

Permanent migration and mandatory requirements

- 6.1 In this chapter the Committee examines the mandatory requirements of those countries which have permanent skilled migration – Australia, Canada, New Zealand and the United States of America.

Basic mandatory requirements

- 6.2 **Australia** set health and character requirements as prerequisites for migrants to be granted admission. The United States of America, Canada and New Zealand had similar overriding threshold tests which may preclude some applicants despite their skills.

Mandatory requirements for skilled migration

- 6.3 The **USA** generally required that applicants had a job before they could participate in the permanent migration program.¹ Employers, who made both the job offer and the migration application, had to meet the domestic mandatory requirements of the US Department of Labor. These included evidence that no US worker would be denied a job and would be paid an acceptable wage.
- 6.4 Canada, New Zealand and Australia all had a range of mandatory requirements which applied specifically to the applicants for their skilled migrant programs. All required that applicants pass their *points tests*.

1 There are minor exceptions for professionals with advanced degrees or others with exceptional ability.

- 6.5 **Australia**² placed particular emphasis on the *Skilled Occupation List* (SOL).
- 6.6 Some intending migrants were advised that the SOL:
 does not include every possible occupation, only those which are currently sought after in Australia.³
- 6.7 The SOL was, however, not as that description inferred, a guide to skills shortages. According to DIMIA, it included most occupations which require degree, diploma or trade level qualifications in Australia except those:
- which are clearly in significant oversupply throughout Australia;
 - in which new migrants would not be immediately employable in Australia; or
 - which are more appropriately covered by other visa categories such as the Business Skills or Distinguished Talent categories.⁴
- 6.8 The list could therefore be summarised as containing jobs for which there was not significant local competition and which migrants might expect to be able to enter. It was revised from time to time in response to stakeholder representations.⁵
- 6.9 Applicants had to have post-secondary qualifications relevant to their occupation, and that occupation had to be on the SOL. Recent work experience was also required, varying from 12 months in the previous 18 to two years in the previous three, depending on the occupation on the SOL. Australia would not consider applicants aged 45 or more under the Skilled Independent migration arrangements, and successful applicants were required to have sufficient (“vocational”) English to work in Australia.⁶
- 6.10 **Canada’s** mandatory requirements were that the applicants have a minimum of one year’s full-time experience in the last ten in an occupation of a specific skill level identified on *Canadian National*

2 DIMIA, General Skilled Migration to Australia - Basic requirements, www.immi.gov.au/migration/skilled/basic_requirements.htm; *General Skilled Migration* boklet, p. 3, http://dima.cardgate.net/General_Skilled_Migration/1119.pdf

3 “Skilled Visas” page on liveinaustralia.com, 13/11/03, www.liveinaustralia.com.au/skilled/skilled_occupations.asp

4 DIMIA, Fact Sheet 25, *Skilled Categories*, at http://www.immi.gov.au/facts/25skilled_categories.htm. This description follows that recommended in DIMIA, *Review of the Independent and Skilled-Australian-Linked Categories*, 1999, p. 12.

5 DIMIA, Submission No 25a, para 6(a).

6 DIMIA, *General Skilled Migration to Australia, Basic requirements*, www.immi.gov.au/migration/skilled/basic_requirements.htm

Occupational Classification List (NOCL); and they also had to have sufficient funds for settlement in Canada, unless going to a job.⁷

- 6.11 **New Zealand's** philosophy of skilled migration was that it:
[did] not want to see skilled migrants driving taxis, cooking hamburgers and cleaning offices.⁸
- 6.12 In addition to health and character requirements, applicants had to be aged under 56 and be able to speak, write and understand English "competently".⁹
- 6.13 Applicants had also to have two of the following three attributes:
- offer of a job in New Zealand;
 - tertiary or trade qualifications;
 - at least two years work experience.¹⁰
- 6.14 The only mandatory requirements that Australia, Canada and New Zealand had in common were that applicants:
- have work experience; and
 - score a specific pass mark in the country's points test.
- 6.15 There was some overlap between the mandatory prerequisites and the criteria for which points might be scored. The details of the points tests will be considered below in separate chapters.
- 6.16 The following Table 6.1 summarises the mandatory requirements for Australia and the other countries. Where an attribute was not mandatory for a particular country it is omitted from the tabulation.
- 6.17 Although some specific attributes were not formally identified as mandatory, the logic of the skilled migration requirements meant that they were in fact also mandatory. For example, for Canada, the requirement that applicants' occupations appear in certain categories on the Canadian National Occupational Classification List meant that they must have post-secondary qualifications. Where the Committee identified these de facto requirements they have been included in the table of mandatory requirements.

