

## Basic Information Regarding Skilled Migration to Australia

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Many readers of my article, "Concerns of overseas contract workers migrating to Australia" which was published on 30 March 2000 have raised questions in relation to migrating to Australia under the Skilled Migration Scheme. Issues of broad interest are answered in this article.

1. *I am 40 years old, a house painter with 15 years experience. My wife is 33 year old, a dressmaker with 6 years experience. We do not have any relatives in Australia. Can we qualify for skilled migration to Australia?*

Due to your age, your wife would have a better chance of qualifying, provided she passes the English IELTS test with a band score of 5 on the 4 components.

Generally, under the skilled migration program, the primary applicant must pass the points test to qualify and must obtain a skills assessment from the relevant assessing authority in Australia before filing the application for permanent residence at the Australian Embassy. There is a specific assessing authority in Australia for each occupation and each authority has its own requirements.

2. *I have a first cousin in Australia. Can she sponsor me for skilled migration?*

First cousins and grandparents who live in metropolitan areas of New South Wales, Queensland or Western Australia *do not* qualify as sponsor under the skilled migration program.

However, if your cousin has lived anywhere in the State of Victoria, South Australia, the Northern Territory, Tasmania or the Australian Capital Territory, in the last 12 months and continues to live there, he or she could sponsor you under certain conditions. In fact in such case, the principal applicant need not pass the points test under the *Regional* Skilled Migration Scheme, but must still comply with the basic requirements such as, being aged under 45 years, pass the English test, nominate a listed occupation and have recent work experience.

3. *I am 48 years old, working as radiographer in Saudi Arabia for 10 years. My wife, 28 years old, is a registered nurse also working here. What are our chances of success under skilled migration?*

Under the current Skilled Migration Program, you should be under 45 years of age and working in your profession in previous 12 months prior to lodgment of application. Because of your age, you do not qualify as the primary applicant even if your occupation is an "occupation in demand". However, your wife can apply as the primary applicant, if she passes both skills assessment and English test. She can include you and your children under 18 years of age living with you as dependents in one application.

4. *Which occupations are in demand in Australia?*

Information technology managers, accountants, physiotherapists, radiographers, registered nurses, chefs, metal machinists, metal fabricators, welders, refrigeration and air-conditioning mechanics and pastry cooks are all occupations in demand. Applicants who are working in these occupations are entitled to ten bonus points if they have a job offer or five bonus points, if they do not have a job offer.

5. *Do all applicants for skilled migration need to take the IELTS English test?*

Generally, all applicants must pass the International English Language Testing System (IELTS) test. Non health professionals who have obtained their academic degree in schools where English was the medium of instruction may obtain exemption from the examinations under certain conditions.

Notwithstanding, health professionals, such as nurses, medical technologists, pharmacists are required to pass the English proficiency test, with a higher score than that normally required of other professions. If an applicant is not sure about passing the English test, it is suggested that the applicant undertake the exams even before applying for formal skills assessment to ensure success. IDP Education Australia administers the English test.

6. *I am 29 years old and have worked as a registered nurse in the last 36 months. I am fluent in English. Do I qualify under the Skilled Migration Scheme?*

You appear to be able to pass the points at this stage. However, registered nurses need to formally pass the IELTS test and the skills assessment. Each State has a Nursing Board with its own requirements. Normally, in New South Wales, you would be required to undergo a practical training in Australia over a ten to twelve week period, before you are given a successful assessment. But before the training, you must have-

- a. Completed a pre-registration or pre-enrollment course of training,
- b. Been registered or enrolled as a nurse in the country where training was undertaken,
- c. Current registration, a practicing certificate or license in the country where you are currently practicing,
- d. Demonstrated proficiency in the English language, and
- e. Practiced in the branch of nursing for which you are seeking registration within the previous five years.

7. *I am 28 year old. I obtained my Bachelor of Arts Degree from the University of Northern Philippines. I have been working as a farmer 8 years. Can I apply for permanent residence under the skilled migration program?*

There are two difficulties to hurdle in your case, namely, occupation and school. Firstly, “farmer” is **not** in the *gazetted list of occupations*. This means that you cannot nominate “farmer” as your occupation under the Skilled Migration Scheme, otherwise you fail. However, if your tasks as a farmer fall under the classification of *greenkeeper, landscape gardener or nursery person, and you nominate that occupation, you would have a good chance of success provided you*

pass the English test. Secondly, your school is not among those listed in the *Philippine Country Profile*. The Country Profile is a *guide on how most Australian assessing authorities regard the educational level* obtained in the listed schools in relation to Australian standards. Under normal circumstances, if the educational institution is not listed, a Bachelor's degree obtained in the non listed school is comparable either to Australian diploma level, if your weighted average grade is at least 85% or to an Australian Certificate level, if it is below 85%. At a diploma level, you would not be able to pass the points test.

If you were working full time as a carpenter, stonemason or other trade for at least 6 years, you may nominate any of these occupations and would pass.

8. *I understand that the services provided by registered migration agents are normally limited to assistance in obtaining a permanent resident visa which will entitle the visa holder to work, similar to the green cardholder in the United States of America. However, the grant of permanent resident visa itself does not guarantee availability of work. Who can assist migrants in obtaining employment?*

There are Australian government subsidized organizations and privately owned employment agencies which provide assistance in locating suitable employment. Normally, it is the employer who pays for the service, not the employee.

9. *We do not have any relatives in Australia. Who can assist in our settlement?*

Community based organizations funded by the Department of Immigration and Multicultural Affairs, such as the Philippine Australian Community Services Inc., (PACSI) provide assistance in resolving the settlement needs of newly arrived Filipino migrants. Charitable institutions such as the St Vincent de Paul Society can also assist in providing basic furniture, appliances and clothing on a needs assessed basis. For practical reasons, the main applicant can arrive in Australia ahead of his family to find work first. For purposes of application, however, one should apply as a family to avoid multiple filing fees and costs.

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*This information is of a general nature and should not be taken as authoritative legal advice for specific cases.* It is important to note that for all cases, the applicant must meet the health and character criteria. This means that the applicant and dependents must be free from disease and have no record of any criminal offence. Those currently residing in the Philippines and in countries may complete pre qualification forms for permanent residence under Skilled (Points tested) Scheme in our website ([www.iargel.com.au](http://www.iargel.com.au)). This service is **free** to readers of **Philippine Star** provided we receive the completed form within 30 days from publication of this article. Our law firm Imelda Argel & Associates, Solicitors & Attorneys, welcomes questions regarding migration to Australia from readers of **Philippine Star** by email at [info@iargel.com.au](mailto:info@iargel.com.au) or by fax at (+612) 9699 3210.

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