008, over 18 months ago. This submission to the Senate Committee is thus representative of an onshore International Student Graduate Skilled Migration (GSM) application.

At the time I applied I had several options for the type of Visa I could apply for. I opted for the GSM Family Sponsored 886 (through my sister who is an Australian resident) route with IT as the nominated (MODL) occupation. I have paid all necessary fees, my application is entirely legitimate and I complied with every directive from DIAC. At the time I applied I understood that whatever category of Visa I applied for it would take 3-6 months for a decision to be reached.

Since this time there has been a great deal of turmoil in Immigration policy and last year I unexpectedly found myself to be in the lowest category of the then introduced “Priority Processing” and cannot expect my Visa to be finalised before 2012, some four years from my application.

To make matters worse I may now also be the victim of the cap and kill legislation.

I am currently working, full-time, in my nominated occupation, paying tax and receiving no benefits or have any rights to them.

There are numerous difficulties faced by onshore applicants living in this Visa application limbo. Employability, health, personal insurance and loan / mortgage eligibility, children’s education expenses, legal services and a vast array of other circumstances make living and working in Australia on a Bridging Visa very, very difficult, stressful and expensive. There will be tens of thousands of stories of individual heartache, anxiety, stress and pain.

For me the most painful is the fact my Mother has cancer and it is very difficult for me to return to England anytime soon. Having already undergone one treatment she is due for another in a few months. My Bridging Visa does not afford me travel rights, if I want to leave I have to apply and pay (yet more money) for a 3 month travel Visa and give evidence of my reasons for leaving. Am I supposed to ask my Mother for her mammogram to prove to DIAC why I would like to return home for a few weeks?

I do, of course, have the option of changing my Visa from 886 GSM to an Employer Nomination Scheme (ENS) 857 or 119 Visa; my employer is more than willing to sponsor the Visa.

However, if I go down this route I would have to do the following:

1. Apply for a new **offshore** Visa owing to some unintelligible rule around the Bridging Visa I am currently on – this means when the Visa is granted I would have to leave Australia, travel to a nearby, nominated country to visit the Australian consulate or Embassy and receive my Visa. Estimated travel costs: $2000, plus 2-3 days off work.
2. Pay AGAIN for up to date medicals (~$300) and police checks (~$100)
3. Pay my immigration agent (~$2000)

4. *Possibly* pay the Visa charge again (~$2000). I have been informed that I can transfer my application fee from the Family Sponsored 886 but this is not certain.

Thus, to change to an ENS Visa I will have to pay another $4000 - $6000 and say goodbye to the thousands of dollars spent on my initial 886 application. Having already spent this money on my original Visa in 2008 and having spent most of 2009 unemployed, owing to the GFC and the fact that finding a job on a Bridging Visa is very difficult, I am not in a position to afford this and would not pay it out of principle even if I had the money. According to my Agent even an ENS Visa is currently taking up to six months to process.

I would like the Senate to raise the following questions with the Minister and Department.

1. Why were recommendations (http://mia.org.au/latest-news/Submission-to-the-Minister-General-Skilled-Migration-297.html) made by the Migration Institute of Australia (MIA) not listened too? As a peak representative body with considerable knowledge and expertise why does the Minister and Department feel their advice can be overlooked? Why are bodies such as MIA or MARA not consulted regularly?

2. Why are working onshore applicants afforded none of the benefits of permanent residents and citizens yet are expected to pay the same rate of tax?

3. Why is DIAC still accepting applications when there is already a massive backlog of applications waiting to be processed?

4. Where are the substantial sums of money paid in application fees to DIAC being held and what level of interest is it accruing? As of October 2009 there were an estimated 130,000 applications waiting to be processed. At an average of $2000 per application that is around $260,000,000 (two hundred and sixty million dollars – over a quarter of a billion dollars). Where is this money being spent?

5. Who and how are “occupations in demand” determined? Why are visas being handed out in a matter of weeks to accounting graduates when they have not secured employment in their field? Why are accounting graduates given PR last year still unable to secure a job in their field? Why are their fifty to sixty applicants for one accounting job at a small firm when accountants are supposed to be in short supply? How many other “occupations in demand” does this apply to?

6. Why has Government policy thus far failed to address the skills shortages in many critical areas such as plumbers, tilers and electricians? Why is there a massive over-supply in a few professions and massive undersupply in many others?

I would also ask that the following recommendations should be considered:

1. Cap and cease, if applied, does not affect onshore applicants who are currently living in Australia.

2. Any applicant affected by the recent changes can withdraw their application and receive a FULL refund of the Visa application fee plus a payment of $1000 to cover medical, police, skills assessment, IELTS fees etc. Thereafter, any applicant can withdraw an application that has not been assigned a Case Officer and receive a full refund of the Visa application fee.

3. That any applicant in any category who has found full-time employment **in their nominated occupation** has their Visa processed **immediately and at no extra charge**.

4. Applicants currently working in Australia and who are awaiting Visa decisions pay a reduced tax rate to cover the extra costs of living associated with being on a Bridging Visa, until such time as they are granted a working Visa.

5. That the Minister establish a full-time, **non-political**, independent body to draw up a fair and transparent migration plan and relevant laws that take into account the needs and resources of Australia in determining what occupations and numbers are required and that these laws cannot be changed and enforced retroactively as and when the Minister feels like it.

6. To avoid a repeat of the flood of applications for cooks and hairdressers that future policy stipulates that each occupation has an annual quota applied to it and once the quota is full no more applications are accepted until the following year. The quota is to be displayed and updated regularly on the DIAC website.

7. That DIAC publish on their website a monthly list of Visas granted and an estimate of where the Department is at in relation to each Visa category.

8. That a small proportion of the **billions** of dollars in Visa application fees, International student fees, income tax and GST paid by International Students be assigned to DIAC immediately to help clear the backlog of GSM Visa applications that have accumulated in the past three years.

Thank you for your time.