

How long is the visa processing time under General Skilled Migration (GSM)?

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The Department of Immigration and Citizenship (DIAC) has abolished the Critical Skills List (CSL) and the Migration Occupations in Demand List (MODL) as at 8 February 2010 and came out with a new Skills Occupation List (SOL) on 1 July 2010 with 4 schedules attached to it.

Yet another major change in skilled migration that DIAC has announced is the new point test to take effect from 1 July 2011. The pass mark will be lowered to 65 points. However, your occupation must be listed in the Skilled Occupations List (SOL) and you must have obtained a suitable skills assessment at the time of application even if you will not be entitled to any points for skills occupation. The qualifying age will be raised to 49 years old. More points will be given to higher education qualifications eg PHD- 20 points, more years of relevant work experience eg eight years-15 points, and better English skills, eg IELTS score of 8- 20 points. But note that almost 40 skills assessing authorities have changed their skills assessment policy.

To be processed in the order in which they are received are: Skilled – Recognised Graduate subclass 476, Skilled – Graduate subclass 485, Skilled – Designated Area – Sponsored (Residence) subclass 883, Skilled – Regional subclass 887 and those remitted to DIAC by the MRT.

DIAC has advised from 14 July 2010, that the order of visa processing and average processing time from date of lodgement of the other visas, are as follows:

Those lodge under the Employer Nomination Scheme (ENS) and Regional Sponsored Migration Scheme (RSMS) as first priority, 7 months.

Those sponsored by state or territory government agency as second priority, 6 to 12 months.

Those whose occupations are listed in schedule 3 of the new Skilled Occupations List (SOL) that took effect from 1 July 2010 as third priority, 18 to 24 months.

All other applications under General Skilled Migration (GSM) as fourth priority to be processed *only after all cases in priority group 1 to 3 are finalised.*

Generally, if you have already lodged an application for permanent residence under skilled migration, you are exempted from the DIAC visa charge when you lodge an application under the Employer Nomination Scheme (ENS) or Regional Sponsored Migration Scheme (RSMS).

It is therefore suggested that if you are in priority group 4 e.g. cook or hairdresser, you find an employer who can nominate and employ you under the Employer Nomination Scheme

(ENS) or Regional Sponsored Migration Scheme (RSMS), otherwise, because of the “moving target” on priority processing, you run the risk of waiting “forever”, even if you were sponsored by an eligible relative and you completed your two year studies in Australia!

This information is of a general nature and should not be taken as authoritative legal advice for specific cases. Australia has a scheme that requires persons who give immigration assistance to be registered as migration agent. The writer, Atty. Imelda Argel is a practising Filipino migration solicitor and a registered migration agent in Sydney, Australia. She is a Solicitor of the Supreme Court of New South Wales, the High Court of Australia, an Attorney at law in the Philippines and in the State of New York, USA. Her Registered Migration Agent no. is 9682957. She is also the recipient of the inaugural NSW FAWAA (Filipino-Australian Women's Achievement Award) for her outstanding achievements in corporate practice and entrepreneurship. More information is available at www.iargel.com.au