

# Any questions? Emigration

E-mail your questions to: [richardw@apitsltd.com](mailto:richardw@apitsltd.com)

**Sammy Naghi**

is an Australian Solicitor  
and MARA Registered Migration Agent.  
For information on Australian visas contact him  
at Taylor Hampton Solicitors LLP on 020 7427 5975  
or visit [www.emigrate-to-australia.co.uk](http://www.emigrate-to-australia.co.uk)



## Got the skills for Oz?

**Q** Which types of occupations are currently on the Critical Skills List for Australia? And if my job isn't on the list, does that mean I won't get an Australian visa?

**LUCY BOARDMAN, BY E-MAIL**

**A** For a full list of the occupations on the Critical Skills List (CSL), go to [www.emigrate-to-australia.co.uk](http://www.emigrate-to-australia.co.uk). Please note that if your occupation is not on the CSL, it does not mean that you cannot migrate to Australia or that your occupation is not wanted Down Under. Your occupation may still be on the Skilled Occupation List (SOL) or indeed an occupation in demand by Australia, as evidenced by its position on the Migration Occupation in Demand List (MODL). If you want to see if your occupation is on the MODL, go to [www.emigrate-to-australia.co.uk](http://www.emigrate-to-australia.co.uk). The processing times are however a bit longer – you should allow three years for your visa to be processed.

As the Australian migration laws are constantly changing, the MODL list is due to be updated again shortly. A review of the purpose of the MODL and its methodology has commenced and is expected to be completed in late 2009.

The advice to everyone who is thinking of emigrating to Australia is that if you qualify now under the current laws, have your application lodged as soon as possible to avoid disappointment. Once your application is lodged to Department of Immigration & Citizenship (DIAC), this, in essence, protects your position, and ensures that you will receive your visa in the end; the only fluctuations which can affect you are the changes to processing times (see my answer to the other question on this page).

Visa costs can fluctuate depending on various factors including which visa you are applying for, your nominated occupation, how many applicants are included on your application, and the current exchange rate as the Australian visa charge and the skills assessment is paid in Australian dollars. I would estimate that most applicants should budget for between £4,000 to £6,000 in total for a whole family and this includes legal fees.

## How long will I wait for my Australian visa?

**Q** I have recently applied for an Australian Skilled Visa. Can you let me know how long it will take to process?

**MARK WHITELEY, BY E-MAIL**

**A** It has been very difficult to predict processing times due to the constant changes the Australian Government has been making over the past 12 months to Australian migration laws. The Minister for Immigration and Citizenship, Senator Chris Evans, has, in accordance with Section 499 of the Migration Act 1958, given a Direction setting processing priorities for certain skilled migration visa applications. This Direction applies from 23 September 2009 to all skilled migration applications, including those in the final stages of processing.

The Direction gives the following processing priorities (with the highest priority listed first):

1. Applications from persons who are employer sponsored under the Employer Nomination Scheme and the Regional Sponsored Migration Scheme;
2. Applications from persons who are nominated by a State/Territory government and have nominated an occupation on the Critical Skills List (CSL);
3. Applications from persons who are sponsored by family and who have nominated an occupation on the CSL;
4. Applications from persons who are neither nominated nor sponsored but who have nominated an occupation on the CSL;

5. Applications from people who are nominated by a State/Territory government whose nominated occupation is not listed on the CSL;
6. (i) Applications from people whose occupations are listed on the Migration Occupations in Demand List (MODL) and (ii) Applications from people who are sponsored by family and whose nominated occupation is not listed on the CSL;
7. All other applications are to be processed in the order in which they are received.

The Department of Immigration & Citizenship (DIAC) has given an estimate for processing times as follows:

- If you have applied for an onshore or offshore GSM visa and your nominated occupation is on the CSL, it is estimated that your application will be finalised within 12 months from your lodgement date.
- If your nominated occupation is not on the CSL and you have applied for an offshore GSM visa or intend to apply for an offshore GSM before the end of 2009, it is unlikely that your visa will be finalised before the end of 2012.

The processing priority arrangements change the order in which applications are processed and the length of time it will take to finalise applications. However, these changes have not affected the requirements to be satisfied to obtain a visa.

As the economic situation changes, the Government will review its measures to ensure that the programme's target and objectives are achieved.

