Migration Institute of Australia

A Migration System for Australia's Future

December 2022

A Migration System for Australia's Future

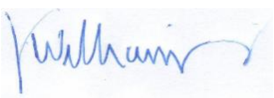
Department of Home Affairs

The Migration Institute of Australia welcomes the opportunity to provide this submission to the Department of HomeAffairs Review into A Migration System for Australia's Future Migration System.

The COVID-19 pandemic had a devastating impact on Australia's migration program with the potential to impact on Australia's economy and productivity for decades to come.

This review allows for the timely re-examination of the program in its entirety. Australia's post COVID economic recovery is most likely to require radical change to the program to ensure Australia successfully navigates its way to future economic growth and prosperity.

The MIA provides the information and recommendations in this response paper based on the long term and practical involvement of its members in providing immigration assistance and guidance to many of the thousands of migrants who have come to Australia and their experience in dealing with the realities of Australia's migration programs over time.



Julie Williams FMIA

National President

Migration Institute of Australia

19 December 2022

Migration Institute of Australia

The Migration Institute of Australia (MIA) is the oldest professional association representing migration professionals in Australia, being initially established as the Australian Migration Consultants Association in 1987, before changing its name to the MIA in 1992. Through its public profile the MIA advocates the value of migration, thereby supporting the wider migration advice profession, migrants and prospective migrants to Australia. The MIA represents its members through regular government liaison, advocacy, public speaking and media engagements. The MIA supports its members through its separate but interlinked sections: professional support; education; membership; communications; media; business development and marketing.

The MIA operates as a company limited by guarantee under the Corporations Act 2001 and complies with all Australian Securities and Investments Commission (ASIC) requirements. Under its Constitution it is not empowered to pay any dividends. The MIA and its elected office bearers are guided by the legal framework set out in the Corporations Act 2001, the MIA Constitution and Rules, the Corporate Governance Statement and Board Charter.

MIA members hold a further responsibility to their clients and the Australian community to abide by ethical professional conduct and to act in a manner which at all times enhances the integrity of the migration advice profession and the Institute. MIA members are bound by both statutory Code of Conduct of the Office of the Migration Agents Registration Authority which sets the profession's standards of behaviour and the MIA Members' Code of Ethics and Practice.

Statement of Recognition

The Migration Institute of Australia acknowledges the Traditional Custodians of the lands and waters throughout Australia. We pay our respect to Elders, past, present and emerging, acknowledging their continuing relationship to this land and the ongoing living cultures of Aboriginal and Torres Strait Islander peoples across Australia.

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A Migration System for Australia's Future

Terms of reference

The Migration Institute of Australia welcomes Minister Clare O'Neill's announcement of 1 September 2022 of a review of Australia's migration system, *A Migration system for Australia's Future.*

The scope of the review is to identify the reforms needed to create a simple, efficient migration system that can effectively:

- enrich the economy, with a focus on productivity growth
- complement Australia's education and training systems and the skills of Australians
- unlock the potential of migrants
- help build Australia's sovereign capabilities and address challenges associated with the aging population, climate change and new technology
- compete globally for highly skilled migrants, including by improving clients' experience of the immigration process
- provide clear pathways to permanent residence and citizenship and reduce the exploitation of migrant workers
- foster enhanced integration (including people, trade and supply chain links) with our international friends and partners.

It is noted that other specific parts of the migration and peripheral elements of the system are precluded from this review by its terms of reference. Out of scope of the review are all other matters in regard to the migration system, specifically issues relevant to:

- irregular migration and status resolution, regional processing and Operation Sovereign Borders
- functions and activities of the Australian Border Force, including but not limited to immigration compliance, removals and detention.
- administered programs including grants, Public Interest Criteria required for approval of visas, including character, national security and health checking requirements.

MIA Recommendations

The Migration Institute of Australia makes the following recommendation to the Department of Home Affairs review – A Migration System for Australia's Future.

Recommendation 1

The MIA recommends that the permanent migration program be increased to 230,000 places in the coming program year.

Recommendation 2

The MIA recommends that both the employer sponsored and independent skilled visa streams be maintained.

Recommendation 3

The MIA recommends that pathways to permanent residency for New Zealand citizens resident and working in Australia be restored and expanded.

Recommendation 4

The MIA recommends that the Pacific Australian Labour Mobility permanent residency pilot be developed and expanded into a permanent residency stream.

Recommendation 5

The MIA recommends that the Temporary Skills Shortage occupation lists and the Regional Occupation List be consolidated to provide all visa holders in these visa classes the opportunity to attain permanent residency of Australia.

Recommendation 6

The MIA recommends that the age limit for permanent residency eligibility for employer sponsored applicants be restored to 50 years of age.

Recommendation 7

The MIA recommends that the Skilling Australians Fund Levy be removed for Employer Sponsored Temporary Residence Transition stream applications.

Recommendation 8

The MIA recommends that priority processing be provided to offshore partner visa applicants who have obtained a skills assessment in any occupation.

Recommendation 9

The MIA recommends that the criteria of the Global Talent visa be reviewed and amended if necessary to improve the attractiveness of the visa to talented overseas applicants.

Recommendation 10

The MIA recommends that the Skilled Employer Sponsored Regional subclass be abolished and replaced with a regional stream of the Temporary Skills Shortage visa.

Recommendation 11

The MIA recommends that the regional certification requirement for regionally located visa applicants be abolished.

Recommendation 12

The MIA recommends that the number of visa classes and subclasses be selectively reduced.

Recommendation 13

The MIA recommends that Labour Market Testing be abolished.

Recommendation 14

The MIA recommends that the skilled occupation lists be simplified by either adopting four digit unit ANZSCO codes or ANZSCO skill level for identifying occupations for skilled migration.

Recommendation 15

The MIA recommends that the Skilling Australians Fund be collected from sponsoring employers on a monthly basis.

Recommendation 16

Alternatively: The MIA recommends that the Skilling Australians Fund levy be paid as a second stage application charge when the nomination to sponsor an overseas worker is ready for grant.

Recommendation 17

The MIA recommends that a reduction in the Skilling Australians Fund levy be provided to sponsoring employers who make provision for the training of their Australian employees

Recommendation 18

The MIA recommends that if the Temporary Skills Migration Income Threshold is raised, that a regional concession be implemented.

Recommendation 19

The MIA recommends that the number of skills assessing authorities be increased.

Recommendation 20

The MIA recommends that the skills assessing authorities be required to develop a consistent approach to the requirements for assessing migrant skills and employment experience.

Recommendation 21

The MIA recommends that the Health Condition 4005 be removed from all skilled migration applications and be replaced with the Health Condition 4007.

Recommendation 22

The MIA recommends that the Department of Home Affairs reviews the effectiveness of the Global Feedback Unit in providing information to consumers.

Recommendation 23

The MIA recommends that appropriate communication channels be provided by the Department of Home Affairs to Registered Migration Agents and legal practitioners.

Recommendation 24

The MIA recommends that no changes are made to the sponsorship requirements for start-up businesses.

Recommendation 25

The MIA recommends that the Government develops programs that will address the barriers to participation in the Australian labour market for skilled migrants, family and humanitarian visa holders.

Recommendation 26

The MIA recommends that the Government investigate methods that may be used to identify and respond more quickly and effectively to changing labour market needs.

Recommendation 27

The MIA recommends that the lodgement of visa and other applications be restricted to the individual visa applicant, Registered Migration Agents and legal practitioners.

Recommendation 28

The MIA recommends that a regulatory authority be established to oversee the operation of the international student sector and to regulate education agents.

Recommendation 29

The MIA recommends that a review of the international education sector including the regulation of Registered Training Authorities be conducted

Recommendation 30

The MIA recommends that a Workplace Justice visa be created.

Introduction

The MIA welcomes the opportunity to provide input into this review of the Australian migration system. While piecemeal reviews and adjustments have been made to the migration system over the past decades, an overall review of the system has not been undertaken for many years.

This MIA submission concentrates on those areas of the migration system, its legislation, visa system and processes that our practitioner members interact with on a daily basis. Migration practitioners' unique position as intermediaries between the Department of Home Affairs systems and the external users of the system, enables them to provide a highly informed perspective on the strengths and weaknesses of the system to this current review. The MIA has not addressed those terms of reference that relate to international geopolitical, trade and supply issues, as these are generally outside the scope of the MIA's resources and expertise. The structure of this MIA response submission follows that of the main subject areas and headings of the discussion paper for ease of evaluation.

1.0 What challenges and opportunities does Australia face in the coming decades?

The Department of Home Affairs *A Migration System for Australia's Future* discussion paper (Discussion Paper) has identified well the complex economic, strategic, geopolitical and social challenges Australia will face in the coming decades and to which the operation of the migration program will play some part in addressing. Australia shares with other similar economies common issues including falling productivity, skills and worker shortages, an aging population and falling birth rate. As a consequence, this is driving changes in the nature of work that need to be addressed with increasing urgency and with solutions that are agile and flexible enough to not require the constant review and stop gap measures that have been a feature of the migration system over the past decade.

The COVID-19 pandemic has brought into sharp focus Australia's dependence on migration for our economic health, growth and social cohesion. Australia relies on migrants to fill many essential positions. Australia simply does not have enough natural population growth to maintain its economic needs and a whole of population strategy that recognises the importance of migration is necessary. The traditional reliance on Australia as being a sunny, fun loving destination of choice for skilled migrants and talent has been overthrown as Australia competes with other advanced economies who are aggressively marketing their benefits to suitably skilled migrants.

Our migration system is one of the most important levers the government has to influence the growth of population and productivity in Australia, in the absence of sufficient natural population growth to sustain the economic development of this country. The Productivity Commission amongst others, has warned that productivity growth has been declining in recent years globally and that most advanced economies in common with Australia have tight labour markets and are attempting to attract not only the 'best and brightest' but skilled migrants generally, in attempts to reverse this trend.[1] It is pleasing to note that this current review is also part of a more wholistic government approach that is considering not only migration as the solution but measures to support the increased participation of Australians in our labour market.

Australia's migration policies over more recent decades have been a disparate collection of policies developed in a complex environment of competing political and public interests, business seeking skilled workforces, those fighting to protect Australian jobs and lifestyles, the security forces, urban and regional policymakers, the xenophobes and the humanitarians. Australia's migration program is a vital element in the future protection of Australia's economic and social future and deserves to be integrated within a complete population strategy for this county.

In 2011, the Hon Tony Burke, then Minister for Sustainability, Environment, Water, Population and Communities, released the comprehensive *Sustainable Australia – Sustainable Communities*[2] strategy for Australia. The report proposed a long term framework for a sustainable Australia that incorporated all elements of population distribution and sustainability, both urban and regional, and migration to promote economic prosperity, liveable communities and environmental sustainability. The subject matter of this report remains highly relevant over a decade later.

The changing nature of work also provides significant challenges for the migration system going forward. The pandemic has broken down technological and cultural barriers for remote and hybrid working arrangements with Price Waterhouse Coopers finding that 72% of surveyed Australians prefer a hybrid working environment and only 10% wished to return to a traditional workplace.[3] The Productivity Commission suggests that while the increase in

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[1] Productivity Commission, 5 Year Productivity Inquiry: The Key to Prosperity, Interim report 4, p 48-49, https://www.pc.gov.au/inquiries/current/productivity/interim4-business accessed 5 Dec 2022

[2] Australian Government, Department of Sustainability, Environment, Water, Population and Communities, 2011. https://apo.org.au/sites/default/files/resource-files/2011-03/apo-nid166281.pdf

[3] Price Waterhouse Coopers, Changing Places: How hybrid working is rewriting the rule book: The future of work, 2021, https://www.pwc.com.au/future-of-work-design-for-the-future/changing-places-hybrid-working.html

‘working from home arrangements’ has alleviated some of the existing pressures on the labour market, it also has the potential to significantly impact the ways Australian businesses access skilled labour.[4] This in turn may have both positive and negative implications for Australia’s productivity and economic growth.

The rate of automation and digitalisation continues to accelerate. The National Skills Commission (NSC) found in 2021 that 33% overall of employers had introduced automation or new technology during COVID. Somewhat surprisingly, the highest employing industries that had made the changes were arts and recreation services (56%), health care and social assistance (51%), education and training (50%), professional, scientific and technical services (46%), sectors more commonly known for personal interactions with consumers.[5] The Productivity Commission cites the widespread acceptance of online Telehealth medical consultations during and since the pandemic as an example of changes occurring in traditional occupations and professions.[6]

While traditional ‘hands on’ occupations have been thought to be more immune to technological changes, the Organisation for Co-operation and Development (OECD) reports that 30% of Australian jobs are at significant to high risk of being automated in the coming decades, including building and related trades, metal and related trades and personal services.[7] Australian Bureau of Statistics (ABS) data demonstrates how quickly this is infiltrating other more traditionally person centric employment groups showing that online sales grew in value from $1.8 billion to $3 billion between January 2020 and 2021 with one in three Australians reportedly now preferring to do more shopping online.[8] The OECD has highlighted the sales sector as one of those at the highest risk from automation.[9]

The OECD also notes the global trend of the loss of middle skills level jobs with those displaced generally moving into lower skilled jobs. In Australia this trend is largely reversed, with the OECD finding that in most states in Australia, those losing middle skilled jobs were moving to

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[4] Productivity Commission, 5 Year Productivity Inquiry: The Key to Prosperity, Interim report 1, p 49 https://www.pc.gov.au/inquiries/current/productivity/interim4-business accessed 5 Dec 2022.

