



What is recent work experience under General Skilled Migration?

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

The general skilled migration scheme is a class of permanent and temporary resident visas, which are granted on the basis of skills or qualifications, recent work experience, age and language ability.

Recent work experience is one of the visa threshold requirements under General Skilled Migration. In order to obtain a successful visa, the applicant must have been working in a skilled occupation as listed in the Skilled Occupations List (SOL), the list of qualifying occupations published by DIAC.

To meet the employment requirement, the applicant must have been engaged in an occupation for remuneration for at least 20 hours weekly for at least 12 months within the 24 months immediately before the date of lodgment of visa application. The employment must be on a paid basis, generally at a commercial rate.

To satisfy employment in a skilled occupation, the applicant must have been employed in either his or her nominated skilled occupation (or a closely-related occupation) or in a skilled occupation on SOL (it does not have to be the same nominated skilled occupation). If the employment experience does not relate to the applicant's nominated occupation, generally the applicant does not need to provide skills assessment in relation to this employment experience. Rather, the skilled level is considered in relation to the range of duties the applicant has performed regularly and competently at a suitable level of depth and complexity, regardless of whether full-time, part-time or casual employment. However, in some cases, skills assessment is required if the applicant claim work experience in a highly-skilled occupation totally unrelated to their nominated skilled occupation. For example, an applicant with nominated occupation as accountant claims work experience as chef.

It is possible that full-time student's part-time employment experience or pre-qualification employment experience is accepted. However, this experience must be at a skilled level. The applicant must provide description of duties and references to show that the work they undertook is of the same standard as skilled level. Generally, this work experience would be considered as "semi-skilled" rather than the "skilled" level.

Recent work experience requirement is waived if the applicant satisfies 2 year study requirement undertaken in Australia and the Australian qualification is relevant to the nominated skilled occupation.

In addition to the employment experience requirement threshold, additional points will be entitled in the point test if the applicant has been employed in the occupation on SOL for at least 36 months within the 48 months immediately before lodgment of application.

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 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 the author of TIPS on GSM visas, 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. You can contact the author by email at 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.