7 CIC, "Will you qualify", Application for Permanent Residence: Federal Skilled Worker Class, www.cic.gc.ca/english/pdf/kits/guides/EG7.pdf

8 NZIS, Briefing Notes: Skilled Immigration policy announcements, 1 July 2003, www.immigration.govt.nz/NR/rdonlyres/A645DDAC-3E40-44A1-8691-67884781022F/0/mediarelease010703briefingnotes.pdf

9 NZIS, *How to Apply*, www.immigration.govt.nz/Migrate/HowToApply.htm

10 NZIS, *How to Apply*, www.immigration.govt.nz/Migrate/HowToApply.htm

Table 6.1: Skilled Permanent Migration - Mandatory requirements compared

Attribute	Australia ¹¹	Canada ¹²	New Zealand ¹³
Program	Skilled Independent	Federal Skilled Worker Program	Skilled Migrant Category
<i>Attributes mandatory in Australia's program</i>			
Age	Under 45		Under 56
Language	"vocational English"		"competent" English
Occupation	On the <i>Skilled Occupations List</i>	On <i>Canadian National Occupational Classification List (NOCL)</i>	
Qualifications	Post secondary qualifications relevant to occupation	<i>Post secondary qualifications (implicit in NOCL)</i>	Tertiary or trade qualifications (and either job offer or 2 years work experience)
<i>Attributes mandatory for Canadian or NZ programs, but not Australia</i>			
Job offer			Must have job offer (and either tertiary/trade qualifications or 2 years work experience)
Capital		Sufficient funds for settlement in Canada, unless have a job offer	
<i>Attributes mandatory in all three countries</i>			
Work experience	12 months in the previous 18 or 2 years in the previous 3 (depending on the occupation) in job on the <i>Skilled Occupations List</i> ¹⁴	Minimum of 1 year's full-time experience in the last 10 in job of a specific skill level identified on NOCL	Minimum of 2 years work experience (and either tertiary/trade qualifications or job offer)
Pass points test ¹⁵	Score required: 115/165 = 69%	Score required 67/100 = 67%	Score required 100/250 = 40%
Key	Normal typeface = formal requirement Blank = no mandatory requirement <i>Italic</i> = <i>not mandatory on its own, but effectively so through the operation of another mandatory requirement</i>		

11 *General Skilled Migration* booklet, pp. 5-6, http://dima.cardgate.net/General_Skilled_Migration/1119.pdf

12 CIC, "Will you qualify", Application for Permanent Residence: Federal Skilled Worker Class, www.cic.gc.ca/english/pdf/kits/guides/EG7.pdf

13 NZIS, *How to Apply*, www.immigration.govt.nz/Migrate/HowToApply.htm

14 No recent work experience required if completed a two year Australian qualification within 6 months prior to applying. DIMIA *General Skilled Migration* booklet, pp 5, 37.

15 Pass marks as at 15/1/04: **Australia**, DIMIA, Fact Sheet 25. *Skilled Categories*, www.immi.gov.au/facts/25skilled_categories.htm; **Canada**, CIC, *Revised Pass Mark for Skilled Worker Applicants*, On September 18, 2003 changed from 75 to 67, www.cic.gc.ca/english/skilled/notice-passmark.html; **New Zealand**, NZIS, *How You Earn Points*, www.immigration.govt.nz/Migrate/HowYouEarnPoints.htm

- 6.18 The Committee examined each of the mandatory criteria applicable to the basic skilled permanent migration programs for Australia (*Skilled Independent*), comparing them with those applicable for migration to New Zealand (*Skilled Migrant Category*) and Canada (*Federal Skilled Worker Program*).
- 6.19 The Committee noted that the mandatory requirements of these skilled migrant programs did not identify specific skills. The nature of the person's skills might only become relevant at the points testing stage.