[5] National Skills Authority, State of Australia’s Skills to 2021: now and into the future, 2021 https://www.nationalskillscommission.gov.au/reports/state-australias-skills-2021-now-and-future/chapter-8-skills-and-jobs-future/covid-19-accelerated-changes-nature-work

[6] Productivity Commission, 5 Year Productivity Inquiry: The Key to Prosperity, Interim report 1, p 43 https://www.pc.gov.au/inquiries/current/productivity/interim4-business accessed 5 Dec 2022

[7] Presented lecture: Department of Treasury, 24 November 2022 – Dr Rudiger Ahrend, Director, Population Centre OECD.

[8] National Skills Commission, State of Australia’s Skills 2021: now and into the future, 2021. https://www.nationalskillscommission.gov.au/reports/state-australias-skills-2021-now-and-future/chapter-8-skills-and-jobs-future/covid-19-accelerated-changes-nature-work

[9] Presented lecture: Department of Treasury, 24 November 2022 – Dr Rudiger Ahrend Director, Population Centre OECD.

higher skilled jobs. However, there are some concerns for both Western Australia and the Northern Territory which were found to be losing both middle and lower skilled jobs.[10]

In the face of these changes to the nature of work, it must be questioned what the demand for onshore for skilled migration may be in the longer term future in Australia and in the shorter term sets the challenge in how our skilled migration program can be adapted to address this changing nature of work.

Australia's migration program lacks an overarching strategic direction or indeed rationale. In just over a decade the program has swung between using migration to build population with calls for a Big Australia, to the locking down and reduction of the migration program, ostensibly to protect Australian jobs. In designing a migration system for the future, the government must decide first Australia's population, industry, taxation and geopolitical strategies and integrate the migration system to those in a strategic manner.

2.0 How can migration contribute to these challenges and opportunities

- How do we best use the migration program to grow our economy?
- How can we design a system that supports and complements opportunities for jobs and skills for Australians?
- To what extent should the availability of visas with work rights be linked to identified skill and labour shortages?
- How can we prevent a 'permanently temporary' cohort within the migration program?
- How can we attract and retain the best talent from around the world?
- How do we address the specific needs of regional Australia?

2.1 Growing the economy

Productivity growth is the main source of growth for Australians' incomes over time, with even fractional increases in Australia's productivity growth generating large improvements in Australians' living standards in the long term.[11] Australia's economic health, growth and social cohesion is inexorably connected with its immigration programs. It has been well demonstrated that migrants contribute to the Australian economy both at the macro and

[10] Presented lecture: Department of Treasury, 24 November 2022 – Dr Rudiger Ahrend, Director, Population Centre OECD.

[11] Grattan Institute, Rethinking permanent skilled migration after the pandemic, 2021, p 24 https://grattan.edu.au/wp-content/uploads/2021/05/Rethinking-permanent-skilled-migration-Grattan-Report.pdf

micro level, with GDP one measure of that contribution. It is estimated that ongoing migration will continue to add between 0.5% - 1% per annum to Australia's GDP in forward forecasts to 2050.[12] The contribution by migrants to GDP growth is reported to have assisted Australia to weather previous economic downturns such as the Global Financial Crisis, more successfully than other similar economies.[13] With its aging population and low birth rate Australia has no option but to rely on migration to support and grow its economy.

2.2 Australia's permanent skilled migration program

Australia's permanent skilled migration program is aimed at maximising economic and social benefits for Australia and is '… designed to attract migrants who make a significant contribution to the Australian economy and fill positions where no Australian workers are available.'[i] Skilled migrants are reported to stimulate economic growth through their high labour market participation rates, in turn creating more jobs. Skilled migrants have also been shown to be less likely to draw on government services.[14] These migrants are deemed to play an important part in regional development, providing the skills and labour that may be difficult to source in these areas, promoting investment and stimulating regional economies through local spending.[15] Governments have come more recently to view that 'innovation' is the key long term driver of economic prosperity, jobs and growth and is increasingly focussing on attracting a larger pool of highly talented individuals, with 'entrepreneurial ideas and cutting-edge skills' to settle in Australia.[16]

The deficits in Australian migration system are well known and widely reported. Central to these are the competing and at times, conflicting objectives, of the programs. These include using the migration program to develop economic prosperity domestically, building strategic alliances internationally, ensuring labour supply for domestic needs, enhancing social cohesion and supporting humanitarian obligations. This disparate web of aims has spawned

[12] See for example, the International Monetary Fund, cited in Shaping the Nation report, Treasury and Department of Home Affairs 2018. https://research.treasury.gov.au/external-paper/shaping-a-nation; the Productivity Commission, Inquiry Report - the Migration Intake into Australia, 2016, https://www.pc.gov.au/inquiries/completed/migrant-intake/report; the Migration Council of Australia, The Economic Impact of Migration, 2015. https://migrationcouncil.org.au/wp-content/uploads/2016/06/2015_EIOM.pdf.

[13] Department of Treasury, Shaping the Nation, 2018, p 23, https://research.treasury.gov.au/external-paper/shaping-a-nation.

[14] Department of Home Affairs, Planning Australia's Migration Program 2021-22, p1, https://www.homeaffairs.gov.au/reports-and-pubs/files/migration-program-discussion-paper-2021-22.pdf Department of Home Affairs website https://immi.homeaffairs.gov.au/what-we-do/skilled-migration-program

[15] Department of Home Affairs, Skilled Migration Program, https://immi.homeaffairs.gov.au/what-we-do/skilled-migration-program.

[16] Australian Treasury, 2021 Intergenerational Report p24 https://treasury.gov.au/sites/default/files/2021-06/p2021_182464.pdf

a system that is complex and at times inflexible. Of concern is that this complexity is required to be managed by a severely under resourced government department,[17] with changing levels of functionality, depending on the government and influential stakeholders of the time.

Since the 1970s the Australian migration program increasingly focussed on addressing skills shortages and from the late 1990's skilled migration replaced family migration as the predominant stream of the capped permanent intake. Australia's skilled migration system has generally served Australia well. Multiple studies[18] have demonstrated the fiscal worth of skilled migration to Australia, although most declare that not all of the benefits of migration can be quantified and that economic value should not be the only criteria on which migration worth is judged. 'Non-economic' migrants such as parents and children generate jobs and economic opportunities for the population more broadly by lifting demand through consumption and investment and providing other more difficult to quantify benefits. At the simplest level, while parent visa holders are found to have a negative fiscal benefit[19] in Australia, the assistance they bring to families, for example in childcare that allows both parents to be employed, is difficult to capture in traditional economic modelling.

Australia's skilled migration programs have been successful in building Australia's human capital, with skilled migrants demonstrating higher education levels than Australians,[20] yet the benefits derived from the skilled program and the implementation of its processes have at times been less than ideal. While the labour market participation rate for skilled migrants and employer sponsored migrants are higher than those of Australians, the participation rate for other migrants do not follow the same trend.[21]

The fiscal success of Australia's skilled migration programs would suggest that a simple numerical increase in the number of skilled migrants would produce a concomitant growth in the economy. However, growing the economy through migration is not a simple numerical adjustment, increasing skilled migration also increase the number of accompanying dependents and potentially future family stream numbers. Increases to entry numbers

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[17] Issues that are also well defined in the Discussion Paper including the lack of integration of the Department's legacy systems.

[18] For example, Department of Treasury: The Lifetime Impact of the Australian Permanent Migration Program, 2021, https://treasury.gov.au/publication/p2021-220773 ; Migration Council of Australia, The Economic Impacts of Migration, 2015, https://migrationcouncil.org.au/wp-content/uploads/2021/04/The-Economic-Impact-of-Migration.pdf; Grattan Institute - Rethinking permanent skilled migration after the pandemic, 2021 https://grattan.edu.au/wp-content/uploads/2021/05/Rethinking-permanent-skilled-migration-Grattan-Report.pdf; CEDA - A good match: Optimising Australia's permanent skilled migration https://www.ceda.com.au/Admin/getmedia/150315bf-cceb-4536-862d-1a3054197cd7/CEDA-Migration-report-26-March-2021-final.pdf

[19] Department of Treasury: The Lifetime Impact of the Australian Permanent Migration Program, 2021, p.7 https://treasury.gov.au/publication/p2021-220773

[20] Department of Home Affairs *A Migration System for Australia's Future* discussion paper Discussion paper, p 5, https://www.homeaffairs.gov.au/reports-and-pubs/files/reviews-and-inquiries/discussion_paper.pdf

[21] Department of Treasury: The Lifetime Impact of the Australian Permanent Migration Program, 2021, p 13. https://treasury.gov.au/publication/p2021-220773

increase consumption and puts pressure on infrastructure and government services such as hospitals and schools. Any long term change to migration numbers or stream must be within the context of considered population planning. Given the current high levels of job vacancies in Australia a further increase in permanent visas places to 230,000 (20%) increase in the short term would appear sustainable.

It is acknowledged that the permanent numbers were restored to the previous level of 195,000 for the current migration year. The MIA suggests that an increase above this for the 2023-24 migration year is warranted to address current occupational shortfalls. Within that number the current two thirds skilled places to one third family places ratio should be maintained with the associated increase in family places going some way to alleviating the backlog in that stream of the program. The migration planning levels going forward should continue to be assessed on a yearly basis based on economic and productivity needs rather than domestic political expediency.

In the longer term improved strategies to forecast skills needs and future shortages need to be put in place to inform the design of Australia's migration program. Skills shortages are the result of a number of factors including a poor understanding how these shortages develop, domestic education strategies and the changing nature of work. Job vacancies are a lagging indicator of educational deficits and in turn education deficits occur in part due to lack of understanding and planning for future skills shortages. This is not a new notion. A review of Australian tertiary and vocational training in concert with the migration system review is necessary to proactively plan for and support future economic growth and productivity with investment in the development of a suitable and sustainable workforce for the future. The current government has gone some way to beginning to address this with the creation of the Jobs and Skills Summit 2022.

MIA Recommendation 1

- *The MIA recommends that the permanent migration program be increased to 230,000 places in the coming program year.*

2.3 Linking working visas to skills and labour shortages

The overall objectives of the skilled migration planning are intended to consider Australia's medium to longer term economic needs. However, a dichotomy exist within the program, with employer sponsored visa streams concentrating the majority of the program on the medium and even short term objectives of meeting current skills and labour market shortages.

Employer sponsored skilled migration schemes have been deemed highly successful because these migrants enter the Australian labour market immediately on arrival. While governments may find it attractive that newly arrived migrants move straight into employment with the economic responsibility borne by sponsor employers, this has potentially skewed the market towards the 'importation' of currently required skills in a narrow band of occupations, with little consideration for the role human capital investment plays in underpinning the quality of a country's economy and developing innovative economic expansion.

Linking visas with work rights to identified skills and labour shortages is an effective method for addressing current labour market deficiencies but does not necessarily build a sustainable workforce for economic growth and increased productivity into the future. Jobs and skills become redundant. While it is expected that those permanent migrants who are affected by structural change will move to other jobs and reskill or upskill in other areas, they are not likely to meet all our changing future skills needs.

Australia's skilled migration program must also build on this country's bank of human capital.[22] This has been recognised in various ways over previous migration programs with targeted visas such as the Global Talent visa program[23] and the additional benefits provided to Science, Technology, Engineering and Mathematics (STEM) qualified applicants.[24] It is to be hoped that Jobs and Skills Australia with its remit to collect and analyse labour market data and trends and advice on vocational education will be able to address some of these issues. It is disappointing the tertiary education sector is not included in its remit and that it is isolated from labour market forecast planning and trend analysis.

Given the short term labour market needs and longer terms economic development needs of Australia, the use of both employer sponsored visas linked to specific skills shortages and independent skilled and global talent programs to build longer term human capital, would appear an appropriate response at this time. However, the structural issues that prevent these programs from operating effectively must be addressed and will be discussed in further detail in the next section of this response submission.

MIA Recommendation 2

- *The MIA recommends that both the employer sponsored and independent skilled visa streams be maintained.*

[22] In addition to developing Australians through education and training

[23] These target sectors are Resources, Agri-food and Ag tech, Energy. Health industries, Defence, Advanced manufacturing and Space, Circular economy, Digi tech, Infrastructure and Tourism, Financial Services and Fin tech and Education.

[24] For example, priority processing and longer stay Temporary Graduate visas.

