Migration Alliance

3 May 2013

Ms Julie Dennett - Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

By email: legcon.sen@aph.gov.au

Dear Ms Dennett

Migration Alliance is pleased to make this submission to the Senate Legal and Constitutional Affairs Committee with respect to 457 visas, Enterprise Migration Agreements and Regional Migration Agreements.

The purpose of this submission is to assist the committee to first understand the parameters and the nuances of the current statutory scheme and then to make a series of recommendations which aim to address the framework of this inquiry and to guide the future of the 457 scheme.

Background

Migration Alliance Inc. represents over 3800 Australian Registered Migration Agents as members, who in turn represent many thousands of employers and candidates who have obtained or are seeking sponsorship under the 457 visa regime.

It is our considered view that there is insufficient evidence before this committee which would allow the committee to consider the implications of the foreshadowed changes and that the most appropriate course of action is to conduct a series of public consultations and gather formal evidence as to the perceived and actual weaknesses and strengths of the current system.

Migration Alliance is concerned that the current political environment is generating an atmosphere of crisis in a system which is currently working, a system which is overall consistent with the national interest.

The public statements of the current Labor Minister for Immigration and Citizenship, Brendan O'Connor MP, with respect to alleged 'rorting' and other 'abuses' is creating the impression of a visa system in turmoil, notwithstanding the lack of any evidence of systematic abuse.

Migration Alliance is of the opinion that the 457 visa system in effect permits the Australian business community to acquire skills and expertise from overseas in

circumstances which are overall supportive of our economy. The acquisition of skills and expertise from overseas confers a significant economic advantage to Australia. Further the fact of the visa being temporary eliminates the risks associated with entry of persons into Australia for a permanent visa, in that the temporary resident proves themselves as a reliable worker who is able to make the adjustment to employment and life in Australia. This 'try before you buy' approach allows for a thorough assessment to be made of the candidate, their capacity to engage in full time employment and ultimately their contribution to wider Australian society.

Migration Alliance believes that the current 457 visa regime allows Australia to compete in an international labour market where skilled and qualified candidates actively choose the place of their work and the conditions of their employment. The evolution of the 457 visa and the inevitable default to complexity undermines the capacity of Australian employers to engage and employ persons from overseas who are highly skilled.

At annexure A, Migration Alliance has provided, with the permission of Legal Training Australia Pty Ltd, a copy of a seminar paper on the current 457 visa scheme. We are of the view that the current scheme is byzantine in its complexity and we urge members of the committee to read the paper and understand the features of the current scheme.

In Annexure B, we present the Discussion paper *MINISTERIAL ADVISORY COUNCIL ON SKILLED MIGRATION (MACSM) DISCUSSION PAPER, STRENGTHENING THE INTEGRITY OF THE SUBCLASS 457 PROGRAM.* A link is provided to this document below for reader convenience:

http://www.immi.gov.au/about/discussion-papers/_doc/strengthening-integrity-457-program.pdf

The foreshadowed 'strengthening' appears to be driven by the specific concerns of the majority of the persons making up the MACSM. If you review the members below, we think that the majority of the emphasis of the strengthening appears to be increasing the compliance burden upon employers.

Mr Michael Easson AM from NSW chairs the council. The other members of the council include:

- Mr Paul Bastian (NSW), A/g National Secretary, Australian Manufacturing Workers' Union
- Ms Ged Kearney (VIC), President of Australian Council of Trade Unions
- Prof Peter McDonald AM (ACT), Director of Australian Demographic and Social Research Institute, ANU
- Mr Dave Noonan (VIC), National Secretary of Construction, Forestry, Mining and Energy Union
- Mr James Pearson (WA), Chief Executive of Chamber of Commerce and Industry WA
- Ms Karen Read (QLD), General Manager of Financial Services, Commercial and Administration, Xstrata

- Mr Peter Tighe (NSW), National Secretary of Communications, Electrical and Plumbing Union of Australia
- Mr Innes Willox (VIC), Chief Executive of Australian Industry Group.

This emphasis reflects the specific interests of the MACSM.