Age

- 6.20 **Australia** did not consider any skilled applicants over the age of 45. New Zealand's age ceiling was 55 and Canada did not have a maximum age limit because it concluded that:
- age is only a significant factor in predicting economic success at the tail end of working life and that older workers tend to benefit from high levels of education, experience and arranged employment.¹⁶
- 6.21 In Australia the ages of the migrants were considered important because, as one study of migration concluded:
- 20 to 39 year olds are a boon to Budgets as they are more immediately grouped into the taxpaying years.¹⁷
- 6.22 But, the older the migrant:
- the length of working life that Australia benefits from after their entry reduces. We also find that if the person is older, their prospects of getting into employment in Australia tend to diminish.¹⁸
- 6.23 The Tasmanian Government commented on this use of age:
- to indicate the extent of future reliance on the Australian welfare system measured against taxes paid by the migrant over the course of their working career.
- 6.24 It then questioned whether Australia's age parameters might be causing it to miss out on otherwise suitable migrants. It cited the

16 S Yale-Loehr, "A Comparative Look at Immigration..." in M. Crock, *Nation Skilling*, 2002, p. 41.

17 C. Richardson/Access economics, "The economics of migration" in DIMIA, *Migration: Benefiting Australia – Conference proceedings Sydney 2002*, pp 117-118.
www.immi.gov.au/research/publications/conference02/index.htm The points test assigns maximum points for age to those between 18 and 29.

18 DIMIA, Evidence, p. 7.

case of a dentist who had a firm job offer, an independent annual income of \$120,000 and a partner with skills also in demand in Tasmania. But because he was aged 63 his application was refused, despite the substantial economic contribution which he could have made at no risk to taxpayers.¹⁹

- 6.25 The Council of Small Business Organisations of Australia also questioned the 45 years age limit.²⁰
- 6.26 The Committee noted that Australia's skilled migration program did not consistently exclude older skilled migrants because applicants aged over 55 may qualify under the Business Skills scheme.²¹
- 6.27 The Committee observed that the apparent tension between the need for scarce skills and the potential financial drain on the taxpayer of older migrants could be resolved by admitting older skilled personnel temporarily.
- 6.28 The Committee also observed that the fear of older skilled migrants becoming a burden on the taxpayer might not reflect what was now happening.
- 6.29 An investigation of the importance of age in the fiscal impact of migrants who arrived in 1993/4 and 1994/5 was published in 2003. It concluded that an age on arrival of 50 would produce a net negative budget impact. This was an approximation, because there were too few independent migrants aged above 46 years in the sample to accurately determine the arrival age which would generate a negative budget outcome.²²
- 6.30 Migrants who arrived in 1999/2000 came under a new policy which aimed to improve their prospects for economic independence and reduce their demands on the taxpayer.²³
- 6.31 Data from DIMIA's *Longitudinal Survey of Migrants to Australia* (LSIA) showed that, for these Independent migrants (which included Skilled Independent):

any age differential in unemployment rates among
Independent migrants has largely disappeared... Thus

19 Tasmanian Government, Submission No. 22, p. 2.

20 Council of Small Business Organisations of Australia, Submission No. 44, p. 1.

21 DIMIA, Submission No.25 p. 81.

22 For Business Skill migrants the age was 59. Access Economics, *The Importance of Age in Migrants' Fiscal Impact*, DIMIA, 2003, p.ii.

23 DIMIA, *The Labour Force Experience of New Migrants*, p. 7, electronic version, www.immi.gov.au/research/publications/labour_force/nilsreport.pdf.

the propensity to higher unemployment among older workers has been attenuated.²⁴

- 6.32 In this changed context, the Committee considered that an age limit might now be less relevant to labour force participation than previously, and the risk to taxpayers could also have lessened.

Conclusion

- 6.33 The Committee concluded that, as the concepts of “working life” and “retirement age” were becoming less relevant, an absolute prohibition on skilled migrants aged 45 or more was no longer appropriate. The Committee examines this point further in the application of the points test to age in the chapter *Permanent migration- personal points*.