2.4 Preventing a permanent temporary cohort

While Australia's permanent visa programs are capped at low levels, in comparison the uncapped temporary visa program provides huge numbers of visa holders who impact the Australian economy, productivity and consumption levels. Some 1.85 million of these held visas with work rights as at October 2022. Of these only just over 50,000 held primary Temporary Skills Shortage Subclass 482 visas (TSS), the formal skilled work visa. [25]

The remaining cohort primarily include New Zealand (NZ) citizens, students, working holiday makers (WHM), provisional state and territory sponsored and provisional partner visa holders and PALM[26] workers. Aside from the provisional holders and NZ citizens, the majority of the remainder expected to return to their country of origin at the expiry of their visa.

There is an economic rationale for maintaining a temporary migrant workforce as it provides a relatively flexible workforce within the economy for cyclical changes in demand and to meet other short to medium term needs. However, a large temporary workforce becomes a negative consideration those workers would prefer more permanent jobs or other benefits available to permanent resident workers or when that temporary workforce is not available, as during the pandemic when Australia's borders were closed.

Of the above temporary cohort, NZ citizens who cannot meet the criteria for permanent residency[27] and the PALM workers who hold TSS visas are the groups at most risk of becoming 'permanent temporary' residents of Australia. The remainder have potential pathways to permanent skilled migration if desired: students visa holders can move to Temporary Graduate visas, then TSS visas and employer nominated permanent residency or in some cases, state or territory nomination or skilled independent visas. Similarly, suitably skilled WHM visa holders are able to move to TSS visas directly and follow the same pathway to permanent residency.

The Government without warning on 10 December 2022, froze the NZ stream Independent Skilled stream Subclass 189 visa until 1 July 2023. The explanatory statement to the amendment to explains that it is a '… pause new applications from being made while the Government considers future arrangements for migration and citizenship pathways for New Zealand citizens in Australia'.[28] This stream originally permitted NZ citizens who had been living and working in Australia for a continuous period of 5 years, commencing on or before

[25] Department of Home Affairs, Temporary Resident Skilled report 30 June 2022 Summary of key statistics and trends, p1, https://www.homeaffairs.gov.au/research-and-stats/files/temp-res-skilled-rpt-summary-300622.pdf accessed 5 Dec 2022

[26] Pacific Australia Labour Mobility visa holders, originally seasonal worker and Pacific Labour Scheme visas.

[27] The Government closed the existing

[28] Migration Amendment (Subclass 189 Visas—New Zealand Stream) Regulations 2022, https://www.legislation.gov.au/Details/F2022L01623/Download

19 February 2016 to apply for permanent residency. Only those applications that were lodged at the date of closure will continue to be processed. It is unclear what the Government intends to do with this cohort, but with more than 680,000 of the cohort in Australia, it must currently be a large source of labour and talent for Australia.

Given the skills and labour shortages currently being experienced there are a number of simple solutions that could be applied to reduce the cohort potentially trapped in the cycle of permanent temporariness. The Government is already making moves to address some of the issues with the PALM permanent residency pilot announced in the October Budget. Some of these workers have been returning to Australia for the fruit picking season for over ten years and have become a trusted workforce for the Australian farmers who employ them. The MIA hopes that once completed and evaluated that the pilot scheme will become a permanent pathway to residency for this cohort and create a stable workforce for the Australian agricultural industry.

A proportion of TSS visa holders are also trapped in this same limbo of permanent temporary visas by the classification of short term and medium to long term occupational shortages. Again, this Government appears to be making moves to address this issue. This distinction of occupations was introduced at the time when 'protecting Australian jobs' was the dominant political ethos. An Australian employer may also find they have no option to permanently retain a sponsored employee who is critical to their operation and has been with the business on multiple two year TSS visas. As the migration policy stands now, any applicant who wishes to stay beyond the total of four years is considered with suspicion by the Department in case they are attempting to establish 'de facto' permanent residency in this country. The MIA calls for both lists to be consolidated and permanent residency to become an option for all TSS visa holders.

Other minor adjustments within the Employer Nomination Scheme Subclass 186 visa (ENS) could also add to the stock of skilled workers in Australia by increasing access to permanent residency for these temporary skilled workers. Currently overseas workers can be sponsored for permanent residency by employers through the Temporary Resident Transition (TRT) stream, for current TSS holders or a Direct Entry (DE) stream of the ENS. An age limit of 45 is imposed on applicants of both streams in an effort to ensure a sufficient fiscal return on the government's 'investment.' This age limit was originally 50 years old for employer sponsored applicants until July 2017 when it was changed during the 'protecting jobs' phase. Given that the Australian retirement age in being incrementally increased, that Australians are working longer and the current acute skills and labour shortages, an increase back to the 50 year age limit would increase the number of potential skills migrants who are currently shut out of the permanent skilled visa regime. The MIA would go so far as to suggest that the age limit is removed entirely for 'exempt occupations/persons' under the TSS and ENS programs.[29]

TSS visa holders should also be released from the essentially indentured requirement to work for their original sponsoring employer for the full three years before they can apply for permanent residency. TSS visa holders should be free to change employers and apply for permanent residency after three years working in Australia in the nominated occupation with the last 12 months working for the sponsoring employer. However, such changes could also lead to a 'cannibalisation' of the onshore temporary visa cohort with employers choosing not to sponsor their own migrant workers but headhunting from those onshore instead. There must be some incentive for employers to continue to sponsor if this change is effected to ensure a continuous supply of skilled migrants from offshore and for visa applicants to remain with their sponsors.

Current sponsoring employers could also be incentivised to sponsor their TSS employees for permanent residency. Currently some employers are loath to do so for fear that the employee will leave once their residency is granted, especially given that the SAF levy is required to be paid a second time for the permanent residency application. TSS visa holders wanting to apply for permanent residency under the TRT stream must work for their employer for three years.[30] If they change employer within that time they must restart the time period with the new employer. The Skilling Australians Fund (SAF) levy should be removed where the employer is sponsoring the applicants under the TRT stream of the ENS. This would ameliorate the cost to the TRT stream sponsor and make it equivalent to that of the DE stream of the ENS, where the sponsor only pays the SAF levy once.

It has been demonstrated that the migrant partners of Australian citizens and permanent residents have higher skill profiles and workforce participation rates than Australians.[31] It is not unusual for partner visa applicants to have skilled occupations and professions. Those in Australia on provisional Partner Subclass 820 visas already have unlimited work rights. To further boost skilled workers numbers and Australia's human capital reserves, those applicants awaiting assessment for offshore Partner Subclass 309 visas could be provided priority processing where they have obtained an Australian skills assessment for any

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[29] For TSS occupations include corporate general managers, chief executive officers and 38 medical practitioner specialities see Legislative Instrument Migration: LIN 19/212 Specification of Exempt Occupations) Instrument 2019

[29] For a small cohort of legacy Subclass 457 visa holders, this is two years.

[29] Department of Home Affairs, Continuous Survey of Australia's Migrants – Cohort 6 Report – Introductory Survey 2018, p 10, https://www.homeaffairs.gov.au/research-and-stats/files/csam-cohort6-report-introductory-survey-2018.pdf

occupation. Partner skills are already recognised with extra points for independent skilled points based visas.

A further suggestion is to allow Australian State and Territories to sponsor additional applicants outside the skilled migration places they are allocated each year, those who have lived and lawfully worked in particular regions for a specified period. Requirements for sponsorship could include endorsement from a local government authority and evidence of lawful employment and to have been settled within the region for a specific length of time. This would provide a permanent pathway for regional residents who may not have skilled occupations or be able to obtain a skills assessment and have demonstrated their commitment and value to the region, the opportunity for permanent residency.

MIA Recommendations

3. *The MIA recommends that pathways to permanent residency for New Zealand citizens resident and working in Australia be restored and expanded.*
4. *The MIA recommends that the Pacific Australian Labour Mobility permanent residency pilot be developed and expanded into a permanent residency stream.*
5. *The MIA recommends that the Temporary Skills Shortage occupation lists and the Regional Migration List be consolidated to provide all visa holders in this visa class the opportunity to attain permanent residency of Australia.*
6. *The MIA recommends that the age limit for permanent residency eligibility for employer sponsored applicants be restored to 50 years of age.*
7. *The MIA recommends that the Skilling Australians Fund Levy be removed for Employer Sponsored Temporary Residence Transition stream applications.*
8. *The MIA recommends that priority processing be provided to offshore partner visa applicants who have obtained a skills assessment in any occupation.*

2.5 Attracting talent

Australia is in direct competition with other advanced economies to attract and retain the best talent from around the world. Evidence has been mounting over the last decade that Australia may not be a primary choice destination that it once was for skilled migrants and talent.[32] Prior to the pandemic Canada, the United States, the United Kingdom and European OECD countries were all more highly regarded destinations for skilled migrants. It was only for applicants from India that Australia remained the top destination.

[32] Boucher A, **Australia likely no longer key migration destination**, Sydney Policy Lab, University of Sydney, 2020. https://www.sydney.edu.au/news-opinion/news/2020/12/16/australia-likely-no-longer-key-migration-destination accessed 5 December 2022

Canada has announced an aggressive plan to attract almost 1.5 million migrants in the next three years.[33] In contrast, the 2022-23 migration program in Australia (with a population of 26 million) aims to provide 195,000 skilled and family visas. The UK is offering a 'High Potential Individual' visa for international graduates of eligible universities from around the world, not just English universities. Two Australian universities make the current list, the Universities of Melbourne and Queensland.[34] Visa holders are given permission to stay in the UK for two years and PhD holders for three years. Applications are assessed within 3 to 8 weeks depending on the location of the applicant. In addition, the UK will open a new UK-India Young Professionals Scheme in 2023,[35] that is somewhat similar to Australia's working holiday international agreements. Anecdotally, the MIA knows that Canada is directly contacting certain international graduates of Australian universities within weeks of them finishing their courses and offering fast track permanent residency in that country.

A variety of factors impact the relative attractiveness of a country as a migration destination including the strength of a country's economy, financial regulation, employment levels, political stability, lifestyle, safety and societal tolerance.[36] Most of these factors are out of the control of the migration system. While Australia performs relatively well on these measures, there are structural barriers within the migration system with the potential to negate this and detract from its attractiveness as a destination for the highly skilled and talented.

Constant changes to Australia's migration policies and programs unsettles prospective migrants and businesses and feed perceptions that Australia's migration programs are unstable and unpredictable over the longer term. Drastically fluctuating visa class allocations, the costs of visas and protracted processing timeframes must make potential applicants wary of this country as a destination. When compared to other countries, it is costly and slow to migrate to Australia. The preponderance for most Australian visas to be two step processes, with time served on temporary/provisional visas before attaining permanent residency creates an uncertainty, that would be unacceptable to many potential migrants.

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[33] BBC News Canada, Canada: Why the country wants to bring 1.5m immigrants by 2025, https://www.bbc.com/news/world-us-canada-63643912 accessed 12 December 2022.

[34] UK Government website: https://www.gov.uk/government/publications/high-potential-individual-visa-global-universities-list/high-potential-individual-visa-global-universities-list-2022 accessed 12 December 2022

[35] Outlook, Good News For Indian Youth Professionals: The UK To Annually Grant 3000 Visas To Live And Work For 2 Years, https://www.outlookindia.com/national/good-news-for-indian-youth-professionals-the-uk-to-annually-grant-3000-visas-to-live-and-work-for-2-years-news-237716, accessed 12 December 2022.

[35] Rethinking permanent skilled migration after the pandemic, 2021, p 13. https://grattan.edu.au/wp-content/uploads/2021/05/Rethinking-permanent-skilled-migration-Grattan-Report.pdf accessed 5 December 2022.

[35] MIA members survey, 2021.

Frequent changes to the program reduces confidence in the longer term stability of Australia's migration programs. As commented by an MIA Member 'it is practically impossible to give advice that is not immediately compromised by policy change or exercise of hidden discretion and delay at just about every level of decision making'.[37] The MIA has increasingly found that legislative change and Departmental policy were contradictory, that long standing policy is changed without warning or notification and that unintended consequences arise from legislative change that need be addressed with further amendments or policy 'workarounds'. Most often these issues occur when legislation is rushed through or is changed to meet a specific political agenda at that time. The MIA hopes that this current review will reduce these practices, taking a metered approach to our migration system and considered strategic longer term perspective.

Due to the competition from other countries, consideration should be given to offering further incentives to attract higher level talent to settle in Australia, incentives such as settlement and employment services that presently sit outside the migration program eg the provision of Medicare. There are, however, specific adjustments could be made within the program including rapid application processing, [38] and permanent residency without the requirement to first hold temporary or provisional visas.

The Global Talent visa was introduced in an effort to address some of these issues. It was intended to be a much more flexible visa freeing applicants from skills lists occupation and recognising innovative and emerging talent. Places for this visa classes places were rapidly increased after an initial pilot, although they were dramatically reduced again the 2020-2021 program year, ostensibly as a result of border closures and rearrangements of allocations. Given the short and disrupted history of this visa, there has been little time to evaluate whether this stream could be successful over the longer term in encouraging talented individual and innovative companies to Australia. Feedback from MIA members and their clients has been very positive about the GTI stream in particular. The MIA supports the potential offered by this program in building Australia's human capital capacity for the longer term, in concert with other visa classes within the program designed to meet current skills and labour shortages. The Global Talent visa should be reviewed and potentially have the conditions amended to support Australia's search for talent.