Temporary Skilled Entry simply includes too many elements (like a "*Masterchef* disaster"):

- Sponsorship (law, regs, policy),
- Nomination (Law, regis policy),
- Visa (law, regs, policy),
- Labour Agreement (law, regs and policy),
- LA Nomination (Law, regs, policy),
- LA 457 Visa (law, regs, policy),
- Workers Protection Act - Obligations, Monitoring, Sanctions
- Employers Sanction Reform Bill (now passed the Senate),
- Sponsor Obligations,
- Sponsorship Obligations Notification of an Event,
- Sponsorship Obligation Notification of an Event in a Time Period,
- Sponsorship approval criteria in regulation 2.59 which masquerade as obligations.
- Temporary Skilled Entry linked with Fair Work Act
- Temporary Skilled Entry linked with FWO

Australian employers are used to dealing with friendlier Australian Tax Office (ATO) and the Fair Work Commission (FWC). Dealing with the Department of Immigration and Citizenship can be extremely stressful for employers.

The above incomplete summary indicates a nightmare for end users of immigration/visa products.

We believe that DIAC either deliberately or as a result of incompetency constantly confuses "sponsorship" visa categories and "nomination" visa categories. This results in serious confusion amongst all users of immigration programs and entities that purchase visa products. There are significant legal differences between a "sponsorship" and a "nomination" visa. DIAC in our opinion uses this confusion to its advantage. End users of nomination visa products frequently think that obligations exist when none such exist in themselves.

Within the Temporary Skilled Entry program DIAC has little regard to the fact that Australia is the world's sixth largest country in area and has a significantly skewed population towards urban areas. Wealth is extracted in the form of mining, agriculture, horticulture and animal production in remote and lower-population growth areas. The Temporary Skilled Entry program has no regard to the competition that exists between these sectors for skilled and essential labour. This then creates a dynamic and inherent discrimination within the Temporary Skilled Entry program AGAINST regional Australia.

There is a critical need for a Regional/Remote Temporary Skilled Entry Program that is operated from a processing centre in Regional Australia. The Centres of Excellence in the cities are ill-equipped to deal with regional issues.

DIAC promotes the Working Holiday and the Work & Holiday and the Pacific Islander Scheme to regional employers as a source of labour. Paradoxically DIAC promotes the Working Holiday and the Work & Holiday programs to consumers of the visas as 'holiday first' and 'work second'. We believe that this needs to stop. Visa holders in these subclasses are a fantastic source of temporary skill for regional and rural areas of Australia, which can then lead to Temporary subclass 457 visas and finally permanent residency. The skill can be retained in Australia this way. The Working Holiday and Work & Holiday visas provide a gateway for introduced skills.

The Working Holiday and the Work & Holiday and the Pacific Islander Scheme are short term and can create long term problems for Australian employers in regional and remote Australia, especially when DIAC continue to reinforce the 'holiday first' concept and the 'the holder must not be employed by any 1 employer for more than 6 months, without the prior permission of the Secretary' under Schedule 8 condition, 8547. DIAC simply doesn't understand the needs of regional and remote Australia or if it does is over-ruled by other bureaucracies in Canberra and Trade Unions.

In our view, Labour Agreements are designed by bureaucrats and Trade Unions to be user-unfriendly. There are numerous hidden traps in Labour Agreements and most regional businesses would not have the time or will-power to deal with these medieval instruments of 'administrative torture'. Conflicting information is provided by DIAC about Labour Agreements and even though Labour Agreements are "run through policy" we believe that there seems to be a cast iron policy approach to their implementation which is outside the actual law and regulations.

DIAC slavishly adheres to the statistical definition of occupations indicated in the 2nd Edition of ANZSCO. DIAC has no specific regard to the needs of an employer in a small, medium or large business or an employer in urban, suburban, regional or remote Australia. This then provides for inherent discrimination in the Temporary Skilled Entry program across these sectors.

