

Is Your Client affected by the New Criteria of VETASSESS?

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A suitable skills assessment is required for visa applications under the General Skilled Migration (GSM) and Employer Nomination Schemes (ENS). VETASSESS is the skills assessing authority authorised by the Department of Immigration and Citizenship (DIAC) to assess over 200 generalist occupations in the Managerial, Administrative, Professional and Associate Professional categories.

If your client qualifies for a suitable assessment now and may have difficulty in meeting the new criteria, you should consider advising your client to apply for skills assessment with VETASSESS before the changes take effect.

Criteria before 1 January 2010

Under the current criteria, if the nominated occupation is allocated 50 or 40 points in the Skilled Occupations List (SOL), and the skills assessing authority is VETASSESS, the visa applicant would be able to obtain a suitable skills assessment from VETASSESS based on his or her Bachelor's degree or diploma, being comparable to an Australian Bachelor's degree or diploma respectively. This is the case even if the applicant's field of study is irrelevant to the nominated occupation.

Thus, if the applicant is an overseas qualified nurse, doctor, teacher, pharmacist, accountant or engineer and is not able to obtain a suitable skills assessment from the Australian skills assessing authority for his or her profession, but holds an overseas educational qualification that is comparable to an Australian Bachelor's degree based on the relevant Country Profile, he or she could nominate any occupation in the SOL which has been allocated 50 points and for which the applicant would be able to obtain a suitable skills assessment, even without any work experience.

The applicant would meet the passmark of 100 points for a skilled sponsored permanent resident visa, if the applicant is under 30 years of age and:

- (a) If sponsored by a State or Territory, achieves a score of 6 per component in each of reading, writing, listening and speaking in the IELTS general module.
- (b) If sponsored by an eligible relative, achieves a score of 7 in each of reading, writing, listening and speaking in the IELTS general module at the time of visa decision. The visa application may be lodged upon achieving a score of at least 6 per component of the IELTS general module as he or she is likely to have 24-36 months to pass the score of 7 per component, at the current estimated visa processing time for most 50 point occupations.

Changes from 1 January 2010

To obtain a suitable skills assessment, the applicant must generally have:

1. An educational qualification or Australian degree, diploma or Certificate IV comparable to the required educational level for the nominated occupation; and
2. A major or minor in the same or relevant field of study for the nominated occupation and/or relevant work experience in lieu of the shortfall and deficiency of subjects in the relevant field of study; and
3. At least one year of work experience that is highly relevant to the nominated occupation, completed in the last five years before the lodgement of the skills assessment application.

For skills assessment of international students applying for permanent resident visa under the General Skilled Migration Program or the Employer Nomination Scheme, VETASSESS offers a two stage process:

Stage 1 - Skills assessment based on the applicant's educational qualifications, if the applicant applies for a 485 visa within 6 months from course completion of an Australian Bachelor degree or higher level, in a field of study that is highly relevant to the nominated occupation as specified under the new VETASSESS criteria.

Stage 2- Skills assessment of the applicant's work experience after at least 12 months of employment in a field that is relevant to their nominated occupation.

DIAC will continue to accept all VETASSESS Skill Assessments from both the old and new criteria for a nominated occupation in the Skilled Occupation List, where VETASSESS is the designated assessing authority. However, if there is a significant gap between the date of assessment and the date of visa application, it may require a VETASSESS assessment under the new criteria.

This information is of a general nature and should not be taken as authoritative legal advice for specific cases. The writer, Imelda Argel is a practising migration solicitor and a registered migration agent based in Sydney, Australia. Her Registered Migration Agent no. is 9682957. She is the author of TIPS on GSM visas, (a publication for migration agent), the recipient of the inaugural NSW FAWAA (Filipino- Australian Women's Achievement Award) for her outstanding achievements in corporate practice and entrepreneurship, and the University of the Philippines Alumni Association (NSW Chapter) Achievement Award for law and community service. More information is available at www.iargel.com.au.

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