MIA Recommendation 9

The MIA recommends that the criteria of the Global Talent visa be reviewed and amended if necessary to improve the attractiveness of the visa to talented overseas applicants.

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[38] It is noted that the most recent Ministerial Direction 100, has relegated the Global Talent visa to the fourth level of priority processing.

2.6 Regional migration

The development of regional centres and economies is a long standing and overarching population objective for Australia. This regional focus is aimed boosting regional economies with the influx of skilled migrants and their families. However, it is crucial in development of regional settlement strategies to identify those regional centres that can support successful settlement outcomes for migrants. As the Regional Australia Institute observes, it is simplistic to believe that pushing migrants to regional locations will create economic growth in those regions.[39]

It must also be recognised that regional areas are not homogenous. The issues associated with remote regional areas of Australia, for example Kalgoorlie and Tenant Creek, are vastly different to those experienced in the large regional cities such as Adelaide and Perth. Similarly, those remote areas with booming mining and energy industries are very different to small rural farming communities. Labelling as regional all areas that are not metropolitan, fails to recognise these differences and the difficulty the more remote and less prosperous have in attracting migrant settlement. More support through migration program incentives for some remote areas may be required than for other regional and remote areas.

Considerable expertise in identifying such locations is already available in State/Territory governments and authorities, particularly in Regional Development Australia and should be utilised more effectively to develop these strategies. Migrant and other population growth will only realise the potential of regions that have the resources to sustain such growth and retain migrant settlers in those locations.

While all regional migration strategies were impacted by the pandemic border closures, the changes to the regional program with the introduction of a new Regional Skilled Visa program in 2019 has had a more significant negative impact on regional migration numbers. In 2017 the Department closed the Regional Sponsored Migration Scheme (RSMS) Subclass 187 program, which had both TRT and Direct Entry streams and replaced it commencing in November 2019 with a new Regional Skilled Visa program incorporating the Skilled Employer Sponsored Regional (Provisional) (SESR) Subclass 494 visa with a pathway to permanent residency visa the Regional Permanent Subclass 191 visa. This change to the regional migration program marked a major shift in the focus of that program from encouraging and incentivising migrants to settle in regional Australia to a more coercive stance where this was the only option 'take or leave it' option for some skilled migrants. The majority appear to have chosen to leave it.

[39] Population Dynamics in Regional Australia, Regional Australia Institute, 2015, p 11
http://www.regionalaustralia.org.au/wp-content/uploads/2015/01/FINAL-Population-Dynamics-in-Regional-Australia.pdf

The majority of the advantageous features of the previous regional visas that were designed to encourage applicants to regional areas were removed by the new program causing it to become the least attractive of the two employer sponsored temporary visas. In some cases, the entry barriers imposed by the requirements of the new program are *in excess* of those required for non-regional visas and represent greater financial and administrative burdens for regional employer and applicants.

As part of the overhaul of employer sponsored visas generally, many of the concessional arrangements for regional visas were removed. These included a lowering of the maximum age from 50 to 45 years old for the primary applicant, increasing the English language level, requiring a skills assessment for all occupations and introducing a minimum three years paid work experience requirement. These changes removed those features of the visa that encouraged applicants to apply for regionally based employer sponsored visas. The work experience changes also closed this visa to international students who had studied in Australia, as no visa was available that allowed them to meet the work experience threshold.[40] Of note also, is that the original RSMS visa provided a direct entry permanent residency visa for regional settlement. Under the replacement Skilled Regional visa program, no such option exists. What was once a highly attractive option to migrants, receiving immediate permanent residency with a guaranteed job, is no longer available. Conversely, other skilled visas that provide permanent residency immediately and allow skilled migrants to settle in large cities like Sydney and Melbourne are still available.

In South Australia, where the RSMS program was particularly popular, the number of applications lodged in the year after the introduction of the Skilled Regional program was estimated to be only 11% of those lodged in the year prior to the changes.[41] A small scale survey of SME employers in the Northern Territory at that time also indicated that these regional employers found the processes for employer sponsored visa classes to be complicated and onerous. They indicated that they could see little benefit to the Subclass 494 visa and would prefer the regional concessions be reinstated to the Temporary Skills Shortage (TSS) visa instead.[42]

While the MIA acknowledges that the RSMS had significant integrity issues, it is argued that these could have been addressed without the wholesale removal of that program. MIA members report that the SESR has proved an unpopular replacement and that regional

[40] This has to some extent been modified with longer visa validity and regional extension second visas, for those international students who have recently graduate with a degree and completed their *entire* course at a regional institution.
[41] Statistics provided to the SA MIA State Committee by the SA Government, 2019.
[42] Survey conducted by MIA Regional Migration Committee member, 2019.

employers will often choose to not sponsor overseas workers rather than use this visa pathway because of the structural shortcomings of that visa process.

Table 1 on the next page demonstrates the significant differences between the threshold eligibility criteria for TSS visa which can be only used where the occupation appears on the appropriate skilled occupation list and the SEWR visa that has a more extensive skills list. In the fourth column of the table, the MIA provides the suggestion for changes to improve both the uptake and the equity of this regional visa, by consolidating it as a stream of the current TSS visa with equal requirements and some concessions. The English language, skills assessment and previous work experience could be made the same as TSS visa with no evident adverse impact. A possible TSMIT concession could be considered (discussed later in this submission) where the sponsor can prove that the Australian Market Salary Rate (AMSR) salary paid to Australians in that specific location is below the TSMIT and visa holders would retain eligibility for Medicare which would alleviate some of the effects of a salary concession.

Requirements	Temporary Skill Shortage - (Subclass 482)	Skilled Employer Sponsored- Regional (Subclass 494)	Suggested SC482 Regional stream to replace SC 494
English	Overall 5/ no less than 4.5 in any component	Competent – IELTS 6 in all components * additional VAC for AN without functional English	Overall 5/ no less than 4.5 in any component*
Skills assessment	25 specified occupations only	All occupations	25 specified occupations only
Previous experience	2 years in occupation	3 years in occupation	2 years in occupation
Threshold income	Current TSMIT	Current TSMIT	Current TSMIT – 10% concession
Eligibility for PR	SC 186 - after three years	SC 191 - After three *financial* years	SC 191 - After three years
Health Insurance	Own cost	Eligible for Medicare	Eligible for Medicare

Table 1: Comparison of the eligibility criteria for the Temporary Skill Shortage - (Subclass 482) and Skilled Employer Sponsored- Regional (Subclass 494) plus suggested regional stream.

No rationale presented by the Department why for example, potential regional migrants required higher levels of English and previous work experience or why *all* applicants must have a skills assessment or wait longer to be eligible for permanent residency, when this visa was implemented.

There are also structural features within the program that actively discourage the use of the SESR uptake for both employers and potential migrants. While the MIA welcomed the expanded occupation list at the time this visa was introduced, the requirement that all applicants were required to undertake a formal skills assessment exceeds that of other employer sponsored visas and serves to eliminate many candidates from eligibility and significantly increase the financial and administrative burden for potential visa applicants.

The TSS visa requires skills assessments for only 25 occupations and then only where the applicant holds a specified passport. The previous RSMS Direct Entry permanent residence subclass required skills assessments for specified trade occupations. Waiver of the mandatory skills assessment requirement for these visas was generally available for those RSMS applicants who have gained their qualifications in Australia and/or had Australian work experience.

The current SESR visa provides no such waivers. Many of the skills shortage in regional areas relate to trades, agricultural or horticultural needs. Occupational skills that are often learnt on the job or in family farming. With no recognition of past, often extensive work experience in lieu of a skills assessment, suitable migrants without formal qualifications that match the ANZSCO code for the occupation are unable to gain a skills assessment. The occupations listed under the ANZSCO Livestock Farmer classification provide a prime example. VETASESS, the approved skills assessing authority, requires livestock farmers to hold as a threshold a bachelor degree or highly relevant diploma level qualifications before they will even assess the applicant's work experience. It must be questioned how many Australian livestock farmers could meet this requirement.

There is another cohort that is also affected by this skills assessment issue, those who held previous temporary employer sponsored working visa but are not eligible for transition to permanent residency through the ENS stream, due to changes in the occupation lists and policies. Even though they may have been gainfully employed in regional areas for many years, they are unable to use the pathway of applying for an SESR visa and eventually to the permanent Skilled Regional visas because they have no formal qualifications.

The cost of formal skills assessments are a significant financial burden on potential applicants. It is accepted that skills assessments for occupations that impact public safety, such as electricians, are prudent. However, some of these assessments can cost over $5000 for some occupations.

Another dogmatic limitation on regional businesses and visa holders is that they can only be sponsored in occupations on the very prescriptive lists. The occupations on these lists are identified by 'digit' codes derived from the Australian and New Zealand Standard Classification of Occupations (ANZSCO). The ANZSCO assigns 2 to 6 digit identifier codes to occupational groupings, with 6 digit descriptors providing the most specific detailed information on duties and experience required to undertake a specific occupation.

The SESR Regulations specify that approved occupations will be identified by ANZSCO 6 digit code for the purposes of this subclass. To be eligible for eventual permanent residency that the SESR visa holder must remain working in that nominated 6 digit occupation for the full three years. Similarly, the employer must ensure the visa holder only works in that nominated occupation to avoid breaching their sponsorship obligations.

Businesses in regional areas are inherently more likely to require their staff to be flexible and adaptable. The limitation on changing occupation could lead to a situation, for example, that prevents registered nurses working within the same hospital from being redeployed to meet medical and business requirements. It is conceivable that a registered nurse (surgical 254424) nominated to work in the operating theatre of a hospital, could not be deployed as a general ward nurse (medical 254418) within that same hospital, as this would breach the visa Condition 8608. Similarly, a registered nurse (medical 254418) will not be able to be promoted to a Nurse Unit Manager (254311) during the period of their visa and retain the ability to apply for permanent residency.

To change occupation, even between closely related occupations, those within the same 4 digit unit group, requires the sponsoring business to undertake new labour market testing, lodge a new nomination application and pay another Skilling Australians Fund levy of $3000-5000. Any change of occupation also requires the three year period working in the nominated occupation for the visa holder to be eligible to apply for permanent residency to be restarted. To change occupation, the visa holder will require another skills assessment, evidence of three years full time work experience within the new 6 digit occupation and the lodgement of a new visa application (often including multiple family members), all at significant financial outlay. Administrative
To require the visa holder to remain working in the same 6 digit occupation for the duration of the three years is overly restrictive and has the potential to stifle business innovation and operational functions, limit visa holder career options and advancement, and impose excessive financial and administrative burdens on both. At worst, the restrictions on changing occupation provides fertile ground for exploitation of these often vulnerable provisional visa holders. These can be desperate to gain permanent residency and will continue to endure exploitative working conditions to maintain that ability.

Perhaps the only good feature of the regional visa program is that it provides a pathway to permanent residency through the Skilled Regional Subclass 191 visa that does not require an employer sponsor.

MIA Recommendation 10

- *The MIA recommends that the Skilled Employer Sponsored Regional subclass be abolished and replaced with a regional stream of the Temporary Skills Shortage visa.*

2.6.1 The role of Regional Certification Bodies in the migration system

The removal of any role within the migration system for Regional Certification Bodies (RCB) would simplify the regional migration system and reduce the significant barrier they present to prospective migrants in some states. Many contracted RCBs are local Regional Development Australia committees. The remit for these committees is to provide an '*on-the-ground network that provides regional intelligence to inform policy and the implementation of regional programs, information campaigns and grant funding opportunities*.'[43] Yet in some regions they have assumed the role of migration 'gatekeeper'. MIA members have complained of RCB who will refuse to certify valid applications for very minor reasons such as small administrative errors in applications. One of the worst examples reported to the was the refusal to certify the application for a registered nurse with a job offer in a regional aged care facility, when she had been working in that facility and living in that regional area for several years before making the application.

Originally the RCB had a larger role in in the RSMS program but with the change to the SESR program, their role within the migration system was downgraded to simply certifying that the nominated salary is at the local market salary rate. The cost to the potential migrant for this is commonly around $800.00. Given that sponsoring employers already must also provide evidence of the local market salary rates and salaries paid to Australian's undertaking the same work the same location, to the Department of Home Affairs for the nomination application for assessment, this appears to be an unnecessary duplication of process at a considerable and unnecessary extra cost to the applicants.

