

# Immigration Law Update

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Present and potential clients will find the information about certain developments in immigration law useful and noteworthy. Our immigration lawyers are happy to field further questions on these or other issues relating to immigration law.

## SKILLED MIGRATION

In September 2007, the Australian government implemented major changes to the skilled migration program.

The changes benefit those who have strong English skills and work experience in a skilled occupation. Additional points are rewarded to those who have proficient English (a score of 7,7,7,7 in the IELTS exam) and applicants who have worked in Australia.

Therefore, applicants who have generalist occupations such as sale representatives, auditors, management consultants, marketing specialist etc. may qualify for an Independent Skilled visa.

In addition, older applicants who have extensive work experience may also be eligible for the Independent Skilled visa.

Previously, applicants in the situations described above would not be eligible for skilled migration unless they had an Australian relative sponsor or state sponsorship.

The changes to the skilled migration program include:

- New names and subclasses for skilled visas
- New passmarks for skilled visas. These are:
  - Independent skilled visa 120 points
  - Australian Sponsored skilled visa 100 points
  - Regional Sponsored visa 100 points
- A new 18 month graduate temporary visa for students currently in Australia to allow them additional time to gain further skilled work experience or improve their English skills. Applicants will have unlimited work rights on the Skilled Graduate visa.

- Extra 10 points awarded to applicants who have proficient English.
- Requirement of 12 months work experience for applicants who wish to claim extra points for occupations in demand.
- Interdependent (same sex) partners can now be included as Spouses on skilled visa applications.

## EMPLOYER SPONSORED VISAS

Australia is currently suffering a skills shortage and many businesses require the services of overseas workers. There are two common types of visas available to overseas workers:

1. Subclass 457 Business Long Stay visa. This visa will allow an employee and their family to live and work in Australia for up to 4 years and the visa may be extended if required.

This visa is of benefit to employers as it is a condition of the visa that the employee must work for the Sponsor business and cannot work for another employer.

However, this visa is subject to ongoing monitoring requirements and the business is required to sign sponsorship undertakings.

2. Permanent employer nominated visa. This visa is a permanent visa and will allow the employee and their family to remain in Australia indefinitely.

There are no conditions on the visa that prohibit the employee from obtaining employment with another employer once the visa is granted.

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