

Review of the General Skilled Migration Points Test

Discussion Paper, 15 February 2010

Department of Immigration and Citizenship

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List of Acronyms

ABS	Australian Bureau of Statistics
ANZSCO	Australian and New Zealand Standard Classification of Occupations
AQF	Australian Qualifications Framework
ASCO	Australian Standard Classification of Occupations
CSL	Critical Skills List
DEEWR	Department of Education, Employment and Workplace Relations
DIAC	Department of Immigration and Citizenship
ENS	Employer Nomination Scheme
GSM	General Skilled Migration
IELTS	International English Language Testing System
JRP	JobReady Program
LTMPF	Long Term Migration Planning Framework
MODL	Migration Occupations in Demand List
NOM	Net Overseas Migration
PY	Professional Year
RSMS	Regional Sponsored Migration Scheme
SOL	Skilled Occupation List

Summary

The review of the General Skilled Migration (GSM) Points Test is part of a comprehensive reform of the skilled migration program.

The Government has agreed on the following important principles which should underpin a new Points Test:

- it should contribute to the selection of applicants who offer the most human capital and will therefore make the optimal contribution to Australia's demographic and economic future;
- it should not preclude very good applicants from offshore or in Australia, including former international students;
- it should be able to operate flexibly under both current arrangements and any new arrangements for skilled migrant selection;
- it should enable applicants with high value attributes across a number of areas such as English language ability, academic qualifications and work experience, to achieve the maximum number of points; and
- it should not give undue weight to any one factor, so as to avoid distortions in the program arising from applicants seeking to meet that factor.

Consultation Process

This Discussion Paper has been developed on the basis of initial discussions with key Commonwealth, State and Territory Government, industry and union stakeholders. It is now being provided for broader public comment.

The Department of Immigration and Citizenship is required to report to Government on the outcomes of this Review in May 2010. It is expected that any decisions of Government concerning the future of the Points Test in the GSM program will be implemented as soon as possible.

Please submit your suggestions or comments to the Assistant Secretary, Labour Market Branch at independent.skilled@immi.gov.au by 12 March 2010.

Purpose

The purpose of this Discussion Paper is to:

- examine the effectiveness of the current Points Test in identifying potential migrants who will make the optimal contribution in terms of what the Treasury's Intergenerational Report identifies as the three critical elements in addressing Australia's future economic challenges: the number of people of working age (population), the proportion of people in work (participation), and the gross domestic product per hour worked (productivity), the "Three Ps";
- examine the role of the Points Test in the context of the current skilled migration reform agenda; and
- generate discussion surrounding the selection factors relevant to meeting the agreed principles of a new Points Test.

To promote discussion, this paper avoids suggesting a single preferred solution or outcome to the Points Test Review. Instead, it seeks input on a number of key features of the Points Test.

The propositions in this Discussion Paper have been developed in the light of the outcomes of the Review of the Migration Occupations in Demand List (MODL) and other measures announced by the Minister for Immigration and Citizenship on 8 February 2010.

The Points Test and skilled migration reform

This review of the Points Test is being conducted in the context of a comprehensive reform of Australia's temporary and permanent skilled migration programs. This reform has two main objectives:

- to meet short term, cyclical and quickly changing demands for skilled labour in an efficient and responsive manner; and
- to help address Australia's longer term demographic and economic needs.

The reforms encompass the decision by the government to focus the skilled migration program on demand driven migration within the context of a long term migration planning framework (LTMPF). It takes into consideration the outcomes of the Review of the MODL, which included:

- identifying that the MODL has dominated as a factor in the Points Test and significantly distorted the occupational profile of Australia's Skilled Migration Program and therefore should be revoked;
- replacing the Skilled Occupation List (SOL) with a targeted list of occupations of high value to the economy; and
- revoking the Critical Skills List (CSL) when the new SOL is in place.

The development of the LTMPF, the introduction of the JobReady Program, increases to threshold requirements for an application for a GSM visa such as English language, skills assessment standards and priority processing arrangements have already been implemented as part of the reform process.

The Skilled Migration Program

The Skilled Stream of the Migration Program comprises three key skilled migrant selection elements: Employer Sponsored visas, Business Skills visas and GSM visas.