MIA Recommendation 11

- *The MIA recommends that the regional certification requirement for regionally located visa applicants be abolished.*

[43] Regional Development Australian website, site https://www.rda.gov.au/about accessed 5 Dec 2022

3.0 What are the current and potential barriers in allowing migration to play these roles?

- How can we make the system simpler and fairer for both migrants and employers?
- How can we make the migration system more flexible and responsive to the changing needs of our economy and society?
- How can we make the migration system more accessible to small employers and start-ups?
- What are the barriers to the participation of migrants in the labour market, including those entering through the family and humanitarian streams and secondary migrants?

3.1 Making the system, simpler, fairer, more flexible and responsive

A number of the procedures and processes surrounding skilled migration could be immediately simplified and adjusted to aid Australia's post COVID economic recovery without large scale changes to the program. Applicants for skilled migration visas are generally required to provide evidence of qualifications, skills, work experience, undertake health and police checks. Employers wishing to sponsor skilled migrant must apply for sponsorship approval, apply to nominate a specific applicant, undertake labour market testing to prove that there is no Australian to fill the role, pay the Nomination Training Contribution Charge (commonly known as the Skilling Australians Fund Levy), in addition to other application fees. In regional areas the job salary must be certified by a Regional Certifying Body. Where Australian states and territories nominate applicants for skilled migration those authorities also have their own additional procedures.

Measures can be taken to make the Australian migration system simpler, however, would such measures affect the equity of the system? The term 'fairer' is contextually subjective. While an employer may think it is fair to them, for example, for the current TSMIT to be maintained, is it equally fair for those migrants who are receiving a base salary rate that has not risen in nine years and is well below the average Australian skilled worker salary? Care must be taken that any changes aimed at simplifying the system do not have unintended consequences and are equitable to those involved.

Common things that would create a fairer system for all users of the system would be to address visa processing times, the long capped visa pipeline queues and the constant changing of migration policy and processes. CEDA reports that there have been as many as 40 changes and reviews of the temporary work visa program since 1996.[44]

MIA members have many suggestions for making the operation of the skilled migration system simpler, more flexible and responsive. These include simplifying the visa system by reducing the number of visa classes, creating more flexibility in the employer sponsored classes by reducing the bureaucratic requirement and procedures and more responsive by removing the external requirements that impact on the ability of employers and applicants to use the system effectively and improved communication with the Department.[45]

3.2 Reducing the number of visa classes

While Australia has approximately 100 visa subclasses, it is not alone in the complexity of its migration systems, these are feature of the systems of most advanced economies. While the MIA acknowledges that some simplification of the system is warranted and desirable, it does note that this can only be done to the extent that it does not create any inherent risks to national security, control of labour markets and the protection of the often vulnerable users of this system.

Given the time limits imposed for response to this review, the MIA has not had the opportunity to gain the statistical analysis that would inform a more nuanced response in this section. However, there would be value in reviewing the many visa classes that receive very small numbers of applications per year.

As discussed previously, the Skilled Employer Sponsored Regional Subclass 494 visa should be discontinued and a regional stream added to the Temporary Skills Shortage Subclass 482 visa.

The Skilled Independent and Skilled nominated could also be combined as one visa with two streams.

A further immediate reduction of ten percent could be achieved with the removal of the out of date and redundant visas Class UR provisional and Class DF permanent visa classes. The temporary Class UR visa have been closed to new applications since July 2012. Given that it is over a decade since any new provisional visa have been lodged, it would be safe to assume there is no legacy caseload that require the associated permanent Class DF visas to remain open. Similarly, the Skilled Regional (Provisional) Subclass 489 was closed to new applications in November 2019 and can be removed, while the associated Skilled Independent Subclass

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[44]CEDA, Effects of Temporary Migration, 2021, p 6, https://cedakenticomedia.blob.core.windows.net/cedamediacontainer/kentico/media/general/publication/pdfs/190709_cedatemporarymigration_fullreport_final_1.pdf accessed 5 Dec 2022

[45] The MIA notes that the current government has made some moves in this direction for example in streamlining requirements for some temporary visa applicants in Australia.

885 permanent visa has been closed and will only be required until the legacy caseload has moved through the system.

MIA Recommendation 12

- *The MIA recommends that the number of visa classes and subclasses be selectively reduced.*

3.3 Simplifying and increasing the flexibility and responsiveness of the skilled migration program

There are specific processes and procedures within the skilled migration system particularly that create inflexibility and reduce the efficient handling of applications, particularly within the employer sponsored visa programs. These include addressing the inadequacies of the current occupational skills lists, Labour Market Testing (LMT) requirements, the Skilling Australians Fund levy, the Temporary Skilled Migration Income Threshold, skills assessments and health requirements.

3.4 Labour Market Testing

A key requirement of the employer sponsored skilled migration streams is to demonstrate that a suitable Australian cannot be found to fill the role through Labour Market Testing (LMT). While a small number of exceptions exist, employers are generally required to advertise the position in a specific format for 28 days in two national reach mediums eg recruitment websites, print or radio media.

LMT can be a relatively futile exercise at the skilled level. There are differing levels of unemployment within Australia with youth unemployment generally higher than the trend unemployment rate, as most young unemployed are without post school qualifications. Australians with formal post school or tertiary qualifications and skilled employment experience, by their very nature represent a much smaller applicant pool. Yet the myth that skilled migrants are taking jobs away from Australians persists. Australian employers of skilled and professional staff are very aware of the labour market they recruit from and usually do not need to test the market to determine that few suitable applicants exist.

Australian employers do not make the decision to sponsor overseas skilled workers lightly. The process is much more costly to the employer than employing an equivalent Australian employee and the additional obligations attached to sponsored workers more stringent than for Australian employees. LMT delays the process of applying to sponsor skilled migrants by at least a month or longer if an employer misses one small detail in the advertisements and are required to repeat the whole process again. For employers who make such errors the cost of a refused nomination is high with the non-refundable loss of application fees but more detrimentally, SAF contributions.

Concern surrounding potential for high unemployment rates in the early days of the COVID pandemic, led the Australian government to impose yet another level of LMT on sponsoring employers, the requirement to place a third advertisement on the Department of Education, Skills and Employment 'Jobactive' website (now known as Workforce Australia). Employers have found this requirement to be extremely frustrating and a waste of time.

The Workforce Australia site is designed as a one stop shop for those requiring extra assistance and support with finding employment and those receiving job support to meet their mutual social security obligations. Yet employers are required to post extremely skilled and niche job positions on the site for LMT purposes. While the original Jobactive site had few skilled and professional jobs posted, the new site has an increased number of highly skilled jobs, most likely a function of the number of employers seeking to engage LMT requirements in order to recruit an overseas worker. Employers seeking to meet the LMT requirements find that advertising on these sites draws excessive numbers of applications from totally inappropriate candidates. Advertisements for accountants will receive applications from applicants whose only experience is in farm labouring, retail sales or hospitality. Applicants who are obviously applying to meet their job search requirements and 'points' for the month.

A further issue with the Workforce Australia site is the added nuisance that it requires a MyGOV ID to be able to log in and post an LMT advertisement. In effect, a director of a company is required to be available to activate the system. In medium to large corporations this is often simply not feasible.

LMT is also required to be repeated constantly across the process of nominating or sponsoring overseas workers. If a sponsored skilled migrant's temporary visa is expiring they may require renomination by their employer of their temporary visa. This requires LMT to be conducted even though the employer has had the skilled migrant working within their company for possibly four years. Over the time span of the employer / skilled migrant relationship, LMT may need to be conducted several times for the same position. The MIA has long questioned whether the requirement to advertise the position of an incumbent employee is in fact a breach of Australian employment laws.

It is also difficult to understand why LMT testing is required for occupations that have been identified as being in short supply and so appear on the migration skills lists. LMT is a barrier that slows the process of recruiting suitably skilled workers and impacts on the productivity of Australian businesses and should be removed.

MIA Recommendation 13

- *The MIA recommends that Labour Market Testing be abolished.*

3.5 Occupational Skills Lists

The use of occupational skills list as a basis for the skilled migration program is somewhat problematic. The number of lists and the use of ANZSCO to create the lists impact the flexibility and responsiveness of the program. For structural reasons ANZSCO is not able to keep pace with the Australian job landscape and is poor at meeting the needs of industries and businesses particularly in new and emerging sectors. The sheer number of skills lists currently in use for the skilled migration program is absurd. These range from nationwide Department of Home Affairs lists down to lists specific only to very small regions of various states (Appendix A). These lists are currently organised around the projected timeframe that an occupational skill shortage will exist or the location of these shortage: short term skills shortages – the Short Term Skilled Occupation List (STSOL); longer term skills shortages – the Medium Long Term Strategic Skills Occupation List (MLTSSL); and regional skills shortages – the Regional Occupation List (ROL). Only the MLTSSL, and in some circumstances the ROL provide pathways to permanent residency. These three skills shortage lists are further decanted to lists developed to meet specific visa subclasses or other requirements. The current number of active lists comprise:

Department of Home Affairs:

- seven lists for nine visa subclasses

Australian States and Territories:

- fourteen different versions of Subclasses 190 and 491 lists

Where those skills lists are unable to address the skills shortages within regions or industries, other mechanisms are used to create skills lists:

- Designated Area Migration Agreement (DAMA) lists – 12 currently
- Western Australia, South Australia and Northern Territory international graduate lists
- NSW - thirteen different Subclass 491 ‘sub-lists’ for thirteen different Regional Australia Development (RDA) Regions.

There are currently close to 700 possible occupation specialisations listed across these numerous lists. A new list seems to appear whenever a structural or other issue is identified with the existing lists. The Priority Skilled Migration Occupation List appeared in response to the closed border employment impacts resulting from the COVID-19 pandemic. This has recently been removed and been superseded by Ministerial Directions 100 that gives priority to teaching and health care positions. It would not be unreasonable to suggest that the number and scope of the lists is out of control, at the very least the number of lists must be reduced. This requires urgent attention and review.

3.6 ANZSCO

Over time the Australian and New Zealand Standard Classification of Occupations (ANZSCO) had lacked responsiveness. The ANZSCO was never designed for migration purposes, it was developed as a tool to facilitate the international comparison of occupational statistics and to provide a basis for the standard collection and dissemination of occupational data. No new or emerging occupations had been added to the ANZSCO for almost eighteen years until 2021, reducing its effectiveness as a basis for designing the skilled program.

In March 2021, the Australian Bureau of Statistics (ABS) announced that a program of work to progress a targeted update of ANZSCO would commence. Occupations within three target areas were to be prioritised: agriculture, forestry and fisheries; cyber security; and naval ship building.[46] A new approach to updating the ANZSCO was also to be tested in effort to make ANZSCO more responsive to labour market changes. The ABS appears to have made some progress in these areas, with cyber security occupations for example now appearing under the existing ANZSCO 2613 and 2621 unit group codes.

The previous government also established the National Skills Commission (NSC) in July 2020 with the functions of monitoring the labour market, employment dynamics, industries and occupations, although the ultimate use of the information was designed to ensure the Vocational Education and Training (VET) system addressed national labour market priorities.[47] Just over two years later the NSC has been abandoned and replaced with the new Jobs and Skills Australia (JSA) although with a broader remit.[48] While it appears that some of the data collected by the NSC and occupational mapping may be of use to those who design Australia's migration programs, the extent to which this data could address deficiencies in the use of skills lists is yet to also be tested.

[46] Australian Bureau of statistics, **Updating ANZSCO commences in March 2021**, Media Release, 25 March 2021. https://www.abs.gov.au/media-centre/media-releases/updating-anzsco-commences-march-2021

[47] Department of Education, Skills and Employment. **National Skills Commission,** accessed 4 April 2020, https://www.nationalskillscommission.gov.au/about/about-national-skills-commission

[48] National Skills Commission website, https://www.nationalskillscommission.gov.au/news/jobs-and-skills-ustralia accessed 5 Dec 2022.

Technology, industry and the labour market have changed remarkably in the years since ANZSCO was developed. A fundamental deficiency in slow updates to ANZSCO is that occupations cannot be added to the skills list unless they appear in ANZSCO. In the meantime the ability of Australia to attract and Australian businesses to sponsor applicants for newer, innovative and emerging occupations is disrupted. Either a new method of formulating the skills lists is required or the lists should be abandoned completely.

The Global Talent Program provided an innovative departure from the use of skills lists for identifying suitable candidates for migration. That Program combines nomination (endorsement), the Fair Work high income threshold and broadly defined target sectors to identify suitable talent for migration. The process is not too dissimilar to that of the other skilled employment visas, both programs have independent and employer sponsored streams and uses a threshold salary floor. The difference in the two programs is the flexibility allowed within the Global Talent Program through the identification of target sectors, rather than the inflexible occupation skills lists used for the rest of the skilled migration program. A similar approach of using targeted sectors could be considered for the skilled program.

Flexibility and efficiency could also be introduced to improve the utility of the current skills lists. There are potentially two ways that this could be done, with both capable of reducing the administrative burden on Departmental processing systems and Australian employers:

- listing occupations by four digit unit group not six digit occupation codes
- adopting the Canadian method of using only skills levels rather than occupation codes.

