

Filipino Migrants Forum

Do You Require State or Territory Sponsorship?

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The Department of Immigration and Citizenship (DIAC) uses a points test to assess visa applications under General Skilled Migration (GSM). You need to achieve a pass mark of 120 points to be granted an independent skilled permanent visa. If you are unable to reach the pass mark of 120 points, but are able to obtain a sponsorship by an eligible relative or by an Australian State or Territory, your pass mark is reduced to 100 points.

In addition to passing the points test, you must meet DIAC's basic requirements such as nominate an occupation that is listed in the Skilled Occupations List (SOL), obtain a suitable skills assessment for your nominated occupation, be under 45 years of age, and have adequate English skills, as well as satisfy recent work experience requirements unless exempted, at the time you lodge your visa application.

While the State or Territory sponsorship contributes 10 points towards the pass mark of 100, sponsorship by an eligible relative does not contribute any points for a Permanent Resident visa application. If you can attain at least 90 points on your own merits and you are able to secure State or Territory sponsorship, you will be entitled to an additional 10 points for sponsorship. This will enable you to achieve the pass mark of 100 points for a successful permanent or provisional State or Territory Sponsored Skilled visa application.

State or Territory sponsored visa applications are given priority processing over occupations in the Critical Skilled List (CSL) and Migration Occupation in Demand List (MODL), in permanent visa applications. In provisional visa applications, State or Territory sponsored visa applications are also given priority over family sponsored applications (where the primary applicant's occupation is in the CSL) and all other applications.

The requirements for state and territory sponsorship for Permanent (subclass 176) differ from those of Temporary (subclass 475) visas in some aspects.

Skilled Permanent Visa (Subclass 176)

This visa enables you to migrate to Australia and become a Permanent Resident. To obtain nomination from a participating State or Territory, you must possess the necessary skills and qualifications in an occupation on the prescribed skills shortage list of the sponsoring State or Territory. As from January 2009, each State or Territory is authorised to nominate 500 non-prescribed listed occupation per year provided the nominated occupation is listed in the SOL.

Notwithstanding, we suggest that you consult the relevant list of occupations which are eligible for sponsorship in the State or Territory in which you wish to reside, to ensure a better chance of obtaining the sponsorship.

In addition to satisfying the DIAC basic requirements stated above, States and Territories may require you to demonstrate English skills at a higher level than that required by DIAC. The minimum scores on the International English Language Test (IELTS) needed for sponsorship vary between States and Territories and between trade and non-trade occupations. You will need to check the individual English requirements for your sponsoring State or Territory and nominated occupation.

You may be required to live and work in the sponsoring State or Territory for at least two years and demonstrate that you have sufficient financial resources to live there. Some States and Territories also require that you have recent work experience in your nominated occupation. Western Australia and Victoria now require an offer of employment.

Skilled Provisional Visa (Subclass 475)

This visa is a three year Temporary visa. Each State and Territory has its own list of skills in demand in specified regional areas. If you are unable to meet the criteria for the Permanent visa above, this visa opens an opportunity for you to apply for Permanent residency after you have lived for two years and worked for at least 12 months in the specified regional area of Australia. You need to satisfy the basic requirements of the DIAC stated above, as well as the individual requirements of the sponsoring State or Territory. States and Territories may demand proof of recent work experience in your nominated occupation, a certain level of financial resources to ensure that you do not become a public charge and a commitment to live and work in the sponsoring State or Territory for two years, after arrival or grant of visa.

Like the Permanent Resident visa, the English skills needed for sponsorship may vary between occupations and between States or Territories. However, the required scores on the IELTS for Temporary visa are generally lower than that required for Permanent Resident visa. In some States and Territories, the DIAC concessional threshold of an overall score of 5.5 for non-trade occupations and 5 for trade occupations in all four components of the IELTS may be acceptable.

This information is of a general nature and should not be taken as authoritative legal advice for specific cases. Australia has a scheme that requires persons who give immigration assistance to be registered as migration agent. The writer, Atty. Imelda Argel is a practising Filipino migration solicitor and a registered migration agent in Sydney, Australia. She is a Solicitor of the Supreme Court of New South Wales, the High Court of Australia, an Attorney at law in the Philippines and in the State of New York, USA. Her Registered Migration Agent no. is 9682957. She is also the recipient of the inaugural NSW FAWAA (Filipino-Australian Women's Achievement Award) for her outstanding achievements in corporate practice and entrepreneurship. More information is available at www.iargel.com.au

Readers of the Philippine Community Herald Newspaper are invited to send their comments to “The PResident, Filipino Migrants Forum” c/o Imelda Argel & Associates, Solicitors & Attorneys, by email at info@iargel.com.au or by fax at (+612) 9699 3210 or by post to Suite 41, Ground Floor, 61-89 Buckingham St. SURRY HILLS NSW 2010.