Currently, only GSM visas are subject to the Points Test. To be eligible for visa grant, applicants must obtain a specified pass mark on the Points Test. The specific criteria by which applicants are awarded points are at **Attachment A**.

GSM Visa Categories (Subject to the GSM Points Test)

- *Skilled Independent* – applicants are highly skilled and are not sponsored. Current pass mark = 120;
- *Skilled Sponsored* – applicants are nominated by a State/Territory government or an eligible Australian relative. Current pass mark = 100; and
- *Skilled Regional* – applicants are sponsored by an eligible relative living in a “designated area” or nominated by a participating State/Territory. Current pass mark = 100.

A complete list of the GSM visa subclasses is at **Attachment B**.

The Employer Sponsorship pathway - Meeting short term, cyclical demand for skilled labour to address immediate business needs

A range of fundamental reforms to the Business (Long Stay) Subclass 457 visa have recently been undertaken. The objective of these reforms is to improve the integrity and flexibility of the program, address exploitation of temporary workers, and to ensure that the Subclass 457 visa provides a 'demand driven' employer sponsored avenue to fill skills needed where this demand cannot be met locally.

The sponsorship pathway also includes:

- permanent Employer Sponsored visas (Employer Nomination Scheme and Regional Sponsored Migration Scheme). Many applicants for these visas are already in Australia on a Subclass 457 visa as temporary workers; and
- the Skilled Regional Subclass 887 visa where State/Territory governments sponsor applicants addressing regional skill shortages. This does not involve specific job offers.

Until recently, the Skilled Independent category has been the major component of the Skilled Migration Program. The Employer Sponsored pathway is however, much better suited to addressing the short term cyclical demand for specific skills, as it is a faster, more targeted method of moving migrants into specific employment.

A demand-driven Skilled Migration Program will see growth in employer sponsorship as a feature of the program. As such, enhancements to the employer sponsored visa categories may be necessary to ensure consistent threshold criteria and integrity. This will ensure that the Employer Sponsored pathways are not used as opportunities to avoid the more stringent GSM requirements or to exploit temporary workers hoping to gain employer sponsorship.

GSM Pathway - Meeting longer term demographic and human capital needs

An important element of the current reform process is the LTMPF which was announced by the Government in May 2009. The objective of the LTMPF is:

To ensure that immigration contributes to an optimal balance between Australia's population, labour market, economic, sustainable environmental and urban and regional development outcomes over the period to 2050.

Well targeted skilled migration can make a significant contribution to all three "Ps" by adding to the number of people of working age (population), increasing the proportion of people in work by selecting migrants who are likely to find skilled employment (participation) and increasing GDP per hour worked by selecting migrants with the highest human capital and ability to contribute to the economy (productivity).

GSM should complement the role of Employer Sponsored migration through targeting skills expected to be in shortage in the medium to long term and which are not able to be addressed through Australia's own educational efforts. This may include skills in shortage in regional areas and those identified by States/Territories through the State Migration Plans.

It should also contribute to our long-term migration needs, as it comprises permanent skilled visas that can be adjusted through the Points Test to select skilled migrants who will add most to our future stock of human capital, which will in turn help boost productivity growth over the longer term.

What is “human capital” and why will Australia need more of it in the future?

For the purposes of this paper, “human capital” refers to the stock of skills and knowledge embodied in the ability to perform labour so as to produce economic value. It is the skills and knowledge gained by a worker through education and experience.”¹

To quote a recent joint paper by Skills Australia and the Academy of the Social Sciences in Australia, *The Labour Market, Skills Demand and Skills Formation*:

Changes in industry composition have combined with technological change to systematically alter the demand for skills. Technological change has been the dominant influence, allowing for, or even driving, a restructuring of occupations within industries...More generic and general skills, rather than firm-specific skills, are required...The overall outcome is a more highly skilled workforce and a more efficient economy.²

In an environment where there is an excess supply of visa applicants and with a shrinking number of Skilled Independent migrant visas available as a result of the Government’s decision to move to a demand-driven Skilled Migration Program, Australia can, and should, select the best and brightest migrants for independent migration.