ANZSCO prescribes a skill level for each occupation. There is a lot of talk about the Schedule 2 CSOL but little talk about the "skill level". However in essence it is "skill" that promotes the false imperative to DIAC. The focus on skill has resulted in the often unhelpful concept of Skilled, Semi-Skilled, Unskilled labour. This may have relevance in an urban and suburban environment BUT in regional and remote areas it is useful to think of "essential labour" without which a business may not be able to operate functionally.

DIAC could go a long way with simple programs for specific users, or immigration and visa programs coupled with simple and effective compliance programs that DIAC can implement. Our belief is that DIAC is simply unable to effectively implement its existing black hole of complex programs and compliance regimes and has been castrated as a

result of inept management and catastrophically expensive Offshore and Onshore Humanitarian programs.

We believe that DIAC has historically had as its core business the ability to control the travel to, and stay in Australia of non-citizens. However in the past 15 years with the significant growth in employer sponsored, nominated and agreed upon visas, DIAC has found itself with extraordinary decision making and compliance powers over Australian employers and the business (wealth creation) community. The culture in DIAC has not kept pace with this change nor has DIAC been able to articulate this change to the Australian community. Nowhere in DIAC reports does DIAC state that part of its core business is control over Australian employers. This lack of acknowledgement has, in my opinion, resulted in discrimination in favour of temporary/permanent residents as opposed to Australian employers!

The system of review best articulates this. The review system was clearly based on a "one application" process. However given that employer sponsorship and nomination programs can have between 3 and 2 application each, we believe that this creates a hugely expensive, confusing, time-consuming "web" of applications that need to be "reviewed". Three applications at review will cost $4620 up-front in MRT fees alone.

We believe that DIAC case officers have little concept of the impact of this on employers and their businesses. Most DIAC officers have not worked in private enterprise owned or operated a business which means they make decisions on Australian employers in a "knowledge vacuum". Migration Alliance believes that the throw-away line by case officers "just take it to review" is an absolute insult. At this point in time it is virtually impossible to get a DIAC case officer to revisit a decision, even if a poor one or wrong decision is made, and the Centre of Excellence managers take conflicting opinions of whether a decision can be revisited by DIAC without going to review. There is no ability to take into account the cost and efficiency to an Australian wealth-producing employer, nor to the ever increasing caseload at the MRT. We believe that it is grossly unfair that Australian employers are forced into an increasingly defective system designed for persons generally applying for a visa.

Furthermore, the Department needs to address the misleading practice of approving nominations and nominating positions only to reject visa applications on the basis of that nominating position is ineligible. The Department should ensure that the visa applicants are only rejected on basic 'visa applicant only' eligibility matters.

Effectively the Department is retrospectively rejecting the approved position for employer sponsorship visas and is now placing the burden of proof on visa applicants. This practice is wasteful to the employer's time and creates a false impression that the position has been approved to otherwise eligible visa applicants. Visa applicants are entitled to the reasonable expectation of certainty once nominated positions are approved by DIAC. Approving, then rejecting, positions is occurring at an increasing rate, and across a number of CSOL positions that are applicable across many sectors and enterprises such as 'Project or Programme Administrator'. These positions add a degree of flexibility to the skilled migration program that is desirable when the number of occupations has considerably narrowed over recent years. DIAC has recently taken a

hard-line approach to the position of 'Project or Programme Administrator' as one, limited example.

In relation to the regulations on the 'Genuineness of position':

Standard business sponsorship

457.223(4)(d) the Minister is satisfied that:

(i) the applicant's intention to perform the occupation is genuine; and

(ii) the position associated with the nominated occupation is genuine;

We need further explanation on the definition of 'genuine'. Case officers can simply refuse at any stage on any interpretation of 'genuine' they choose at the moment.

By way of example, we present a Customer Service Manager in a Supermarket (ie IGA) with 20 employees. In this instance the DIAC Case Officer did not believe that this was a genuine position simply because IGA was a franchise business. This case officer believed 'Customer Service policy' was created by the 'Master Franchiser'. However the business owner had a genuine need for the skill and a genuine position. This was overruled by the case officer's interpretation of 'genuine' which is not defined further in PAMS. A Case officer resorting to refusal and negative decisions at the visa stage whilst approving the nomination makes no logical sense in this circumstance. The resort to refuse a visa instead of giving the business owner the benefit of the doubt is worrying.