3.6.1 Use unit group classifications

ANZSCO uses a combination of the skills level and skill specialisation of job tasks to classify occupations in increasingly detailed groupings, for example:

- Major group – professionals (ANZSCO code 2)
- Sub Major group – health professionals (ANZSCO code 25)
- Minor group – midwifery and nursing professionals (ANZSCO code 254)
- Unit group – registered nurses (ANZSCO code 2544)

All current skills lists use the most specific and detailed six digit level for nominated occupations. There are fourteen different six digit codes for registered nurses including the catch all registered nurses ‘nec’ – not elsewhere classified. The MIA questions the utility of listing fourteen variations of registered nurse specialisation on each of the skilled migration lists. There is no differentiation in their nursing registration in Australia and employers will sponsor those suitable, based on their experience, not by their ANZSCO code. The absurd result of applying six digit codes to occupations is well demonstrated with the Skilled Employer Sponsored Regional visa in the earlier section on regional SESR visas (see section 2.6)

It can also often be difficult to fit skilled applicants to fit within the prescriptive job tasks listed at the six digit level. MIA members provided examples such as applicants skilled in running fully automated sheet metal machinery who do not meet the ANZSCO occupation code other sheet metal tradesperson or machinery operator. While Labour Agreements (LA) are offered as the solution to these ‘non-list’ employment roles, a business specific LA is an extremely costly and slow process for businesses to undertake to be able to sponsor one or two skilled overseas workers.

Moving to unit groups also has the potential to reduce the Departmental administrative load, with less detailed assessments of separate and specific occupation codes required

3.6.2 Use skills level classification – the Canadian method

An alternative to using six digit occupation codes would be to use ANZSCO skill levels. ANZSCO classifies occupations within five skill levels, defined by the range and complexity of the tasks performed in that occupation, see Table 2 below.

Skill Level	Formal Qualification	Related Experience
One	Bachelor degree or higher qualification	At least 5 years
Two	Associate Degree[49], Advanced Diploma or Diploma	At least 3 years
Three	Certificate IV or Certificate III[50] including at least two years of on-the-job training.	At least 3 years
Four	Certificate II or III.	At least 1 year
Five	Certificate I or compulsory secondary education (no formal qualification may be	Nil

Table 2: ANZSCO Skill level, formal qualification and related experience

for Canada uses that country's equivalent to ANZSCO, the National Occupation Classification (NOC)[51] more flexibly than does Australia. NOC skills levels are classified similarly to ANZSCO: 0 – managers; A – professionals; B - trade and technical; C – intermediate; D – labourer. The Canadian permanent entry skilled immigrant program requires the applicant to have an occupation on the 0, A or B list. Applicants with C and D skills levels may be considered for alternative immigration programs, such as provincial localities or temporary employment visas.

It is not without precedent for Australia to use ANZSCO skills levels instead of skills lists. Earlier Regional Sponsored Migration Scheme Subclasses 857 and 119 used a minimum educational attainment level of Diploma as a proxy for ANZSCO skill levels 1 and 2, until that program was ceased on 1 July 2012.

A solution to the inflexibility of the lists could also be the adoption of the Canadian method and rather than publishing multiple skilled occupation lists, limit various visa subclasses to particular skill levels, for example:

- Skilled Independent Subclass 189 – Skill Level 1, 2 and 3
- State and Territory Nominated Subclass 190 – Skill Level 1, 2 and 3
- State and Territory Nominated Subclass 491 – Skill level 1, 2, 3 and 4
- Employer Sponsored Subclasses 482 and 186 – Skill levels 1, 2, 3, 4.

It is acknowledged that adopting an open skills level approach similar to that of Canada's has the potential to skew the Australian skilled migration program with an oversupply for certain skilled occupations. However, this could be controlled as it is now by imposing occupational ceilings for non-employer sponsored places. Employer sponsorship is self-regulating and would not require ceilings, as employers only sponsor overseas applicants for roles required in their business.

The current explosion of nominated skilled occupation lists is unmanageable for Australian employers and applicants. The number and content of the lists need to be reduced and/or modified. The MIA makes the following recommendations to reduce the number of skilled occupation lists and increase the utility of these lists.

[51] Government of Canada, **National Occupational Classification,** https://noc.esdc.gc.ca/Home/Welcome/7bce35009dcc438685cc03566a14334f?GoCTemplateCulture=en-CA

MIA Recommendation 14

- *The MIA recommends that the skilled occupation lists be simplified by either adopting four digit unit ANZSCO codes or ANZSCO skill level for identifying occupations for skilled migration.*

3.7 Skilling Australians Fund – Nomination Training Contribution Charge

The Nomination Training Contribution Charge (aka Skilling Australians Fund or SAF levy) was introduced in August 2018. The SAF levy is imposed on all employers seeking to sponsor skilled overseas workers in the TSS, SESR and ENS visa subclasses.

The SAF levy is currently collected upfront and as a combined lump sum payment with the visa fees by the Department of Home Affairs on behalf of the Department of Education, Skills and Employment at the time the nomination application is made. The SAF levy is imposed on sponsors without any recognition of training they may provide at their own expense to their Australian employees. The SAF levy is collected *irrespective* of the success or otherwise of the employer's application to nominate an overseas worker.

If the employer's nomination or the visa application is refused, a refund of the SAF levy is only available in very limited circumstances and may not be refunded for example, where the employer's nomination is withdrawn before decision, if the visa is refused, where the visa holder discontinues their employment or even, in some circumstances where the visa applicant dies. It has been remarked that the SAF levy charge is like a penalty or fine for sponsoring an overseas skilled worker. Some small business owners even question whether this retention of the SAF levy in cases where the nomination/visa is refused is conscionable and consider it akin to levying a tax on a service that has not been received.

Sponsors may be required to pay a SAF levy several times during the employment of the same worker: when initially sponsoring the worker; if the temporary visa requires renewal; and then again when the applicant is sponsored for permanent residency. No reduction of the SAF levy is available to sponsors who invest in training their own Australian employees or where they do not benefit from the SAF apprenticeship training programs. It has been reported by MIA Members that some companies even stopped training their own Australian employees and apprentices once the SAF levy was introduced.

The originating SAF legislation indicated that the fund would be used to provide funding for apprenticeships and traineeships in occupations that are in high demand and currently rely on skilled migration or have future growth potential.[52] Sponsors of professionally qualified skilled migrants question the rationale behind having to pay a levy to train the types of

[52] Australian Government, Migration (Skilling Australians Fund) Charges Regulations 2018, https://www.legislation.gov.au/Details/F2018L01092/Explanatory%20Statement/Text

workers that they would never require within their companies. There is little transparency in how the collected funds have been utilised and especially given that the Victoria and Queensland governments have refused to sign up to the National Partnership agreement that allocated the collected funds. Yet the SAF is still collected from employers in those states.[53]

The SAF levy is a deterrent and financial barrier to sponsoring overseas workers and reduces the potential productivity of Australia businesses, particularly for small business and regional employers in their attempts to recover from the economic downturn cause by COVID.

While MIA members and employers would prefer to see the SAF levy abolished, this would seem unlikely. Several other measures could be considered to improve the way the SAF is collected and its investment in training Australians. Of these the preferred is a system similar to that in operation in Singapore, where a similar levy is collected on a monthly basis.[54] The Grattan proposes that a similar system be instigated in Australia, with an upfront $1000 application fee and an ongoing monthly fee of $110 for each sponsored worker. It estimates that this would be the equivalent of around 2% of a $70,000 wage threshold.[55] A method of collecting the SAF that would make the initial outlay for sponsoring an overseas worker more affordable for small businesses and start-ups. This would also have the advantage that the employers would not be penalised if the visa holder decided to move on to another employer. This will assist small businesses to manage cashflows by spreading the payments for the SAF levy over a longer period instead of having to find the upfront lump sum. The option to pay the full amount upfront could still also be offered.

Another or though less favoured idea and previously suggested by the MIA, is that the levy be collected as a second stage payment, when the employer nomination is about to be approved. Precedent processes already exist in other visa subclasses to collect a second visa application charge prior to visa grant. This would prevent employers losing the large amount of the SAF levy if the nomination application does not proceed.

The MIA also suggests that the SAF levy be removed from applications made by regional sponsors to encourage and attract more migrant settlement in those regions.

The SAF levy should also be reduced in cost for those employers who train Australian apprentices and trainees or employ Australian graduates for the first two years after graduation. The previous Training Benchmarks allowed for the salaries of these workers to be claimed against training benchmark obligations in previous employer sponsored program.

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[53] Department of Employment and Workplace Relations, Skilling Australians Fund factsheet July 2022, accessed 9 Dec 2022, https://www.dewr.gov.au/skilling-australians-fund/resources/skilling-australians-fund-factsheet
[54] Fixing temporary skilled migration: a better deal for Australia, 2022, p50 - https://grattan.edu.au/wp-content/uploads/2022/03/Fixing-temporary-skilled-migration-A-better-deal-for-Australia.pdf

[55] Fixing temporary skilled migration: a better deal for Australia - https://grattan.edu.au/wp-content/uploads/2022/03/Fixing-temporary-skilled-migration-A-better-deal-for-Australia.pdf

A percentage reduction in the SAF for those who provide training for their Australians employees should be considered.

MIA Recommendation 15

- *The MIA recommends that the Skilling Australians Fund be collected from sponsoring employers on a monthly basis.*

MIA Recommendation 16

- *Alternatively, the MIA recommends that the Skilling Australians Fund levy be paid as a second stage application charge when the nomination to sponsor an overseas worker is ready for grant.*

MIA Recommendation 17

The MIA recommends that a reduction in the Skilling Australians Fund levy be provided to sponsoring employers who make provision for the training of their Australian employees

3.8 Temporary Skills Migration Income Threshold

Recent commentary around the raising of the Temporary Skills Migration Income Threshold (TSMIT) has drawn furious debate. This results from a general lack of understanding of the purpose of the TSMIT as a proxy indicator of the skilled level of work for skilled migration and preserving the integrity of that program. However, many employers view the TSMIT as the minimum amount of salary they must pay an overseas sponsored worker.

While many stakeholders call for the TSMIT to be maintained at its current level, it has been frozen since 2013 even though Australian workers' salaries have increased in this time. If the TSMIT had been increased with CPI increases for each of the last nine years it would now be around $65,000.[56] While employers are required to also pay an overseas worker the Annual Market Salary Rate that an Australian working in an equivalent role and location, this figure may be manipulated to be close to the current TSMIT.

Market salary rates are location, industry and enterprise dependent. For example, hospitality workers in mining-based towns may have higher market salary rates, because employers need to compete with other jobs in that marketplace, than those working in rural areas where

[56] Fixing temporary skilled migration: a better deal for Australia, 2022, p 14 https://grattan.edu.au/wp-content/uploads/2022/03/Fixing-temporary-skilled-migration-A-better-deal-for-Australia.pdf

farming or tourism are the main industries. Similarly, the cost of living may be different in different regions and at times lower than that of metropolitan areas.

The minimum AMSR for current employer sponsored visa must not be lower than the TSMIT. However, it is conceivable the actual AMSR could be lower than the TSMIT. In fact, the base modern award pay rates for many trade occupations, are lower than the TSMIT.

A recent survey of MIA members found mixed reactions to the notion of maintenance or raising the TSMIT. While the MIA recognises the simplicity of the Grattan's $70,000 TSMIT and efficiencies this could bring, the MIA provides an alternative method for determining the TSMIT. The MIA proposes that the single figure TSMIT be abandoned, where skills lists are maintained, and the Annual Market Salary Rate for the occupation and region be used. While an increase in TSMIT in some regional areas will reportedly have devastating effects, in others it is considered irrelevant as salaries are already well in excess of the suggested $70,000.

If the salary to be paid is over the threshold $70,000, this is taken as sufficient evidence that the occupation is skilled and the application is processed without further concern as to AMSR. Where the position is in a regional area and the occupation is covered by an industrial award or enterprise agreement, the minimum salary is determined to be at that lower rate. The sponsor employer would be required to rigorously demonstrate that Australian employees are being paid at the award or enterprise agreement salary rate of equivalent Australian workers by the provision of contracts, pay slips and the like.

As the Grattan has found that 65% of TSS salaries fall above $70,000, this would improve the efficiency in processing for that proportion of the program. Only applications that were the exception to that TSMIT would require assessment for the salary criteria. This would allow employers in regional areas where salary levels are lower than others, to still access the system without being affected by the overall increase.

TSMIT is a potential impediment to employers who may wish to utilise the SESR or TSS program, and where lower incomes exist in regions, particularly when combined with the other associated visa application costs imposed on employers such as the SAF levy.

MIA Recommendation 18

- *The MIA recommends that if the Temporary Skills Migration Income Threshold is raised, that a regional concession be implemented*.

3.8 Skills assessment requirements

CEDA has identified that skills mismatch is costly to the Australian economy and changes to how skills are recognised could be a tool for boosting productivity.[57] CEDA's submission to the Employment White Paper provides an excellent analysis of this. For skilled migration a large proportion of migrants require recognition of their overseas qualifications, licensing, registration or work experience in the form of a skills assessment.