Language

- 6.34 **Australia** required applicants to demonstrate at least “vocational” English to qualify for consideration as a migrant. This could be demonstrated through being a native speaker, or having undertaken post secondary studies taught in English, or a score of at least five on each of the four components (listening, speaking, reading, writing) of the International English Language Testing System (IELTS) general training module.²⁵
- 6.35 **New Zealand** also had a mandatory requirement of language competence. This hurdle could be cleared by applicants if they had overall band score of 6.5 or more in the IELTS General or Academic Module; or
- a recognised qualification from a from a course taught entirely in English; or
 - evidence of current skilled employment in New Zealand for more than 12 months.
- 6.36 New Zealand might nevertheless also require an IELTS certificate to confirm that applicants met the English requirements.²⁶ Its IELTS

24 DIMIA, *The Labour Force Experience of New Migrants*, p. 52, electronic version, www.immi.gov.au/research/publications/labour_force/nilsreport.pdf. This comment is later qualified (p. 98): “It is interesting that once we control for a range of other attributes, there remains no difference between Cohort 1 and Cohort 2 in the influence of age on the probability of being employed”. This, however is a generalised assessment covering ALL types of migrants combined, not the Independent stream.

25 DIMIA, Fact Sheet 25. *Skilled Categories*, www.immi.gov.au/facts/25skilled_categories.htm#3

26 NZIS, *The prerequisites*, www.immigration.govt.nz/Template/NZISGeneralContent.aspx?NRMODE=Published&NRORIGINALURL=%2fMigrate%2fThePrerequisites%2ehtm&NRNODEGUID=%7bd4A85906-BDC8-430C-99A0-54522A3DA6CB%7d&NRCACHEHINT=Guest#english

band score of 6.5 was a stricter requirement than Australia's score of five.

- 6.37 Intending settlers in New Zealand were also warned that:
- the standard of English required by employers is much higher than the qualifying... IELTS score required for permanent residence. The more skilled your job the better English you will need.²⁷
- 6.38 **Canada** does not have a mandatory requirement for skill in either of its official languages, French and English.

Trade-offs

- 6.39 Intending skilled migrants to Australia under the Skilled Designated Area Sponsored category could be admitted with only "functional", rather than vocational, English. This concession was conditional on the migrant arranging with the relevant State or Territory government to upgrade their English to the vocational level after they arrived.²⁸
- 6.40 In a review of immigration policies which preceded the revision of the Canadian migration arrangements in 2002, a report to the Expert Panel on Skills concluded that:
- Israel, Germany and Australia have shown that language testing... prior to arrival reduces the under-utilisation of skilled resources.²⁹
- 6.41 Evidence presented to the Committee by DIMIA, the Institution of Engineers Australia, the Skilled Migrant Network and the Department of Employment and Workplace Relations (DEWR) all emphasised the importance of fluency in English for migrants trying to enter the Australian labour market.³⁰

27 NZIS, *Settlement Pack* No. 4: Work, p. 3, www.immigration.govt.nz/NR/rdonlyres/CDF2ACB2-BE92-4EE6-8E21-9F419FD183CD/0/IMM272804work.pdf

28 I.e. with an IELTS average score of 4.5. The relevant States/Territories are South Australia, Victoria, Tasmania, and the Northern Territory. DIMIA, *General Skilled Migration* booklet, p. 25. http://dima.cardgate.net/General_Skilled_Migration/1119.pdf

29 D. DeVoretz, *Canadian Migration Legislation, Policies and Practices*, Supporting Document 16, p. 21, Advisory Council on Science and Technology, Canada, August 1999. <http://acst-ccst.gc.ca/skills/finalrepdocs/16e-s.pdf>

30 DIMIA, Submission No. 25, p. 76; Institution of Engineers Australia, Submission No. 10, p. 6; Skilled Migrant Network, Submission No. 50, p. 2; DEWR, Submission No. 1, p. 9.

- 6.42 Australian research into LSIA data claimed that:
- overwhelmingly, the Australian-Skilled and Independent migrants report that the only language they need in their job is English³¹ ...
- in finding work...English language difficulties were clearly the major problem... with about one third of respondents indicating this problem.³²
- 6.43 The Western Australian Government identified two problems with Australia's current arrangements, which were that the "functional" English requirement fell:
- below that required for entry into further study at either TAFE or university and would not enable an individual to work at a para-professional or professional level in most occupations. For migrants from non-English speaking backgrounds who achieve the functional level of English, there is limited support to enable them to pursue occupational or professional pathways.³³
- 6.44 The Adult Migrant English Program provided through DIMIA is discussed later, in the chapter *Settling well?*

Conclusion

- 6.45 The Committee considered that, as Australia's skilled migration program was aimed at maximising opportunities for migrants to participate fully in its society, English language skills should be mandatory.
- 6.46 The Committee concluded that in a monolingual, albeit multicultural society such as Australia, the best interests of the nation and the skilled migrant were well served by retaining a mandatory objective test of fluency in English, or requiring pre-arranged language training.