By way of a second real-case example, we present the case of a Pakistani client nominated as a 'Project Administrator' for a textiles and fabrics business. The sponsorship and nomination were approved. A different case officer then proceeded to complete security checks which took approximately 7 months. These were cleared. The visa application was then refused because the case officer believed the 'position was non-genuine'. We argue that it took 7 months to make a decision on an application when it could have taken 15 minutes.

The nomination in this case was approved and then the next case officer retrospectively applied the 'genuineness test' again at the visa decision stage and refused the application. The case officer told the Registered Migration Agent verbally that a 'Project and Programme Administrator cannot work in businesses like this....the DIAC advise that Project and Programme Administrators work in large organisations like hospitals, engineering firms and the like. You are welcome to submit a new application or apply for review'. We believe that DIAC officers are using this clause in legislation to refuse applications that they simply don't feel comfortable about.

Submission

Migration Alliance will now address the current framework and operation of subclass 457 visas, Enterprise Migration Agreements and Regional Migration Agreements, including:

(a) their effectiveness in filling areas of identified skill shortages and the extent to which they may result in a decline in Australia's national training effort, with particular reference to apprenticeship commencements;

It is self-evident that skilled labour shortages arise as a consequence of a lack of commitment to training by individual employers. However Migration Alliance does not advocate the reintroduction of a training levy as it is it an additional impost generally and is likely to have an adverse impact on small businesses. The proper avenue for training is the Australian Qualification Framework (AQF) with delivery being overseen by Tafes, Unis etc.

The current Training Benchmarks A and B payments incorporated in a legislative instrument, delivers educational outcomes by providing resources into the training sector to supplement the training already being provided by Australian employers.

The current regime of identifying specific skill shortages and their inclusion on the Consolidated Skilled Occupations List (CSOL) is too slow, retrospectively reactive and does not anticipate labour shortages. The experience of Migration Alliance members is that shortages of skilled Labor being experienced by employers is immediate in it's effect and cannot wait for the Department of Employment and Workplace Relations (DEWR) and DIAC to identify the relevant skill shortage by geographic area and then create the legislative instrument necessary to bring the occupation onto the CSOL.

Employers are well placed to identify what skills they require and when they require them. The intervention of Government should be a last resort as Government is not equipped to micro-manage private enterprises other than in a compliance regime.

The decline in apprenticeships as a raw number has been driven by the decline in manufacturing in Australia, coupled with the reality of an extended period of apprenticeship (4 years) and poor remuneration. The complexity of the regulatory regime with respect to apprentices has also operated to discourage employers from engaging in this process which is now largely managed by labour-hire type arrangements where the apprentice is employed by the training organisation who then outsource them to the employer, with the reporting and compliance being met by the labour-hirer.

Migration Alliance does not endorse any proposal to re-introduce a general training levy as it puts the burden and expense of training generally into the community which would be an additional imposte on small business.

The current arrangements with respect to Training Benchmark A and B which see employers who utilise the 457 visa scheme paying a training benchmark (levy), which then drives training by the provision of resources (money) to TAFE's, Universities etc. These arrangements ensure that all training is provided through the Australian Qualification Framework (AQF), expenses are borne by the sponsoring employers and avoids ad-hoc in-house training which is difficult to quantify.

| © Migration Alliance Inc. INC 9891671 Level 3, 36 Carrington St Sydney, NSW 2000 Australia Tel (02) 9008 1306 Email help@migrationalliance.com.au

(b) their accessibility and the criteria against which applications are assessed, including whether stringent labour market testing can or should be applied to the application process;

The current regime requires the employer and the employee to meet all of the relevant statutory criteria. DIAC has introduced a network of 'Centres of Excellence' which in some cases are not excellent but are performing at an overall acceptable level. There are however many examples of individual case officers failing to apply themselves diligently to the advertised processing times with consequential frustration over the delays and demands associated with this visa.