The role of the Points Test in the Skilled Migration Program

All three points-tested GSM visa categories (Skilled Independent, Skilled Sponsored and Skilled Regional) are counted towards the annual permanent Skilled Migration Program, together with the Employer Sponsored and Business Skills visa categories. An overview of the migration program is provided at **Attachment C**.

Each year, in the context of the Federal Budget, the Minister for Immigration and Citizenship announces the size and composition of the Migration Program for the following year. See, for example the Minister’s announcement of the 2009-10 Migration Program at:

<http://www.minister.immi.gov.au/media/media-releases/2009/ce02-budget-09.htm>

In response to changed economic conditions in the Australian labour market resulting from the global economic crisis, the 2009-10 Skilled Migration Program was cut by almost 20 per cent compared with original 2008-09 planning levels. The cutback occurred in Skilled Independent places rather than in Employer, State/Territory or Regional Sponsored places. This is consistent with the Government’s focus on developing a more demand-driven Skilled Migration Program.

In the past few years, there have been many more people applying for a GSM visa than there are places available in the Skilled Migration Program, i.e. the demand for visa places has exceeded the supply of visas set by the Government. This trend has continued despite increasingly tighter targeting of the program and changes to policy settings such as higher English language requirements and more stringent requirements for study in Australia. When the number of applications exceeds the number of available places, applications remain in a pipeline until a place becomes available in a subsequent program year. Currently the pipeline of on-shore applications for permanent skilled migration is at record high levels.

¹ Sullivan, Arthur and Steven M. Sheffrin. (2003). *Economics: Principles in action*. New Jersey: Pearson Prentice Hall. p5

² Lewis, Phil. (2008). *The Labour Market, Skills Demand and Skills Formation*. Available from: http://www.assa.edu.au/publications/occasional_papers/docs/download.php?id=2008_No3_The_labour_market.pdf [Online]

The pass mark is the number of points required to successfully apply for and be granted a GSM visa. It is a minimum standard to help ensure that the supply of suitable applicants approximately matches the number of places available.

The pass mark for Skilled-Sponsored and Skilled-Regional visas is currently lower than the pass mark for Skilled Independent visas, recognising the non-Points Tested value of such sponsorship, i.e. family support in Australia to achieve a quality settlement outcome and State/Territory sponsorship to meet regional skill needs.

Applicants for an offshore GSM visa may be placed in a 'pool' if the total of their points is not sufficient to meet the pass mark but meets the pool mark. If the pass mark is lowered by the Minister over the following two years, applicants in the pool can be granted a GSM visa if they meet the revised pass mark. Applicants remain in the pool for two years before their application is refused. As the GSM pass mark has not fallen in recent years, the result has been that large numbers of overseas applicants have simply remained in the pool for two years before being refused.

The ideal Points Test would be structured to enable the selection of people with the highest levels of human capital, avoid a long pipeline of applicants and ensure a sufficient supply of applications to meet the Government's annual GSM planning target.

Therefore, the new Points Test should:

- be based on human capital points arising primarily from the core criteria of English language ability, age and skill (work experience and/or educational qualifications) but include the capacity for bonus factors to contribute to a migration outcome. The inclusion of these bonus factors should be based on their additional settlement or human capital value; and
- allow the migration from overseas of people with high human capital value, including well qualified and experienced tradespeople with good English which would:
 - enable those people with vocational skills and high levels of human capital, but who do not wish to be directly sponsored, to migrate; and
 - address any concerns from particular industries, eg the building industry, that the structure of their industry (i.e. the use of subcontractors rather than employees) inhibits the direct sponsorship of tradespeople.

Why do we need to review the Points Test?

The application of the current Points Test has not always led to outcomes that are consistent with the objectives of selecting skilled migrants with high value skills that will meet Australia's medium to long-term economic needs.

Prior to the revocation of the MODL in February 2010, the Points Test gave a strong advantage to applicants with qualifications and experience in MODL occupations. It is still possible for applicants to obtain up to 115 of the required 120 points of the Skilled Independent pass mark on the basis of meeting threshold criteria (occupation, age and English language). This works against the intention of being able to select the highest value applicants, and indicates that the threshold point values may be too high. Under these arrangements the remaining 5 points could easily be achieved or exceeded through on-shore study, work experience or other bonus factors such as spouse skills or community languages.