31 DIMIA, *The Labour force Experience of New Migrants*, p. 60, electronic version, www.immi.gov.au/research/publications/labour_force/nilsreport.pdf

32 DIMIA, *The Labour force Experience of New Migrants*, p. 56, electronic version, www.immi.gov.au/research/publications/labour_force/nilsreport.pdf

33 Western Australian Government, Submission No. 33, p. 3.

Occupation

- 6.47 There was a mandatory requirement for skilled migrants to **Australia** to have an occupation on the SOL. They must also have had recent experience in an SOL job.³⁴
- 6.48 By regulation, **Canada** also had a mandatory occupation threshold which required the applicant to have had a minimum of one year's full-time experience in the last ten in a job of a specific skill level identified on NOCL.³⁵
- 6.49 **New Zealand** had no specific mandatory occupation requirement.
- 6.50 The Committee observed that Canada, like Australia, required its skilled migrants to have the experience in occupations identified as being of use to the nation. The difference was that the Canadian requirement for one year's experience in ten was less onerous than Australia's demand that applicants have experience in the occupation in the previous 18 months to three years.

Conclusion

- 6.51 The Canadian provision was, the Committee concluded, a reflection of its philosophy of seeking adaptable migrants. It appeared to the Committee that the migrants' experiences in nationally useful occupations indicated their potential contribution to Canada.
- 6.52 The Committee examines this approach again when assessing the requirement for a job offer (below).

Qualifications

- 6.53 The Committee expected that there would be a common requirement for post-secondary qualifications for national programs encouraging skilled migration.
- 6.54 It was not, however, sufficient for an applicant under **Australia's** skilled migration program to be well-qualified. Australia sought applicants with qualifications of relevance to its needs. It was mandatory that the applicants' post-secondary qualifications be

34 DIMIA, *General Skilled Migration to Australia*, Basic requirements. The migrant's nominated occupation must be on the SOL and they must have employment in any occupation on the SOL for either 12 of the 18 months or 2 of the 3 years immediately prior to applying, depending on the nature of the nominated occupation. www.immi.gov.au/migration/skilled/basic_requirements.htm

35 Immigration and Refugee Protection Regulations S 75(2), *Canada Gazette* Pt II 14/6/02 CIC, "Will you qualify", - Application for Permanent Residence: Federal Skilled Worker Class, www.cic.gc.ca/english/pdf/kits/guides/EG7.pdf

relevant to their intended occupation in Australia, and that the occupation be on the SOL.

- 6.55 Neither **Canada** nor **New Zealand** had a mandatory requirement for specific qualifications, although both implicitly required post – secondary qualifications.

Trade-offs

- 6.56 For migration to Australia, relevant work experience was an acceptable alternative to formal qualifications in a limited number of occupations in the skill stream.

Conclusion

- 6.57 Again, the Committee saw the Australian requirements as assisting in fulfilling its stated migration aims, which were:

to help augment the skills, education and knowledge that Australia will need to prosper in the 21st century.³⁶

- 6.58 The Committee recalled that this aim was similar to those of New Zealand and Canada. It was therefore not surprising that each country had evolved a similar range of mandatory requirements for its skilled migration arrangements.

- 6.59 The variations observed in the details of the different programs arose from local judgements about how the requirements were best assessed.

- 6.60 The Committee examined the mandatory requirements of Canada and New Zealand which were not applied by Australia: New Zealand's requirement that applicants had jobs to go to, and the Canadian stipulation concerning funds.

Job offer

- 6.61 Neither Australia, nor Canada, required that skilled migrants had a job offer. **Canada**, it will be recalled, sought "to build a stronger Canada by maximizing the benefits from the global movement of people"³⁷ rather than demanding specific skills to meet specific demands. The Committee concluded that this approach meant that a job offer was not seen to be essential.

