

Proposed Skilled Migrant Selection Register (SkillSelect)

The Department of Immigration & Citizenship (DIAC) has decided to implement a new skilled migrant selection register based on an Expression of Interest (EOI) and invitation to apply. The proposal is in an early stage of development and consultation. Although the key features are settled, further changes are possible and the following information is subject to change. The immigration minister may recommend to the Governor-General in-Council amendments to the *Migration Regulations* 1994 to give effect to the final register.

The Skilled Migrant Selection Register

The Australian Government has decided on a major reform in the way Australia selects skilled migrants, the Skilled Migrant Selection Register (SkillSelect). SkillSelect will build upon and draw together the suite of reforms to the skilled migration program over the past three years. The aim of the program is to deliver the skills Australia needs by matching the best and brightest migrants to the available places in the migration program.

SkillSelect will be an electronic system based upon a two-stage process. Prospective applicants first submit claims for skilled migration through an online EOI and subsequently may be invited to make a visa application. This is a significant change from the current situation, as applicants for independent or state or territory sponsored migration will be required to receive an invitation in order to lodge a visa application.

Once invited, SkillSelect will ensure a match between the number of applicants and the number of available program places. It is hoped that this will result in streamlined processing times.

Foundations and benefits of SkillSelect

The fundamental principle underpinning SkillSelect is that the skilled migration program is determined by the economic needs of Australia. It is proposed that SkillSelect will allocate all places in the independent skilled migration program to the prospective migrants, those who score highest on the points test, in each eligible occupational group.

The government has pointed out that a key benefit of SkillSelect is the ability to address regional skill shortages. SkillSelect allows prospective migrants to nominate their willingness to live and work in regional Australia. This will be of particular benefit to employers experiencing regional skills shortages and state and territory governments attempting to settle migrants in regional Australia.

SkillSelect will connect state and territory governments and Australian employers with potential skilled workers through a central database of prospective skilled migrants. It is hoped that this will help state and territory governments maximise the benefit derived from their state and territory Migration Plans. From the perspective of employers, SkillSelect will assist in the resolution of skills shortages through quick and easy identification of prospective workers with the requisite skills and attributes, reducing advertising and recruitment costs to businesses.

Implementation of SkillSelect

SkillSelect is proposed to commence on **1 July 2012**. As of this date, new applicants for independent, family or state/territory sponsored migration would need to submit an EOI and be issued with an invitation before lodging a visa application, unless eligible for transitional arrangements. The first round of invitations is expected to occur in **January 2013**.

Transitional arrangements currently apply to certain people who, on 8 February 2010, held or had applied for a Skilled – Graduate (subclass 485) visa. This group is able to apply for a permanent skilled visa under the previous system, until the end of 2012. There are no additional transitional arrangements in relation to SkillSelect.

Visa subclasses affected by SkillSelect

The visa subclasses which will be affected by SkillSelect are:

- Skilled – Independent (Migrant) subclass 175
- Skilled – Sponsored (Migrant) subclass 176
- Skilled – Independent (Residence) subclass 885
- Skilled – Sponsored (Residence) subclass 886
- Skilled – Regional Sponsored (Provisional) subclass 475
- Skilled – Regional Sponsored (Provisional) subclass 487.

All prospective applicants for these visas will need to submit an EOI and receive an invitation before they can apply.

Prospective applicants interested in employer sponsorship would not be required to submit an EOI if they already have a sponsor. However, submitting an EOI allows employers to view their details and contact prospective applicants to discuss sponsorship opportunities. It would also allow prospective migrants who are sponsored on a temporary basis to be invited for either independent skilled migration or state/territory sponsored migration if eligible.

For those who have already lodged a visa application prior to the implementation of SkillSelect and are pending processing, the department would process this application in accordance with any priority processing direction in effect at that time. A prospective migrant who has already lodged a visa application may want to submit an EOI in order to be connected to an employer or state or territory government.

Would an EOI be required?

The following table outlines when an EOI would be required.

Independent or Family Sponsored	Subclass 457	Employer Sponsored	State or territory Sponsored	Regional Sponsored (Provisional)
Yes - EOI compulsory	No - EOI optional	No - EOI optional	Yes - EOI compulsory	Yes - EOI compulsory

Nevett Ford Lawyers will continue to monitor progress of the program as more information becomes available and keep you informed.

Contact:

David Stratton Director T: 03 9614 7111	Helen Zheng Lawyer T: 9614 7111	Ryan Curtis – Griffiths Lawyer T: 03 9614 7111
email: dstratton@nevettford.com.au	email: hzheng@nevettford.com.au	email: rcurtisgriffiths@nevettford.com.au
Registered Migration Agent 9358007	Registered Migration Agent 0003327	Registered Migration Agent 0741735

Melbourne office

Level 42 South Tower Rialto
525 Collins Street
Melbourne Victoria 3000
T 03 9614 7111
F 03 9614 3192
email:
melbourne@nevettford.com.au

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www.nevettford.com.au

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