Allowing one selection factor to dominate distorts the behaviour of applicants eg attempting to target themselves at a GSM visa by focussing on a particular criterion. Applicants with strengths in only one Points Test factor are also more susceptible to changing labour market conditions, due to the narrowness of their human capital potential.

The current weighting of Points Test factors leads to perverse outcomes such as the situation where a Harvard qualified environmental scientist with three years relevant work experience would fail the Points Test, while an overseas student who completes a 92 week course in a 60 point occupation would, with one year's experience, pass.

Human capital accumulates with experience. Many professionals spend significant amounts of time studying and training in the initial years of their careers. The current Points Test does not adequately recognise the trade-off between age and work experience, particularly for highly skilled professionals. As such, potential applicants in this set of circumstances are losing points for age, whilst not gaining points for their experience.

The Government has taken the first step in tackling this anomaly through revoking the MODL. We still have a Points Test that favours young onshore applicants with Australian qualifications and work experience. The Points Test Review should test whether these settings best meet the needs of the Australian labour market. More information on the current Points Test is available at **Attachment B**.

Factors for Consideration

This section examines two major factors for consideration for any future Points Test which have attracted the most comment during the initial discussion with key stakeholders, before outlining a comprehensive set of selection criteria as a basis for a new Points Test.

Points for Occupation

The following table details the points currently awarded for various occupations as well as a description of how the occupation comes to be awarded points:

Points	Description
60 points	Most occupations where training is specific to the occupation. In most cases, an applicant must have a qualification and experience which meets the relevant Australian standards and is specifically related to their nominated occupation and be able to meet any registration requirements in Australia. 60 point occupations must also have a specialised assessing authority assessing the applicant's skills in the nominated occupation.
50 points	General professional occupations. Applicants must have a qualification equivalent to an Australian bachelor degree or higher qualification.
40 points	Other skilled occupations. Applicants must have a qualification equivalent to an Australian diploma or advanced diploma.

This classification system has a number of anomalies:

- the existence or otherwise of a specialised assessing body (required for a 60 point occupation) is often a matter of chance rather than a reflection of the worth of the occupation; and
- occupations with significantly different training requirements are awarded equal points;
 - many 50 point occupations require training specific to the occupation, but are deemed to be 50 point occupations because a generalist assessment is undertaken. Examples of such occupations include town planners, biochemists and actuaries;
 - occupations which require a diploma or advanced diploma are only awarded 40 points under this system, eg Ship's Engineer, Dental Therapist, Ambulance Officer compared to other occupations where an associate diploma or work experience are considered sufficient to earn higher points.

If there are to be point gradations for occupations, then it is proposed that they should be allocated on the basis of the value of that occupation to the Australian economy. Alternatively, given the decision to move to a more targeted SOL, no points could be awarded for an occupation (ie all eligible occupations are weighted equally).

Your views: Should there be differentiation in points awarded for occupations under the revised Points Test or should no points be awarded for occupation?

Points for Overseas qualifications

The current Points Test provides additional points to applicants with Australian qualifications, ranging from 5 points for meeting the Australian study requirement of 2 years study in Australia up to 25 points for a PhD completed in Australia. The points for Australian qualifications are in recognition of the general quality of Australian education, the fact that studies are conducted in English and that there is a significant period of acculturation and exposure to the Australian labour market and society.

Applicants with overseas qualifications do not accrue points for these qualifications even if the overseas education institution is recognised internationally as being of a very high standard. It could be argued that this may act as a disincentive for graduates from overseas institutions of a very high standard to apply for GSM.

Points for overseas qualifications could be considered commensurate with the current points for Australian qualifications or at a lower level, for example 5 points could be allocated for this factor per the points currently awarded for regional study.

It is recognised there may be challenges in extending the allocation of points to include certain overseas qualifications. Options to address these concerns could include:

- confining points for higher degree qualifications to a specific list of higher education institutions (for example those within the world's top 200 or top 500 as ranked³) and courses which are directly linked to the SOL occupation of the applicant;
- giving applicants with Australian qualifications additional points to reflect the labour market and social advantages of an Australian education;
- some combination of the above (eg all qualifications from the selected 200 or 500 universities are given the same points as an Australian educational institution, possibly while also giving Australian universities on the select list additional points); and/or
- requiring skills assessing authorities and/or professional bodies to attest to the standard of overseas qualifications (which may already be established through Accords or Agreements with international bodies).