From a practitioner perspective this creates barriers and delays in the system in a number of ways. Migrants without formal qualifications but extensive employment experience may not be able to have their skills recognised. This reduces the pool of potentially employable and productive migrants and can even prevent them moving from temporary to permanent migration as discussed earlier in the regional migration section of this submission (see section 2.6).

Potential migrants' skills also often take an inordinate length of time to be assessed and can be extremely costly.[58] MIA members consider some skills assessing authorities to have a 'gatekeeper' approach and to hinder rather than assist in skills recognition. The monopoly of assessment authorities has also been noted by MIA members. Many occupations only have one assessment authority. While this is understandable where there is only a relatively small number of occupations to be assessed or smaller occupational numbers, in other cases authorities assess large numbers of different occupations. The accounting profession has three assessing bodies, who work well together in ensuring the same standards across their assessment criteria and provide a broad coverage across that industry. Appointing more assessment authorities in those cases where there are large numbers of occupations to be assessed would improve the speed with which applicants could have their skills assessed. A larger number of authorities also has the potential to reduce the cost of assessments to applicants.

A further issue across skills assessing authorities are their widely varying requirements which in turn create a system that is very complicated for migrants to negotiate. While one assessment authority will require formal qualifications and a specific period of skilled employment before providing a deeming date of when the application is considered 'skilled', others will only assess formal qualifications and yet others will assess relevant employment experience in lieu of some formal education. While the actual content of skills assessments is occupational specific, some consistency in approach across the authorities would go some way to simplifying those systems for applicants.

Also as previously mentioned, the SESR visa requires all applicants to have their skills assessed across hundreds of different occupations, whereas TSS visa applicants only require this for 25

[57] CEDA, Skills Recognition 2022, Submission to the Employment White Paper. ref

[58] For example, a three month minimum timeframe is common and the cost for overseas electricians to have their skills assessed to be licensed is over $5000 in Queensland.

occupations and then only for certain passport holders. Aligning the skills assessment requirements for the SESR with those of the TSS would reduce the burden on skills assessing authorities, the cost for applicants and the delays for employers wishing to sponsor these migrant workers in regional areas.

MIA Recommendation 19

- *The MIA recommends that the number of skills assessing authorities be increased.*

MIA Recommendation 20

- The MIA recommends that the skills assessing authorities be required to develop a consistent approach to the requirements for assessing migrant skills and employment experience.

3.10 Health – one fails, all fail

It is not that uncommon to come across media reports of highly skilled temporary visa holders who have been productive members of Australian society with employer and community support, being unable to move to permanent residency because they have a disabled child.

Permanent visas are subject to certain health requirements for grant. Where one of the applicants has a condition for which the yearly treatment and other support costs is assessed at costing the public purse above $51,000, that applicant's visa may be refused and also trigger the 'one fails, all fails' situation where all members of the family are refused visas.

Skilled independent visas are usually subject to Condition 4005 which triggers this. Employer sponsored permanent residency applicants are subject instead to Condition 4007, which while similar to Condition 4005 in its requirements, allows for an application to waive the health based refusal.

The MIA contends that all permanent skilled visas should be subject to Condition 4007 and the applicants be given the opportunity to have the condition waived. To do so would not only be a compassionate response but also recognise the wider contribution made to Australia by skilled migrant families and widen that pool of potential applicants.

MIA Recommendation 21

- *The MIA recommends that the Health Condition 4005 be removed from all skilled migration applications and be replaced with the Health Condition 4007.*

3.11 Communications with the Department of Home Affairs

The MIA would like to comment on the systematic reduction of any means of contact with the Department to the extent that it has become an almost impenetrable 'bunker'.[59] Applicants and migration practitioners are unable to enquire about cases or to even contact Departmental delegates in emergency situations.[60]

While the Department constituted the Global Feedback Unit to deal with enquiries from the general public that system has failed. Callers to the Unit report often spending several hours on hold, only to be told that they cannot be given any information. While this may be the result of outsourcing that function to a non-departmental call centre, requests made using the Department's preferred contact method, online template inquiry form, also remain unanswered.

The MIA as the professional association has slightly more, although very unreliable, access to a limited number of policy and processing sections. Traditionally, the MIA has supported its members by acting as a conduit between the Department and the practitioners but even this has become extremely difficult. The MIA is at times reduced to contacting *any* Department staff member in an effort to try to make contact with someone relevant within the hierarchy. The MIA has recently learnt that when departmental delegates use the 'black hole' generic email mailboxes which are provided as contact for system users, they also receive no response.

Where MIA members cannot contact the Department, they turn to the MIA for assistance in contacting the Department and escalating their matters. The number of these requests has risen to the level that the MIA's Professional Support team has become the Department's de facto triage function. While various communication strategies between the Department and the profession have been discussed over recent years, no successful model has yet eventuated.

The Office of the Migration Agents Regulation Authority (OMARA) holds Registered Migration Agents (RMA) to the highest communication standards under their Code of Conduct. Yet the Department has chosen to close almost all lines of communication with practitioners and the general public.

While the MIA recognises and welcomes the improving communications with the Department as a result in the change of government, the culture and attitude towards consumer service

[59] The MIA acknowledges the recent improvements with some section of the Department on this issue.
[60] For example, deaths of visa holders in Australia leaving unaccompanied minors or emergency visas for families of visa holders who have been critical injured or died in Australia.

that has been promoted within the department over the last decade or so, is likely to take a great deal of work to change.

MIA Recommendation 22

- *The MIA recommends that the Department of Home Affairs reviews the effectiveness of the Global Feedback Unit in providing information to consumers.*

MIA Recommendation 23

- *The MIA recommends that appropriate communication channels be provided by the Department of Home Affairs to Registered Migration Agents and legal practitioners.*

3.12 Barriers for small businesses and start ups

Many of the suggestions above are applicable to making the system more accessible to small businesses and start-ups. These include reducing the costs to employers through reducing bureaucratic processes and rethinking the way the SAF levy is collected. However, it must be noted that a high percentage of start-ups fail in their first 3 years and these sponsored overseas migrants' entitlements must be protected. The MIA believes the operation of the current settings are appropriate and should be maintained.

MIA Recommendation 24

- *The MIA recommends that no changes are made to the sponsorship requirements for start-up businesses.*

3.13 Barriers to participation in employment

The barriers to employment for migrants and family and humanitarian entrants have been the subject of much academic study and are well known.[61] Migration related methods to reduce these barriers have been mentioned in previous sections of this submission including examining the skills assessment and skills recognition regime. Measures already being implemented to increase women's participation in the Australian labour market should benefit female permanent resident migrants also, although they may have little impact for temporary visa holders. Overall though, the main issue may be that employers discriminate

[61] For example, the newly released: Batainah, H., Hawkins, J,. Miranti, R. Untapped potential: trends and disparities in the economic participation of migrant and refugee women in Australia, 2022, NATSEM/Settlement Service International

against hiring migrants and while this will decrease in a tight labour market, the government should consider solutions to this in concert with program to increase awareness of migrants' overseas qualifications and abilities, as another means of increasing Australia's capacity and productivity.

MIA Recommendation 25

- *The MIA recommends that the Government develops programs that will address the barriers to participation in the Australian labour market for skilled migrants, family and humanitarian visa holders.*

4. What reforms are needed to ensure the migration system can meet the challenges and opportunities that lie ahead?

- How can we better identify and respond to future labour market needs?
- How do we best structure pathways to permanent residence and citizenship to meet the nation's needs
- What principles should underpin our future migration system, including to address migrant worker exploitation?

4.1 Identifying and responding to future labour market needs

To respond more quickly to labour market needs they first need to be effectively identified in a timely manner. As previously discussed, the use of ANZSCO 6 digit codes to create extensive and very detailed skills lists, is a barrier to both adjusting the lists in a responsive manner and prevents employers being able to access overseas workers for new and emerging occupations. Suggestions for ways in which this area of the system could be improved have been suggested earlier in this submission, (see section 3.5).

The information gathered and assessed by the government must also be improved to be more responsive and efficient. It is hoped that the new Jobs and Skills Australia can put in place more effective processes for this and that sufficient funding and resources provided for this purpose.

MIA Recommendation 26

- *The MIA recommends that the Government investigate methods that may be used to identify and respond more quickly and effectively to changing labour market needs.*

4.2 Structuring better pathways to permanent residency and citizenship

Again, suggestions for improving pathways to permanent residency and ultimately the opportunity for citizenship have been discussed earlier in this submission. To reiterate clearer pathways to permanent residency should be devised for those who have spent significant periods of time in Australia providing skills to our labour market including Short Term Skills List TSS holders, NZ citizens and PALM workers, (see section 2.4).

4.3 Migrant exploitation

Migrant exploitation comes in many guises, from modern slavery and sex trafficking to wage theft and fraudulent sponsors charging for migration outcomes. The MIA abhors all forms of migrant exploitation. One of the most common forms of worker exploitation MIA members observe is exploitation by lodgement of visa applications that do not meet the requirements for grant of that visa (then lodgement of a vexatious AAT appeal), payment for migration outcomes ie thousands of dollars paid for employer sponsorship and underpayment of TSMIT and contracted wages. This process and its use by organised crime has been revealed very publicly in the media recently yet there had been little effort to address this issue long standing issue.

It is unfortunate that the Chair of this review panel appears to believe that Registered Migration Agents(RMA) and legal practitioners provide no economic gain in the 'migration ecosystem'.[62] This seems to demonstrate a certain lack of understanding of the value that lawful providers of immigration assistance bring to Australia's system. A distinction must be made between the visa lodgement system and Australia's migration legal system which is enabled by the Migration Act 1958 (C 'wealth), the Migration Regulations 1992 and the Procedural Instructions of the Department of Home Affairs. This is an incredibly complex and diverse system of information, regulation and standards that also extend to merit review in the Administrative Appeals Tribunals and case law within our judicial systems.

Many applicants lodge their own applications without assistance, in fact the OMARA biannual Migration Agent Activity Report for the first half of 2022 provides statistical evidence that RMA lodge around only 15% of all applications.[63]* The majority of applications lodged by migration practitioners are concentrated in the employment, skilled and business visa classes.

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[62] Dr Martin Parkinson AO, CEDA Conference, Evolving Australia's Migration System, 16 November 2022, Sydney: "*You get this gigantic ecosystem grow up of migration agents and migration lawyers who add additional cost to the pathway for people ultimately paying bills without actually gaining anything from an economic growth potential*"

[63] Department of Home Affairs, Office of the Migration Agents Registration Authority Migration Agent Activity Report, 1 January 2022 – 30 June 2022, p 6. https://www.mara.gov.au/notices-reports-subsite/Files/maar_jan_to_jun_2022.pdf

There are a variety of reasons that applicants use migration professionals that are not necessarily related to the complexity of the system including not have the time or desire to lodge their own applications and preferring to 'outsource' the process. In other cases it is the complexity of the applicants' personal circumstances that lead them to seek professional assistance.

There are few migration practitioners who have not had clients who have lodged their own applications and fallen foul of the current system. These most often require a new application to be lodged or an appeal of the decision to be made through the merit or judicial systems often at the cost to the applicants of thousands of dollars in application fees initially lost and that need to be paid again to rectify the situation. For employer sponsored applications this can be in the order of $8,000 - $10,000 for employers with loss of application fees, LMT advertising fees and more particularly the SAF levy, as well as the lost opportunity costs to their business of an application refusal. For visa applicants, it is the loss of visa application fees and potentially skills assessment, English language, health and character certification fees, as well as the other migration impacts of receiving a visa refusal.[64] Where family members are included in applications this may also accumulate to a loss of over $10,000. It is to these issues that this panel should turn its mind when considering the complexity and equity of the system, not to those practitioners who provide lawful professional assistance.

Migration fraud perpetrated by and against visa applicants accounts for a much larger financial and economic loss to potential applicants. Lodgement of false or vexatious applications by Unregistered Providers of Immigration Assistance (UPIA) has long been a concern of the MIA and lawfully operating migration practitioners. While many vulnerable migrants have been caught out in this manner, often after paying extortionate sums to UPIA and even though it is an offence under the Migration Act 1958, there are significant barriers to prosecuting these offenders.

The Australian Border Force (ABF) is insufficiently resourced and structural and legislative barriers exist to investigating and prosecuting any but the highest levels of unlawful practice related to instances of high level fraud and exploitation. In its submission to the Joint Standing Committee on Migration Inquiry, the Department of Home Affairs detailed the many restrictions the ABF faces in investigating misconduct and unlawful migration practice, such as lack of jurisdiction to obtain search warrants and the right to enter properties.[65] A whole

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*Legal practitioners who practice in migration law and lodge applications are not included in this number as since March 2021 the OMARA is no longer the regulatory authority for the that cohort. However, it is expected that the number of applications lodged by legal practitioners are less than those by Registered Migration agents, given that at deregulation these practitioners represented under 50% of those lawfully providing immigration assistance and that this cohort will often concentrate on the more legal aspects of migration law rather than visa lodgement.