36 Minister for Immigration...*Opening speech*, Migration: Benefiting Australia – Conference proceedings Sydney 2002, p. 278. www.immi.gov.au/research/publications/conference02/index.htm

37 CIC, Fact Sheet No. 16 *Skilled Workers*, www.cic.gc.ca/english/irpa/fs-skilled.html

- 6.62 In December 2003 **New Zealand** introduced a (qualified) requirement that skilled migrants had to have a job offer. This was part of a refinement of migration policies intended to ensure that migrants who were selected because of their skills and talent were “set up to succeed, not destined to fail”.³⁸
- 6.63 One of the factors prompting these changes was that:
- New Zealanders do not want to see skilled migrants driving taxis, cooking hamburgers and cleaning offices.³⁹
- 6.64 This comment resonated with the Committee because of submissions which alluded to this taxi-driver syndrome and the consequent potential waste of talent under the current skilled migration program. The Committee examines this aspect of skilled migration in the chapter *Settling well?*

Trade-offs

- 6.65 If applicants to migrate to New Zealand had no job offer they might be accepted if they had tertiary/trade qualifications and at least two years work experience.⁴⁰
- 6.66 This arrangement only came into force in December 2003, so there was no information on its operation or effectiveness available to the Committee for it to assess its usefulness as a migration filter.
- 6.67 However, New Zealand’s move to a qualified requirement that applicants had job offers prompted the Committee to consider the Canadian philosophy of pursuing migrants with potential rather than those with guaranteed jobs, and whether this “nation building” approach might be usefully adopted in Australia.
- 6.68 Canada’s Longitudinal Survey of Immigrants was in its early stages, but the Committee found its early findings illuminating.
- 6.69 Six months after arrival in Canada, 59 per cent of principal migrants in the economic stream were employed.⁴¹ This was lower than the

38 Hon Lianne Dalziel, Skilled Immigration Policy Announcement, 1/7/03 www.beehive.govt.nz/dalziel/skilled-immigration/briefing-notes.cfm

39 Hon Lianne Dalziel, Skilled Immigration Policy Announcement, 1/7/03 www.beehive.govt.nz/dalziel/skilled-immigration/briefing-notes.cfm

40 NZIS, *How to Apply*, www.immigration.govt.nz/Migrate/HowToApply.htm

41 I.e. skilled, business immigrants and provincial/territorial nominees, Statistics Canada, *Highlights of the Longitudinal Survey of Immigrants to Canada*, www.statcan.ca/english/freepub/89-611-XIE/free.htm

employment rates after six months in Australia for broadly comparable primary applicants.⁴²

- 6.70 There was also apparently more downward mobility in jobs in their new country in Canada than was evident in Australia, an aspect which the Committee examines in the chapter *Settling well?*
- 6.71 These initial Canadian data indicated to the Committee that, at least in the short-term, the Australian approach produced better employment outcomes for migrants and hence the nation.

Conclusion

- 6.72 The Committee noted that the absence of a requirement that applicants have a job to go to in Australia seemed at odds with Australia's intention to bring in people "who will quickly make a contribution to the Australian economy"⁴³ and the implied link between applicants' current and post-migration careers. It concluded, however, that the employment outcomes appeared to indicate that the Australian approach was appropriate. The Committee explores this further in the chapter *Settling well?*

Capital

- 6.73 Only **Canada** had a mandatory requirement that skilled migrants have sufficient funds to support themselves for six months. The amount required was geared to family size, with a single person having to bring in CAN\$9,186, and a family of seven or more CAN\$23,397.

Trade-offs

- 6.74 Canadian applicants who had a job offer did not have to clear the capital hurdle.
- 6.75 Skilled migration applicants to **Australia** were not required to have a specific amount of capital, but were advised in DIMIA's *General Skilled Migration* booklet which contained the migration application forms that:

approval to migrate... does not guarantee employment, even for applicants who are highly skilled...⁴⁴

42 70% overall for "Independent", "Business skills/employer nomination" and "Skilled Australia linked/concessional family". Estimated from DIMIA, *The Labour Force Experience of New Migrants*, pp 18, 38, electronic version, www.immi.gov.au/research/publications/labour_force/nilsreport.pdf