Migration Alliance is of the opinion that the training of individual case officers needs to be addressed as it is the experience of the Membership that case officers do not necessarily have the requisite business experience to understand the existing business arrangements and the documentation provided in support of an application.

Further, the formulation of policy which is articulated in a series of documents called the Procedures Advice Manuals (PAMS) can create dissonance between the statutory scheme and the relevant policy and in some cases and is applied slavishly by individual case officers.

Any recommendation that the employers be diverted into 'stringent' labor market testing in effect creates double-handling in a system which relies upon labour market testing already through the CSOL.

Migration Alliance does not recommend labour market testing. It is vague, subjective and capable of manipulation. What Migration Alliance does recommend is that the CSOL be more responsive to labour market trends rather than being a cumebrsome and prescriptive tool which is further encumbered by being a 'legislative instrument' and requiring Ministerial approval before it can be gazetted. Migration Alliance recommends that the CSOL be advisory only and not a formal requirement and that if an employer can satisfy DIAC of the requisite need then there be discretion to approve the application.

(c) the process of listing occupations on the Consolidated Sponsored Occupations List, and the monitoring of such processes and the adequacy or otherwise of departmental oversight and enforcement of agreements and undertakings entered into by sponsors;

Given the observations with respect to the CSOL appearing above, Migration Alliance has no further submissions concerning the CSOL at this stage.

Migration Alliance is of the view that the monitoring, oversight and enforcement of agreements and undertakings entered into by employers is currently being effectively managed by DIAC. Apart from a few notable exceptions it is very likely that the statutory scheme provides sufficient deterrants to employers not to traverse their undertakings and

| © Migration Alliance Inc. INC 9891671 Level 3, 36 Carrington St Sydney, NSW 2000 Australia Tel (02) 9008 1306 Email help@migrationalliance.com.au

agreements. The role of the unions and other agencies including Fair Work in the compliance and integrity regime needs to be effectively harmonised with the DIAC monitoring and integrity units.

(d) the process of granting such visas and the monitoring of these processes, including the transparency and rigour of the processes;

The availability of merits review at the Migration Review Tribunal (MRT) provides for an independent review of the decisions of DIAC case officers. However the resort to an appeal will often incorporate an 18 month delay and considerable expense into the process of attempting to engage an employee. These delays in effect permit a poorly trained and poorly supervised DIAC case officer by the simple act of refusal to irreperably damage the business of an employer.

Migration Alliance recommends that where a refusal is foreshadowed at first instance for reasons likely to hinge upon the interpretation of policy, that such cases be referred to the manager of the section for a 'ruling' so as to ensure that there is consistency in approach throughout the processing units. In addition, it is recommended that where a visa decision is overturned at the MRT, that the Member refer the matter back to the Manager of the unit who had in effect assumed responsiblity for the original decision. In cases where individual processing units have a high visa refusal rate and a high overturn rate at the MRT, that such trends be identified and addressed by DIAC as part of it's quality control processes.

(e) the adequacy of the tests that apply to the granting of these visas and their impact on local employment opportunities;

Migration Alliance is of the view that the current statutory regime is 'adequate'. There is little evidence and there has been no study of or any evidence gathered of the impact of the 457 visa temporary residence scheme and its impact on local employment opportunities. There has been considerable speculation about the relationship between the 457 visa and local employment opportunities but Migration Alliance is of the view that given the requirement that an applicant be 'highly skilled' and that the employer be qualified to offer the employment that these arrangements as against the labor market testing inherent in the CSOL, make it very unlikely that there is any negative impact on local employment opportunities. One of the structural policy imperitives of the 457 visa scheme is that the introduction of highly skilled persons from overseas , imparts by training, an enhancement of local skill levels.

Migration Alliance is specifically concered that regional employers are unable to access certain occupational classes by reason of the inflexiblity of CSOL. The previous recommendation that a regional employer be able to make a specific case for a specific employee, with employment conditions commensurate with local standards, is reiterated.

(f) the economic benefits of such agreements and the economic and social impact of such agreements;

Migration Alliance is of the opinion that there needs to be independent and rigorous testing of these objects. It is not in a position to be able to comment on this term of reference.