[64] An onshore application refusal can lead to an applicant having to leave the country to relodge an application or even being barred from reapplying for 3-10 years.

[65] Department of Home Affairs and Border Control (2018) Submission to the Joint Standing Committee on Migration Inquiry into the Efficacy of current regulation of Australian migration agents, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/Migrationagentregulatio/Submissions Submission No 6.

of government approach is required to combat unlawful practice given that this may be central to the operation of more organised forms of crime.

The international education sector also contributes to this exploitation. While not all who operate as education agents are dishonest, the amount of fraudulent activity in this sector is rampant. Education agents as a group are approved to lodge student applications in specific circumstances, however these boundaries are frequently blurred with blatant disregard for the lawful provision of immigration assistance under the Migration Act 1958, with education 'agencies' lodging skilled migration and other applications, and even partner visas. Many of these agencies will hire a single registered migration agent as a cover for these activities, but the amount of output from these companies would be impossible for a single individual to achieve. Another exploitative practice engaged in by disreputable education agents and agencies is luring international students to undertake inappropriate courses with the promise of permanent residency. These students often end up on a treadmill of repeated student visas in their attempts to remain in Australia and achieve that goal of residency.

The education agency system supports this exploitation. Education agents are very loosely regulated by the colleges and universities that engage their services. This is an obvious conflict to interest for both parties, the education providers want the international student fees and the agents want the commissions, at worse they are complicit in this fraud. The reputable education providers do have systems in place to control their agents' behaviour, but many do not. The MIA recommends that a separate authority to regulate the behaviour of education agents be established, similar to that of the OMARA and its regulation of migration practitioners. The registration of Australian migration agents was introduced in 1992 to protect vulnerable consumers of immigration assistance, yet education agents who potentially have a much wider reach are essentially unregulated in their dealings with this cohort. The MIA also recommends that a review of the international education sector including the regulation of Registered Training Authorities and operating entities be conducted, given the reports of the complicity of these in large scale fraud and organised crime.

The 'lack of jurisdiction' explanation is constantly provided as the reason why unlawful practice and fraud cannot be addressed, displaying a truculence on the part of Australian governments and the Department to address the matter with onshore solutions as do other jurisdictions, where applications are only accepted from suitably accredited or licensed professional practitioners.[66] For many years, indeed decades, the MIA has argued that the lodgement of Australian visa applications be more closely controlled.

[66] Department of Home Affairs, Migration Agents Instrument Review, 2021, p109, 110. https://www.homeaffairs.gov.au/reports-and-pubs/files/migrations-agents-instruments-review-report/consultation_report.pdf

Registered or licensed migration practitioners feature in the similar jurisdictions of Canada and New Zealand and immigration lawyers commonly assist migrants in the United States and the United Kingdom. In Canada and New Zealand applications can only be lodged by appropriately registered or licensed practitioners or the applicant personally, as a defence against fraudulence within those systems. Australian authorities in resisting similar measures here, provide a system and environment that enables such fraud by UPIA to continue. The MIA also refutes the notion that use of third party assistance dilutes Australia's welcome message, being 'ripped off' by a UPIA damages the message and Australia's reputation far more. [67]

When an Australian registered migration agent or legal practitioner lodges a migration application, they bring to that transaction with the client, the practitioner's formal education and experience, stringent regulation and professional Code of Conduct that includes an obligation not to provide false or misleading documents to the Department, the currency of their immigration knowledge and in depth understanding of migration law, and the protection of professional indemnity insurance coverage. When a UPIA lodges an application for another person they provide none of these to the applicant. A UPIA's only focus is on the unlawful financial or other criminal gains to be made from the transaction. The MIA urges the Department to institute further examination *immediately* of the measures that would protect unsuspecting applicants, including:

- legislative and system changes to allow the Department to accept visa applications only from the applicants, RMAs, legal practitioners or 'exempt' persons pursuant to the Migration Act 1958
- requiring visa applicants to attest in a declaration (or a statutory declaration where appropriate) as to whether or not they have received immigration assistance or other relevant assistance
- developing risk profiles for individuals, occupations and industries where the risk of unregistered immigration assistance practice is high and conducting audits of high-risk visa applications as part of other caseload integrity assessments.

Both the OMARA and the ABF note that a common barrier to prosecution of these crimes is the reluctance of victims to be identified or to be witnesses in criminal prosecutions, because they fear losing their visa or jeopardising a future visa application. There is currently no protection against visa cancellation for migrant workers who have breached a work-related condition on their visa and wish to take action against their employers. The MIA is a signatory to the Migration Justice Institute's proposal for whistleblower protections to enable migration workers to address this exploitation.

[67] Discussion Paper p6

The Immigration Minister has rightly acknowledged, that the 'Assurance Protocol' offered by the Fair Work Ombudsman (FWO) has been ineffective.[68] It is not available for exploited workers in relation to whom the FWO is not making inquiries due to lack of agency resources or any other reason. As a result, availability of the Protocol is not assured and entirely outside the worker's control. No protection is available for a worker who wishes to any take action that does not involve the FWO. For instance, the Assurance Protocol is not available for a Student visa holder who wishes to pursue discrimination complaint in the Human Rights Commission, or whose employer reports their visa breach to DHA in retaliation against the worker's police complaint for sexual harassment. Nor is it available to a migrant worker who pursues a claim through the courts or through a union.

To effectively encourage visa holders to report and to increase enforcement capacity, protection against visa cancellation must be clear, consistent and broad enough to encompass the full range of actions workers may undertake to hold employers to account. If these visa holders were protected from visa cancellation for reporting their actions and provided a visa that would allow them to pursue claims against those have exploited them, there may an increase in the numbers of those willing to come forward to report their exploitation and also to purse a claim against for example employers who have underpaid wages. A new 'workplace justice' visa has been proposed by the Migration Justice Institute for this purpose. This is not without precedent, New Zealand already has a visa of this type, the Migrant Exploitation Work Visa.

MIA Recommendation 27

- *The MIA recommends that the lodgement of visa and other applications be restricted to the individual visa applicant, Registered Migration Agents and legal practitioners.*

MIA Recommendation 28

- *The MIA recommends that a regulatory authority be established to oversee the operation of the international student sector and to regulate education agents.*

MIA Recommendation 29

- *The MIA recommends that a review of the international education sector including the regulation of Registered Training Authorities be conducted*

MIA Recommendation 30

- *The MIA recommends that a Workplace Justice visa be created.*

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[68] Data released under FOI suggests that the 'assurance protocol' has been utilised only 76 times since it was introduced in 2017, despite the thousands of complaints received from migrant workers during the same period– see https://www.homeaffairs.gov.au/foi/files/2022/fa-211200662-document-released.PDF.

5.0 Conclusion

The MIA has provided an extensive amount of information to this Review. The Australian Migration system has been allowed to fall into disarray over the last decade with piecemeal attempts to bolster its operation without sufficient resources and with questionable influences from sectors of the Australian business and community at the expense of those migrants who have supported the economy and productivity of this country and in many cases told to go home when the pandemic struck. The MIA looks forward to the outcome of this review and the reset of the current program and process that will create a highly successful migration system for Australia's future.

Examples of all skilled occupation lists in operation at any one time.

Occupations	ANZSCO Code	Caveats	Assessing authority *EA = Engineers Australia CMBA = Chinese Medicine Board of Australia*	MLTSSL List	STSOL List	ROL List	PMSOL List	TSS[1]	ENS - SC186[2]	RSMS - SC187 Transitional[3]	SC 189[4]	SC 190[4]	SC 491 S/T Nominated[4]	SC 491 Family Sponsored[4]	SC 494[5]	SC 485[4]	SC 407[6]	ACT 190	ACT 491	NSW 190	NSW 491*	NT 190	NT 491	QLD 190	QLD 491**	SA 190	SA 491	TAS 190	TAS 491	VIC 190	VIC 491	WA 190	WA 491
																				* Ref to RDAs Lists on the above website													
Aboriginal and Torres Strait Islander Health	411511	-	VETASSESS			✓				✓					✓																		
Accommodation and Hospitality Managers nec	141999	-	VETASSESS		✓	✓		✓		✓		✓	✓		✓		✓					✓	✓			✓	✓	✓	✓	✓	✓		
Accountant (General)	221111	SC482 & 186	CPAA; CAANZ; IPA	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓					✓	✓	✓	✓		
Actor	211111	-	VETASSESS			✓				✓					✓																		
Actors, Dancers and Other Entertainers nec	211199	-	VETASSESS			✓				✓					✓																		
Actuary	224111	-	VETASSESS	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓									✓	✓	✓	✓	✓	✓		
Acupuncturist	252211	-	CMBA		✓	✓		✓		✓		✓	✓		✓		✓									✓	✓	✓	✓	✓	✓		
Advertising Manager	131113	-	IML		✓	✓		✓		✓		✓	✓		✓		✓									✓	✓	✓	✓	✓	✓		
Advertising Specialist	225111	-	VETASSESS		✓	✓		✓		✓		✓	✓		✓		✓											✓	✓	✓	✓		
Aeronautical Engineer	233911	-	EA	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓						✓	✓	✓	✓	✓	✓	✓	✓
Aeroplane Pilot	231111	SC482	CASA			✓		✓		✓			✓		✓		✓						✓				✓		✓		✓		
Agricultural Consultant	234111	-	VETASSESS	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓									✓	✓	✓	✓	✓	✓	✓	✓
Agricultural Engineer	233912	-	EA	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓							✓	✓	✓	✓	✓	✓	✓	✓
Agricultural Scientist	234112	-	VETASSESS	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓	✓			✓	✓	✓	✓	✓	✓	✓	✓
Agricultural Technician	311111	SC482	VETASSESS			✓		✓		✓			✓		✓		✓										✓		✓		✓		✓
Air Traffic Controller	231112	-	-			✓				✓																							
Air Transport Professionals nec	231199	-	VETASSESS			✓				✓					✓																		
Airconditioning and Mechanical Services Plumber	334112	-	TRA	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓									✓	✓	✓	✓	✓	✓		
Airconditioning and Refrigeration Mechanic	342111	-	TRA	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓			✓	✓	✓	✓	✓	✓		
Aircraft Maintenance Engineer (Avionics)	323111	-	TRA		✓	✓		✓		✓		✓	✓		✓		✓					✓	✓			✓	✓	✓	✓	✓	✓		
Aircraft Maintenance Engineer (Mechanical)	323112	-	TRA		✓	✓		✓		✓		✓	✓		✓		✓					✓	✓			✓	✓	✓	✓	✓	✓		
Aircraft Maintenance Engineer (Structures)	323113	-	TRA		✓	✓		✓		✓		✓	✓		✓		✓									✓	✓	✓	✓	✓	✓		
Ambulance Officer	411111	-	VETASSESS		✓	✓		✓		✓		✓	✓		✓		✓									✓	✓	✓	✓	✓	✓		
Amusement Centre Manager	149111	SC482	VETASSESS			✓		✓		✓			✓		✓		✓										✓		✓		✓		
Anaesthetic Technician	311211	-	VETASSESS		✓	✓		✓		✓		✓	✓		✓		✓									✓	✓	✓	✓	✓	✓	✓	✓
Analyst Programmer	261311	-	ACS	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓			✓	✓	✓	✓	✓	✓		
Anesthetist	253211	SC482	MedBA			✓		✓		✓			✓		✓		✓						✓				✓		✓		✓		
Animal Attendants and Trainers (nec)	361199	SC482	VETASSESS		✓	✓		✓		✓		✓	✓		✓		✓									✓	✓	✓	✓	✓	✓		
Antique Dealer	142112	-	VETASSESS			✓				✓					✓																		
Apiarist	121311	SC482	VETASSESS		✓	✓		✓		✓		✓	✓		✓		✓									✓	✓	✓	✓	✓	✓		
Apparel Cutter	393211	-	TRA			✓				✓					✓																		
Aquaculture farmer	121111	SC482	VETASSESS			✓		✓		✓			✓		✓		✓						✓				✓		✓		✓		
Arborist	362212	-	TRA		✓	✓		✓		✓		✓	✓		✓		✓	✓	✓			✓	✓			✓	✓	✓	✓	✓	✓		
Archaeologist	272414	-	VETASSESS			✓				✓					✓																		
Architect	232111	-	AACA	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓							✓	✓	✓	✓	✓	✓		
Architectural Draftsperson	312111	-	VETASSESS		✓	✓		✓		✓		✓	✓		✓		✓					✓	✓			✓	✓	✓	✓	✓	✓		
Architectural, Building and Surveying Technicians	312199	-	VETASSESS		✓	✓		✓		✓		✓	✓		✓		✓									✓	✓	✓	✓	✓	✓		
Archivist	224211	-	VETASSESS			✓				✓					✓																		

States/Territories *(please note that those lists can be changed at any time without notice & Some states/territories may have specific criteria for some occupations)*

Appendix A