The Parliament of the Commonwealth of Australia

To make a contribution

Review of skilled labour migration programs 2004

Joint Standing Committee on Migration

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Canberra

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Contents

Foreword ix
Membership of the Committee xi
Terms of reference xiii
List of abbreviations xv
List of recommendations xvii
Introduction xxi

1 International competition for labour 1

2 Migrant motivators 7

Incentives to leave 7
Destination attractions 8
Why Australia? 9
Where in Australia? 10
Promoting Australia 13
Guiding migrants 15
Conclusion 23

3 Competition for skilled workers 25

Temporary skilled migration 25
Common approaches 26
Program consistency 28

Permanent /long term skilled migration **29**
Common approaches 29
Other approaches 30
Targeted recruiting 31
Market responsiveness 32
Directed (regional) settlement 33
Australia in the global context **34**
Conclusion 35

4 Temporary skilled migration **37**

Country summaries **37**
Australia 38
Canada 42
Germany 43
Ireland 44
Japan 45
New Zealand 46
United Kingdom 48
United States of America 50
Comparisons **52**
Conclusion **57**

5 Permanent skilled migration – overview. **59**

Limited opportunities for permanent skilled migration. **59**
Countries with permanent skilled migration **60**
Rationale for permanent skilled migration 60
Numbers 61
Who gets in? 62
Joining the queue 67
Queuing up 67
Summary **70**

6 Permanent migration and mandatory requirements 71

Basic mandatory requirements 71
Mandatory requirements for skilled migration 71
Summary 86

7 Permanent migration – points for employability 87

Points testing 87
Users of points testing 88
Passing the test 88
Points test – in competing markets 89
Employment-related points 92
Points for skill 92
Points for work experience 94
Points for occupation in demand/job offer 100
Points for local qualifications 103
The role of the Skilled Occupations List (SOL) 105
Summary 107

8 Permanent migration – personal points 109

Points for age 109
Conclusion 110
Points for language 111
Conclusion 112
Points for "regional" location 113
Conclusion 114
Points for spouses' attributes 114
Conclusion 115
Points for relationships 115
Conclusion 115
Bonus points 116
Local work experience 116
Fluency in a community language 116
Capital 117

The concept of "Adaptability" **118**
Summary **121**

9 Settling well? **123**

Labour force participation **124**
Conclusion 124
Unemployment **125**
Conclusion 126
Job satisfaction **127**
Occupational distribution 127
De-skilling 129
Local experience 133
Recognition of overseas qualifications 144
Conclusion **149**

10 Summary **153**

Appendix A: Submissions **157**

Appendix B: Public hearings & witnesses **161**

Appendix C: Exhibits **167**

Appendix D: Conducting the review **169**

Appendix E: Glossary **171**

Appendix F: Skilled migration data sources **177**

Table 1.1. Inflows of employed migrants, selected countries, 1995-1999 2
Table 1.2 Temporary skilled migration: selected countries 2000-2003 4
Table 1.3 Permanent skilled migration: selected countries: 2000-2003 5

Table 2.1 Intended destinations of settlers arriving in Australia 2002/3 11
Table 2.2: Skilled Migrant visas - settlement patterns - 1/7/1996 – 30/6/2001 12
Table 2.3: State/Territory Government internet portals, searched for “migration” (7/1/04) 21

Table 4.1 Selected temporary skilled migration programs 38

Table 5.1: Permanent skilled migration: selected countries: 2000-2003 62
Table 5.2: USA - Skilled migrant intake 2002 63
Table 5.3: Skilled Migration Visa - Arrivals, 1999/00-2002/3 65

Table 6.1: Skilled Permanent Migration - Mandatory requirements compared 74

Table 7.1: Points tests compared 90

Table 9.1: Selected occupations prior to and after arrival 128
Table 9.2: Employment of persons with Post-Graduate Qualifications in 2001 132

Foreword

At a round table discussion with the Committee one migrant emphasised that:

> we, the skilled migrants, have come to this country to make our own contribution to the development of Australia.[1]

Australia has a number of programs which provide opportunities for people to do just that. The Committee's brief was to review and report on aspects of those skilled migration programs and to examine their competitiveness in the context of overseas programs designed to attract migrants to their shores.

The Committee quickly discovered that few programs remained static. This was true not only of Australia's programs, but also of overseas skilled migration schemes. The expected shortages in the Information and Communications Technologies sector in 2000 had prompted Ireland to introduce "a fast-track" visa for those with skills in demand, had led Germany to inaugurate a new migration program to achieve the same end, and prompted the United States to increase its existing intake by 70 per cent, from 115,000 to 195,000.[2]

National migration programs have continued to evolve since the review of skilled migration was referred to the Committee. Canada, for example, inaugurated completely new migration legislation in mid-2002; New Zealand radically changed its skilled migration arrangements in December 2003; and the United States cut the annual numbers of temporary skilled migrant visas from 195,000 to

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1 Skilled Migrant Network, Evidence, p. 196.

