

Skilled Migration Session Griffith Friday 3 February



Christopher Levingston
Principal Solicitor
BA. LLB. Accredited Specialist (Immigration Law)
LPN 5511612

Acknowledgement of Country

I acknowledge the Nari Nari and Wiradjuri people as traditional custodians of the land on which I work and live and pay my respect to them, their culture and their Elders past and present.



In the beginning

The opportunities presented for skilled migration in the MIA stands on the shoulders of the early pioneers



The Australian Light Horse 1915



Brian Farley, 6th Australian Light Horse,
undated believed to be taken c.1915

The hard work after the Great War



The perfect candidate

Skilled migration and temporary residence are all pathways to a permanent visa.

Who is the perfect candidate?

1. Under 45
2. Has either a substantive visa or holds a Bridging Visa A, B or C.
3. Highly skilled
4. Speaks English and has an IELTS or other English Language testing qualifications
5. Does not have a criminal record
6. Is in good health and has a family (if any) with the secondary applicants also being in good health.
7. Has qualifications that are recognized in Australia and has undertaken a skills assessment.
8. Is ONSHORE already (this candidate has already accrued a significant strategic advantage)
9. Has a commitment to working and living regionally.



STRATEGIC CONSIDERATIONS

**If the candidate is ONSHORE and you have assessed them as being suitable and assuming that you can identify a position on the relevant skills occupation list
A refusal of the Sponsorship or the refusal of a candidate is not necessarily fatal.**

For example:

In the event of a refusal of an Nomination both Employer and the consequentially refused candidate (visa applicant) can accrue a significant strategic advantage by lodging an appeal to the AAT.

Notwithstanding the requirement for the payment of 2 filing Fees (\$3153 each) the fact of the AAT (soon to change its acronym to FART (Federal Administrative Appeals Tribunal) having an average processing time of 721 days; that fact can allow both the Employer and the candidate to re[position strategically.

The perfect Employer/ Sponsor

- 1. Has an established track record of compliance with Australian employment laws**
- 2. Has the financial capacity to meet the Sponsorship obligations**
- 3. Is prepared to engage in forward planning rather than being reactive.**
- 4. No adverse information**
- 5. Is prepared to pay a salary above TSMIT. (\$53,900)**
- 6. Is prepared to under take Labour market testing**
- 7. The position is “genuine”**
- 8. Will provide employment terms and conditions at the relevant Australian national and State standards.**
- 9. Is prepared to engage with Home Affairs and attend to requisitions.**
- 10. Is prepared to seek “immigration assistance” from an experienced practitioner**
- 11. Is prepared to fight on even in the face of a refusal**

Immigration Assistance

Migration Agents are registered and regulated by the Australian Government.

The Registered Migration Agent (RMA) is supervised and regulated by the Office of the Migration Agents registration Authority (OMARA)

RMAs are required to adhere to the Code of Conduct.

It is in the candidate's and the employer's best interests to engage with an RMA who is qualified and trained to provide effective Immigration Assistance.

The relevant law is complex and has been described as “Byzantine in its complexity”

Questions?

Christopher@levingston.com.au