If it is accepted that Australia's interests are best served through maximising human capital in our economy, then the Points Test should be structured to attract migrants of the highest skill, including those with qualifications from internationally respected overseas institutions.

Your views: Should the Points Test differentiate between Australian and overseas qualifications? Should prospective applicants be awarded points for overseas and/or Australian qualifications? On what basis could 'eligible' overseas institutions and qualifications be determined?

³ An example of this methodology can be found in <http://www.topuniversities.com/university-rankings>

Other Factors for a new Points Test

In accordance with the principles for a new Points Test outlined above, a new Points Test could address the following issues:

How should high level English language ability be recognised?

English language ability is widely recognised as the essential attribute for success in the Australian labour market⁴. Under current arrangements, applicants must have a minimum score of 6 in all four components of the International English Language Testing System (IELTS), for which they are awarded 15 points. Applicants with a score of IELTS 7 or above are awarded 25 points.

One option would be for all applicants to meet the threshold requirement with no additional points. Those who are able to meet higher English language standards could get bonus points.

Should there be changes to points awarded for the age factor (to recognise value of work experience)? Should there be a relaxation of the age limit at time of application or provides applicants who possess work experience with the ability to access greater points?

An extension of the GSM eligible age limit would not only reflect the Government's expectation that workers will stay in the labour force longer in the future, but also acknowledge that applicants with high levels of human capital may be slightly older but have higher qualifications and greater work experience. By comparison, young, inexperienced workers do not necessarily achieve the best labour market outcomes.

Immigration plays an important role in ameliorating the ageing of the population because migrants tend to be younger on average than the resident population. In considering this factor, it should be noted that a relaxation of the age criteria – if it increases the average age of the GSM cohort – is from a policy perspective inconsistent with the aim of addressing ageing workforce and population issues (per Intergenerational Report). This would need to be balanced against the immediate gains to productivity provided by a more highly experienced worker.

Older migrants have a reduced time-frame in which they can contribute to the Australian tax base before they start accessing Government funded benefits and services (particularly health and old age pension). Further, if older migrants enter Australia during an economic downturn and less robust labour market they may be less competitive in terms of securing skilled employment and/or through increasing competition for available and suitable jobs, will undermine Government initiatives to increase workforce participation of mature age Australians.

Should there be more or differentiated points for higher degree qualifications?

Applicants with these qualifications have a demonstrated ability to study and succeed across a range of academic areas, which will equip them to compete for a wider range of jobs and adapt successfully to changing technological and workplace demands.

There is currently no differentiation between holders of an honours degree, and holders of a masters degree. One option for a new Points Test may be to introduce a differentiation.

⁴ See for example: http://www.cshe.unimelb.edu.au/people/staff_pages/Arkoudis/ELP_Executive_Summary.pdf

In considering this factor, it is also important to consider what such a change would mean for the composition of the GSM intake, in particular if it would disadvantage trade qualified applicants who will continue to be in demand in the Australian labour market..

Should there be points for a well qualified partner?

A well-qualified partner would further increase Australia's stock of human capital. The evidence on labour market outcomes for this cohort would need to be considered and balanced against the potential that a perverse incentive could be created for "marriages of convenience" in order to qualify for points and secure permanent entry. Currently, 5 points are awarded if the partner of an applicant meets the threshold criteria for skilled migration. Points for partners could be awarded on a flat or graduated scale for skills over and above threshold requirements.

Should there be points for family sponsorship?

Allocating points for family sponsorship recognises the value of family settlement support. The current Points Test enables applicants with reduced employment prospects and lower levels of human capital to migrate. Birrell et al note that, "offshore migrants who are sponsored - especially those sponsored by family ... do least well in obtaining employment soon after arrival. Almost 30 per cent ... are not employed. Furthermore, at least a quarter of those who are working are only employed part-time. While we cannot be completely certain of the reason for this lower rate of employment, it is likely that it is caused in part by the less stringent selection criteria that these two concessional categories require."⁵

Should there be points for regional study?