2 Department of Enterprise Trade and Employment Press Release 7/5/02 *Tanaiste… announce changes to the Work Visa Scheme*, www.entemp.ie/press02/070502.htm Auswartiges Amt, Working in Germany: IT Specialists Programme, www.auswartiges-amt.de/www/en/wilcommen/arbeitsaufnahme. Press Release 4/10/00, *Congress Increases Visas for High-Tech Workers*, http://www.house.gov/shays/press/H1b.htm

65,000 in the same year.[3] Australia revised aspects of its skilled regional program in January 2004.[4]

The continuing changes not only reflected shifts in the domestic requirements of the countries concerned, but were also evidence of the how competitors for skilled migrants continually adjusted their stance in the market place.

The Committee initially considered this international market for skilled labour (Chapter 1), some of the motivations which brought people to decide to migrate, and how State and local authorities might respond to those motivations (Chapter 2). After summarising the competition for both temporary and skilled migration (Chapter 3) the Committee examined the short-term arrangements in each of the countries under review (Canada, Germany, Ireland, Japan, New Zealand, UK, and USA) comparing them with Australia's approach (Chapter 4).

The Committee used a slightly different approach when examining permanent skilled migration because few of the countries considered actually contemplated permitting permanent settlement. The Committee was therefore able to compare the countries' perspectives on each specific selection factor in some detail (Chapters 5-8), prior to examining aspects of skilled migrant settlement in Australia (Chapter 9).

The Committee discovered in the course of this review that the Australian approach had been examined by a number of other countries. The Committee took these as evidence that there was merit in the approach used in Australia. However, as the Committee identified in its recommendations, some of the processes require attention in order to improve their facilitation of skilled migration and settlement.

Ms Teresa Gambaro MP
Chair

3 Citizenship and Immigration Canada (CIC) News Release 2002-18: *Canada's new immigration …regulations finalised*, www.cic.gc.ca/english/press/02/0218-pre.htmlCit New Zealand Immigration Service (NZIS), *Migrate to New Zealand*, http://www.immigration.govt.nz/Migrate/#Applying+for+residence+as+a+skilled+migrant *Foreign Labor Certification Pre H-1B form*, U.S. Department of Labor Employment & Training Administration, http://atlas.doleta.gov/foreign/preh1bform.asp

4 Minister for Immigration…, *Plan to Attract more Migrants to Regional Australia*, VPS 004/2004, 12/1/04, www.minister.immi.gov.au/media_releases/media04/v04004.htm

Membership of the Committee

Chair	Ms Teresa Gambaro MP
Deputy Chair	Mr Bernie Ripoll MP
Members	Senator Andrew Bartlett
	Senator Alan Eggleston
	Senator Linda Kirk
	Senator Tsebin Tchen
	Mr Laurie Ferguson MP
	Mrs Joanna Gash MP
	Mrs Julia Irwin MP
	Mr Don Randall MP (from August 2002)
	Mr Alby Schultz MP (to August 2002)

Committee Secretariat

Secretary	Mr Richard Selth
Inquiry Secretary	Dr Stephen Dyer
Administrative & Research Officer	Mr Peter Ratas

Terms of reference

On 18 June 2002 the Minister for Immigration, Multicultural and Indigenous Affairs asked the Committee to review and report on Australia's migration and temporary entry program for skilled labour, with particular reference to:

- International competition for skilled labour.
- The degree to which quality permanent skilled migrants are being attracted to Australia and settling well.
- Whether there are lessons to be learnt by Australia from the entry and program management policies of competing nations, including Canada, New Zealand, USA, Ireland, UK, Germany and Japan.
- The degree to which Australia's migration and temporary entry programs are competitive.
- Whether there are policy and / or procedural mechanisms that might be developed to improve competitiveness.
- Settlement patterns for new arrivals including the role played by State and local authorities.

List of abbreviations

ABS	Australian Bureau of Statistics
ACTU	Australian Council of Trade Unions
AMEP	Adult Migrant English Program
AMES	Adult Multicultural Education Service
APEC	Australian Pharmacy Examining Council
CFMEU	Construction Forestry Mining Energy Union
CIC	Citizenship and Immigration Canada
DEST	Department of Education, Science and Training [Australia]
DETE	Department of Enterprise Trade and Employment [Ireland]
DEWR	Department of Employment and Workplace Relations [Australia]
DIMIA	Department of Immigration and Multicultural and Indigenous Affairs [Australia]
DOLETA	Department of Labor Employment and Training Administration [USA]
HRDC	Human Resources Development Canada
IELTS	International English Language Testing System
ILO	International Labour Organisation

LSIA	Longitudinal Survey of Immigrants to Australia
MODL	Migration Occupations in Demand List [Australia]
NILS	National Institute of Labour Studies [Australia]
NISS	National Integrated Settlement Strategy [Australia]
NOCL	National Occupation Classification List [Canada]
NZIS	New Zealand Immigration Service
SOL	Skilled Occupations List [Australia]
USCIS	United States Citizenship and Immigration Services.