(g) whether better long-term forecasting of workforce needs, and the associated skills training required, would reduce the extent of the current reliance on such visas;

Migration Alliance believes that Training Benchmarks A and B (as successfully implemented by TAFE NSW Sydney Institute by way of example), have the capacity to deliver training outcomes in the national interest sufficient to meet the demands of local employers. In relation to long-term forecasting we refer you to our comments in (b) above.

(h) the capacity of the system to ensure the enforcement of workplace rights, including occupational health and safety laws and workers' compensation rights;

Migration Alliance is of the opinion that the Commonwealth needs to ensure that the monitoring and integrity unit at DIAC has reporting obligations to Fair Work and the Workplace Ombudsman and that all units harmonize reporting and enforcement activity.

In addition Migration Alliance believes that all employees be required, as a condition of their visa (Schedule 8 of the Migration Regulations) to take up and maintain an insurance policy which includes income protection insurance, disability and life insurance so as to adequately provide for their support in the event that employment is lost or they become unfit for work. The insurance policy should also include a provision for legal representation so that the employee in defined circumstances can agitate any bona fide claim against a sponsoring employer or previous sponsor.

This cost of this policy could be borne by the sponsor in much the same way as is currently the case for health insurance. This proposed insurance arrangement would be part of the commmitment of the employer to the employee as well as acting as a general deterrant against breach of sponsorship undertakings by the employer. It is thought that this policy would reduce the burden of the tax-payer generally and at the same time provide effective means of support to employees who for reasons beyond their control, suddently lose their employment.

(i) the role of employment agencies involved in on-hiring subclass 457 visa holders and the contractual obligations placed on subclass 457 visa holders;

Migration Alliance is of the view that all employment under the 457 visa be direct employment so that employer obligations can be effectively enforced. In the case of an overseas employment agency or on-hire agency that such agencies be required to have adequate insurance and/or pay a bond to ensure effective oversight of the conditions of employment. We also recommend that the following legislation be applied to on-hire and Labour Hire agreements.

Genuineness of position:

457.223(4)(d) the Minister is satisfied that:

(i) the applicant's intention to perform the occupation is genuine; and

(ii) the position associated with the nominated occupation is genuine;

(j) the impact of the recent changes announced by the Government on the above points; and

Migration Alliance is unable,absent any foreshadowed regulations to effectively comment on this point. Migration Alliance urges the committee to have oversight of any amendments to the regulations prior to their implementation.

(k) any related matters

Of particular concern is the resort to IELTS testing for potential 457 candidates with an emphasis on an already problematic and discredited system of IELTS as a means of assessing English competence. Further the monopoly of IELTS is hugely problematic and undermines the credibility of the Commonwealth in its insistence that an arbitrary " standard" is in any way indicative of competence or capacity.

The IELTS is a blunt instrument and increasing the required scores across the test can have the effect of limiting access to 457 visas, in certain trade level occupations, for non- English speakers. Consultation with employers, across industry sectors, should occur before any changes to the IELTS requirements are made.

What appears to be misunderstood is that the Australian people are the ultimate beneficiaries of increased economic activity through the 457 visa scheme and that the entry of skilled individuals who have been trained and educated offshore constitutes a considerable economic saving to the Government.

Migration Alliance is of the view that the temporary nature of the 457 visa regime in effect allows for a " trial run" of candidates who may ultimately transition to a permanent visa.

Of particular concern is this Governments apparent willingness to in effect manufacture and articulate a crisis in a visa subclass which has not to date exhibited any significant problems.

Migration Alliance agrees with the MIA that employers ought not provide exempt in house immigration assistance to employees as it is not only a clear conflict of interest but also not protected by either professional indemnity insurance or sound knowledge as required by a Registered Migration Agent.

Migration Alliance has over 12 months ago put a series of proposed amendments to the then Minister, Chris Bowen MP, concerning this and other aspects of unregistered practice. Those proposals included draft amendments to the Act and regulations which have not been implemented or been the subject of any feedback at all. We have annexed the relevant draft legislation and explanatory memoranda for your perusal under Annexure C.