Allocating points for regional study acknowledges the potential importance of this avenue to regional settlement. Retaining incentives to undertake study in regional Australia provides an opportunity to enrich regional communities with the human capital that highly skilled migrants bring. This needs to be balanced against the potentially distorting effects of bonus points for study in a particular location and an examination of the evidence as to whether students studying in regional locations remain and contribute to the local labour market.

A possible extension would be to also include bonus points for regional work experience.

Should there be points for community languages?

This factor currently recognises that proficiency in a designated language is valuable to business and industry, particularly those languages of Australia's major trading partners. It increases the level of human capital a migrant brings to Australia, as to gain these points requires professional level interpreting and/or translating skills. However, community language proficiency may not contribute directly to labour market outcomes.

⁵ Birrell et al. (2006). *Evaluation of the General Skilled Migration Categories Report*. Available from: <http://www.immi.gov.au/media/publications/research/gsm-report/> chapter 2, p80.

Should there be points for State/Territory sponsorship?

State/Territory sponsorship recognises that a migrant possess characteristics that the State/Territory government has identified as being in particular need in their jurisdiction and allocates points accordingly.

Alignment of occupations with State/Territory Migration Plans could be incorporated into the points allocated for this factor.

The package of GSM measures announced by the Government, including the abolition of the MODL, the introduction of a new SOL from mid 2010, and the introduction of State Migration Plans may provide a sufficient mechanism to address jurisdictional skill needs.

Should Professional Year (PY) points be retained?

The PY assists recent graduates to obtain better labour market outcomes in their nominated profession through the acquisition of skills such as business language, workplace behaviour, presentation, occupational health and safety, knowledge of industrial democracy and mentored formal work placements formed and managed by approved professional bodies.

The Department has received advice from Professional Pathways Australia, that 48% of graduates from their PY programs are employed in their nominated occupation immediately upon graduation. Aside from this and anecdotally, the Department has received advice that between 25 and 50 per cent of PY graduates are employed in their nominated occupation immediately after completing their professional year.

Your views: Are these factors appropriate to form the basis of a new Points Test? What changes would you make? What other factors may be appropriate?

Attachment A - Current GSM Points Test

Qualification	Description	Points
Occupational	60 points available on SOL	60
	50 points available on SOL	50
	40 points available on SOL	40
Age	18-29 years old	30
	30-34 years old	25
	35-39 years old	20
	40-44 years old	15
English Language	Proficient English (IELTS 7)	25
	Competent English (IELTS 6)	15
Australian Educational	Doctorate (min 2 yrs)	25
	Masters/Honours + Bachelor (min 3 yrs)	15
	Degree, Diploma or Trade Qualification (min 2 yrs)	5
Specific employment	60 point occupation and 3 yrs closely related experience	10
	3 yrs experience in occupation on the SOL	5
Australian Employment	12 months closely related Australian work experience	10
Experience	12 months of a specified Professional Year	10
Partner skills	Spouse or Interdependent partner meets threshold GSM criteria	5
Regional study	Met 2 year study requirement in regional Australia	5
Designated Area Sponsorship	Provisional visa applicant sponsored by relative in regional Australia	25
State/Territory Nomination	Visa applicant nominated by State or Territory government	10
Designated Language	Recognised skills in a community language	5

Attachment B - Points Tested GSM Visa Classes

GSM Visa	Pass Mark	Temporary/Permanent	Onshore/Offshore
Skilled – Independent (Class VE) (Subclass 175)	120 (100 Pool)	Permanent	Offshore
Skilled – Sponsored (Class VE) (Subclass 176)	100 (80 Pool)	Permanent	Offshore
Skilled – Regional Sponsored (Class VF) (Subclass 475)	100 (Pool mark same as pass mark)	Provisional	Offshore
Skilled – Regional Sponsored (Class VC) (Subclass 487)	100 (Pool mark same as pass mark)	Provisional	Onshore
Skilled – Independent (Class VB) (Subclass 885)	120 (Pool mark same as pass mark)	Permanent	Onshore
Skilled – Sponsored (Class VB) (Subclass 886)	100 (Pool mark same as pass mark)	Permanent	Onshore

Attachment C – The Migration Program

