

## **Does the new Skilled Occupations List (SOL) affect your visa application?**

*By Atty. Imelda Argel, Bachelor of Laws (UP), Master of Laws (University of Sydney)*

Under the General Skilled Migration (GSM) program, visa applicants are required to nominate occupations which can be found in the Skilled Occupation List (SOL). A new SOL was developed to ensure DIAC's policy follows a labour market demand-driven skilled migration program. Prior to the release of the new SOL on 17 May 2010, the Department of Immigration and Citizenship (DIAC) has suspended the lodgment of offshore GSM visa applications until the new SOL comes into effect on 1 July 2010. The new SOL differs in a number of ways:

### **1. The new SOL contains far less occupations than the current SOL**

The new SOL places particular emphasis on the need for various health professionals. Specific areas of specialization for medical practitioners, registered nurses, engineers, teachers and accountants have been added.

Of particular significance is the deletion of many occupations listed under 'trade persons and related workers' (i.e. cook, hairdresser, butcher, and pastry cook), some computing professional specializations, and most occupations considered as 'associate professionals' (i.e. project manager and office manager).

To see whether your prospective occupation is listed under the new SOL, please have a look at the SOL dated 17 May 2010. The new SOL is particularly significant to international students intending to study in Australia with the intention of applying for permanent residence at a later stage.

### **2. The new SOL uses ANZSCO Dictionary instead of the ASCO Dictionary**

The current SOL uses the ASCO (Australian Standard Classification of Occupations) dictionary to define the occupations and provide codes for skills assessment. The names of the occupations and definitions are not exactly the same and unlike the ASCO dictionary where the skill level required for entry to an occupation is considered in the ANZSCO (Australian and New Zealand Standard Classification of Occupations), it is the skill level required for competent performance of the set of tasks associated with the occupation which is used. As a result, the outcome of the skills assessment of certain occupations may differ.

Unofficial DIAC information suggests that ASCO code assessment will be acceptable for a period of 12 months after the implementation of the new SOL, or the expiry date of the validity period of the assessment outcome letter, whichever is sooner.

For those applying for a Migration Skills Assessment by Engineers Australia, assessment outcome letters up to and including 30 June 2010 will be issued in ASCO codes only; from and including 1 July 2010, assessment outcome letters will be issued in ANZSCO codes only. This will also apply to any reissued outcomes after that date.

### **3. If your occupation is not in the new SOL, you may consider:**

- a) Applying for a temporary or permanent visa under the employer nomination scheme (ENS), by first finding an employer willing and able to sponsor you.

- b) Applying for skilled migration under the regional sponsored migration scheme (RSMS), by first finding an employer located in regional or low population growth areas of Australia to sponsor you.

New occupations list for state/territory nomination are expected in the second half of 2010 which may include occupations outside those specified on a new SOL.

#### **4. When the old SOL is still applicable**

DIAC has announced that the new SOL shall not apply to :

- As at 17 May 2010, had a pending GSM application.
- GSM applicants who at 8 February 2010, held a subclass 485 (skilled graduate) visa or had a pending subclass 485 visa application and who apply for a permanent or provisional onshore GSM visa by 31 December 2012; or
- International students who apply for subclass 485 (skilled graduate) visas by 31 December 2012, and held on 8 February 2010:
  - a subclass 572 (vocational education and training sector);
  - a subclass 573 (higher education sector); or,
  - a subclass 574 (postgraduate research sector).

*This information is of a general nature and should not be taken as authoritative legal advice for specific cases. The writer, Atty. Imelda Argel is a practising migration solicitor and a registered migration agent in Sydney, Australia. Her Registered Migration Agent no. is 9682957. She is the author of TIPS on GSM visas( a publication for migration agents), the recipient of the inaugural NSW FAWAA (Filipino- Australian Women's Achievement Award) for her outstanding achievements in corporate practice and entrepreneurship, and the University of the Philippines Alumni Association (NSW Chapter) Achievement Award for law and community service. More information is available at [www.iargel.com.au](http://www.iargel.com.au). You can contact the author by email at [info@iargel.com.au](mailto:info@iargel.com.au) or by fax at (+612) 9699 3210 or by appointment at Suite 41, Ground Floor, 61-89 Buckingham St. SURRY HILLS NSW 2010.*