Migration Alliance is committed to a transparent and coherent migration program free of

| © Migration Alliance Inc. INC 9891671 Level 3, 36 Carrington St Sydney, NSW 2000 Australia Tel (02) 9008 1306 Email help@migrationalliance.com.au

political manipulation and interference. Migration Alliance seeks to ventilate these concerns further by way of oral submissions at a date convenient to the Committee.

Migration Alliance is of the view that any increase of the already onerous burden of compliance underpinning this visa subclass is contrary to the national interest and if under active consideration, ought to properly be driven by hard evidence rather than political opportunism.

Migration Alliance has access to every Registered Migration Agent in Australia. We also have access to these Agents by state and territory and by membership group (MIA and/or Migration Alliance) and would be happy to assist the committee in conducting a profession-wide survey, in appropriate form of the entire migration advice profession.

The migration advice profession, represented by Migration Alliance, in effect constitutes a 'listening post' for government and is able to apply its expertise both individually and collectively to the resolution of the current 'crisis'.

What we propose is to formulate, with the assistance of the Legal and Constitutional Committee, a series of survey questions which reflect the emphasis of the current discussion paper. Such information from the migration advice profession would be very likely to hi-light the features of the system that are currently working and those that are not.

Migration Alliance does not wish to provide submissions to the committee driven only by conjecture, opinion and 'anecdotal evidence' as the consequences of providing such material will have the capacity to have an adverse impact on the wider Australian community and the integrity of the migration programme. All amendments to the statutory scheme must be evidence based and should not be infected by party partisan politics.

Migration Alliance has at its disposal migration advice professionals who are not only accredited specialist lawyers in Immigration Law, but also experienced practitioners with up to 25 years experience in this profession. The writers of this submission would make an open offer to DIAC to assist in the training of DIAC case officers so that expertise outside DIAC can be incorporated into the DIAC training model so as to enrich and enhance the expertise of DIAC officers.

Migration Alliance urges upon the committee careful consideration of the submissions and the allocation of appropriate weight to the expertise retained within Migration Alliance. The conjecture and opinion of certain organisations and the often abused 'anecdotal evidence' is not a substitute for hard evidence. The opinions of Chief Executive Officers of any organisation without direct experience of the Migration Programme and the Provision of Immigration Assistance, in our opinion should be given little, if any weight. Due weight, in our opinion, should be given to submissions in this Inquiry, where the writers of submissions have long-standing high-level training and experience in Australian Immigration and Citizenship Law. This lends the appropriate authority and in-depth expertise to this very important Inquiry. Persons seeking to make submissions should be deemed 'credible' experts in 457s. De-facto experience by

| © Migration Alliance Inc. INC 9891671 Level 3, 36 Carrington St Sydney, NSW 2000 Australia Tel (02) 9008 1306 Email help@migrationalliance.com.au

proxy, in our view, does not lend credibility to a writer's submission and in our view should be given less weight during consideration by the Committee.

We look forward to hearing from you.

Yours faithfully

Liana Allan **(MMA) – signed for and on behalf of the Management Committee**
Management Committee - Migration Alliance Inc.
Registered Migration Agent 0104178, Registered Federal Lobbyist

Christopher Levingston LLB **(MMA)**
Management Committee - Migration Alliance Inc.
Accredited Specialist – Immigration Law, Registered Migration Agent 9301108

Jennifer Fong **(MMA)**
Management Committee – Migration Alliance Inc.
Registered Migration Agent 0955711

Holly Byrne **(MMA)**
Management Committee - Migration Alliance Inc
Registered Migration Agent

Michael Jeremy **(MMA)**
Committee – Migration Alliance Inc.
Registered Migration Agent 0208955,
Expert in economic visas and regional / rural Australian immigration

Jose A. Respall **(MMA)**
Committee – Migration Alliance Inc
JP (Qual), Registered Migration Agent 9901644

Brendan Darcy **(MMA)**
Committee – Migration Alliance Inc
Registered Migration Agent 1171200, Registered Federal Lobbyist