List of recommendations

2 Migrant motivators

Recommendation 1

The Committee recommends that DIMIA improve the visibility of the existing hyperlinks from its website to those of State and Territory governments.

Recommendation 2

The Committee recommends that the Minister present to the next meeting of the Commonwealth/State Working Party on Skilled Migration a proposal that States and Territories identify on their websites their preferred settlement areas to assist potential skilled migrants.

Recommendation 3

The Committee recommends that DIMIA continue its practice of analysing and publicising LSIA data and release more promptly updated, de-identified, unit record data.

4 Temporary skilled migration

Recommendation 4

The Committee recommends that DIMIA, as part of its monitoring program, identify establishments with a disproportionate dependence on migrant labour and focus its assessment on how well they demonstrate the commitment of their business to training Australian residents or introducing new technology.

Recommendation 5

The Committee recommends that an indexed fee of $1,000 be charged to each sponsor of a skilled temporary worker to fund scholarships for Australians in areas of existing long term shortages which are predicted to continue.

7 Permanent migration – points for employability

Recommendation 6

The Committee recommends that the skilled migration bonus points score for local lawfully gained work experience be increased from the current five points to ten.

Recommendation 7

The Committee recommends that transition arrangements be made when implementing its recommendations so that existing applicants are not disadvantaged by the changes.

8 Permanent migration – personal points

Recommendation 8

The Committee recommends that the existing mandatory age limit of 45 years for skilled migration be removed.

Recommendation 9

The Committee recommends that, in the skilled migration points test, no points be allocated to applicants aged over 45.

Recommendation 10

The Committee recommends that weighting given to spouse attributes in the points test be increased substantially to reflect the importance of their support to the primary applicant.

Recommendation 11

The Committee recommends that the requirement that the spouse be aged under 45 to score points for the "spouse skills" component of the points test be discontinued to retain consistency with the Committee's recommended changes to the age requirements for primary applicants.

9 Settling well?

Recommendation 12

The Committee recommends that the General Skilled Migration booklet list the skilled occupations and migration occupations in demand which require migrants to be registered prior to practising in Australia.

Recommendation 13

The Committee recommends that DIMIA seek the cooperation of assessing authorities in providing migrant-oriented summaries of their Australian assessment, post-arrival obligations, and registration requirements in its Skilled Occupations List publication.

Recommendation 14

The Committee recommends that assessing bodies continue to seek harmonisation of registration requirements across the States and Territories.

Introduction

In reviewing a topic as broad as Australia's migration and temporary entry program for skilled labour, the Committee has necessarily been selective. The Committee was reluctant to duplicate current or recent reviews covering aspects of its terms of reference such as:

- **Regional migration**, on which the Committee reported in 2000 and which DIMIA was addressing through a discussion paper in 2002;
- **Recruiting of medical personnel** which was treated in substantial detail in 2002 by the Senate Community Affairs References Committee in *The Patient Profession: Time for Action – Report on the Inquiry into Nursing*, and by the Committee for the Review of Practices for the Employment of Medical Practitioners in the NSW Health System in 1998 in *The Race to Qualify*;
- **Local skill shortages** which were addressed in 2003 by the Senate Employment, Workplace Relations and Education Committee's report *Bridging the Skills Divide;*
- **Temporary Overseas migration,** currently being investigated by the Australian Centre for Population Research[5];
- **Temporary Business Entry (Long Stay) visa** sponsorship arrangments, reviewed by the Senate Legal and Constitutional Legislation Committee in August 2003[6]; and
- **Permanent business skills migration** which had been the subject of a DIMIA discussion paper in 2002, *Improving the Performance of Business Skills Migrants* and subsequent revisions to policy in 2003.[7]

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5 S-E Khoo, C. Voight-Graf, G. Hugo, P. Mc Donald, "Temporary Skilled Migration to Australia: The 457 visa sub-class", *People and Place*, Vol 11, No. 4, 2003, p. 39.

6 Legal and Constitutional Legislation Committee, *Provisions of the Migration Legislation Amendment (Sponsorship Measures) Bill 2003.*

7 Minister for Immigration, *Regional Boost for Business Migration*, MPS 10/2003, 26/2/03. State and Territory Government sponsored applicants may get a four-year provisional visa be eligible to apply for permanent residence after they have successfully operated a business for at least two years.

Rather, the Committee has sought to examine aspects of the programs which have not been reviewed recently and which offered productive comparisons with overseas approaches to similar issues.

The continuing evolutionary and revolutionary changes in domestic and overseas skilled migration policy have meant that the Committee has been heavily reliant on the internet to keep its information up to date, as is apparent in the footnote references in this report. One consequence of the perpetual evolution of migration policy was that the websites also changed and information disappeared. This may have happened some of the sites referred to in the Committee's report.