43 DIMIA, *General Skilled Migration to Australia*, www.immi.gov.au/migration/skilled/index.htm

44 DIMIA, *General Skilled Migration* Booklet, p. -47. www.immi.gov.au/allforms/booklets/1119.pdf

it is essential that you can provide for yourself and dependents in Australia... It is estimated that a couple, renting accommodation in Australia, would need a minimum of \$365 per week to survive...⁴⁵

you should have enough resources to keep yourself (and your dependants) for at least your first two years in Australia.⁴⁶

Conclusion

- 6.76 The direct Canadian trade-off between the capital requirement and a job offer indicated to the Committee that the funds were a specific safety net to minimise hardship should the migrants not be able to find a job immediately.
- 6.77 This aspect merited further consideration, particularly in view of the advice quoted above from the *General Skilled Migration* booklet about the necessity to have sufficient resources to survive for two years. The Committee considers this point further when examining the points test in the chapter *Permanent migration - personal points*.

Work experience

- 6.78 **Australia**, like Canada, made work experience a prerequisite for consideration of applications for skilled migration. Australia required that the applicants' work experience be in a job on the SOL. Depending of the nature of the work, their experience had to be recent, that is either in 12 of the previous 18 months or two of the previous three years.⁴⁷
- 6.79 According to the Institution of Engineers Australia, recent experience was important because:
- it is widely agreed that any member of the professions who has not worked for 24 months is no longer immediately employable in their profession and would need to do a substantial amount of re-training.⁴⁸

45 DIMIA, *General Skilled Migration* Booklet, p. 46. www.immi.gov.au/allforms/booklets/1119.pdf

46 DIMIA, *General Skilled Migration* Booklet, p. 49. www.immi.gov.au/allforms/booklets/1119.pdf

47 **EITHER** Applicants nominated occupation worth 60 points on the points test and employed in any occupation on the SOL for at least 12 of the 18 months immediately before applying; **OR** Applicants nominated occupation worth 40 or 50 points on the points test and employed in any occupation on the SOL for at least 2 of the 3 years immediately before applying. DIMIA, *General Skilled Migration to Australia: Basic requirements*, www.immi.gov.au/migration/skilled/basic_requirements.htm

48 Institution of Engineers, Submission No 10, p. 7.

- 6.80 The LSIA data supported a similar, if broader, conclusion about migrants to Australia:
- the probability of having a job within six months of arrival is for most groups significantly affected by whether or not a person had a job prior to migration.⁴⁹
- 6.81 **Canada's** mandatory requirements for work experience had a less restrictive time frame than Australia, seeking applicants with only one year's work experience in the past 10 years in jobs on the NOCL at an appropriate skill level.
- 6.82 **New Zealand's** mandatory requirement for two years experience, unlike those of Canada or Australia, did not impose a time limit within which such experience had to have occurred. As the arrangements come into force only in December 2003, there had been insufficient time for any implications of this approach to become apparent.

Trade-offs

- 6.83 New Zealand did not require applicants to have work experience if they have both tertiary/trade qualifications *and* a job offer. Because the arrangements come into force only in December 2003 the impact of this trade-off is not yet known.
- 6.84 Australia's work experience requirement was also not absolute. No work experience was required if the applicant had completed two years study in Australia less than 6 months before lodging their visa application.⁵⁰
- 6.85 According to the submission from the New South Wales Government:
- ... in the first seven months of 2000-01, under the Skilled Independent program, 29 per cent of all selected were computing professionals and 19 per cent were accountants. Over half held Australian qualifications. Most would have completed these qualifications as full-fee paying overseas students in Australia and may not have local work experience, let alone experience in other parts of the world.⁵¹

49 DIMIA, *The Labour Force Experience of New Migrants*, p. 38, electronic version, www.immi.gov.au/research/publications/labour_force/nilsreport.pdf

50 DIMIA, *General Skilled Migration to Australia: Basic requirements*, www.immi.gov.au/migration/skilled/basic_requirements.htm

51 NSW Government, Submission No. 37, p. 6.

Conclusion

- 6.86 Australia's apparent aim was to maximise the contribution of its specially selected skilled migrants by requiring that they had both skills **and** experience. The Committee considered that trading-off work experience against recent study weakened this approach.

Summary

- 6.87 Having compared Australia's range of mandatory arrangements under its current skilled migration policy with those of other countries, the Committee concluded that the existing requirements were appropriate.
- 6.88 Whether they required modification was best considered in the following chapters, in conjunction with an examination of the current points testing system for skilled migration.