

Filipino Migrants Forum

Do you need to enrol in a Philippine based Australian TAFE course?

By Atty. Imelda Argel, Bachelor of Laws (UP), Master of Laws (University of Sydney)

Selected TAFE NSW courses will be offered in the Philippines by accredited TAFE partner educational institutions across the country. This will be an opportunity for Filipinos whose occupation is not in the skilled occupations list (SOL) or cannot obtain suitable skills assessment for their current occupation, to obtain an Australian qualification for an occupation in the SOL. It will also provide an opportunity for foreign students from other countries to study, live and contribute their foreign currency to the Philippine economy while they obtain an Australian qualification in the Philippines.

Frequently asked questions on the TAFE course in the Philippines:

1. What is TAFE NSW?

TAFE NSW stands for Technical and Further Education New South Wales. It is an educational institution owned by the NSW State Government. TAFE NSW is the largest single registered training organization (RTO) in Australia. It consists of 10 institutes, 135 colleges and over half a million students (520,000).

2. What is TAFE NSW SWSI?

South Western Sydney Institute is a Registered Training Organisation, which operates in accordance with the rules of the NSW *Vocational Education and Training Act 2005* and within the Australian Quality Training Framework.

As part of the Technical and Further Education Commission of NSW (TAFE NSW), South Western Sydney Institute is owned and operated by the New South Wales State Government.

TAFE NSW - South Western Sydney Institute is an award-winning Institution recognised for its delivery of quality education and practical training programs. The Institute has been recognised with an Australian Business Excellence Award at progress level, Western Sydney Industry Export and Tourism Awards, Australian Training Provider of the Year Award, and two NSW Premier's Public Sector Gold Awards.

3. Who are the partner educational institutions of TAFE NSW SWSI in the Philippines?

The Philippine educational partners who will offer the TAFE course in June 2008 are:

- a) St Dominic College (SDC) in Bacoor, Cavite-(CALABARZON) about 10 minutes drive from Mall of Asia.
- b) Joji Ilagan Bian Careers Center (JIB) in Davao City (MINDANAO)

The TAFE partners who have signed the MOU and are expected to sign the Agreement to offer the TAFE course in June 2009 are:

- a) Jose Rizal University (JRU) in Mandaluyong City, (METRO MANILA)
- b) University of Northern Philippines (UNP) in Vigan City (LUZON)
- c) Northwestern Visayan Colleges (NVC) in Aklan/Boracay (VISAYAS)

4. What do the TAFE partners offer?

The TAFE partners will teach the TAFE courses in their campuses in the Philippines, under the supervision of a TAFE Director of Studies (DOS) from Australia using the course contents, curriculum and quality teaching standards of TAFE NSW. Documentation on the enrolment of each student will be sent to TAFE NSW in Australia.

Local students in the Philippines will undertake exactly the same program as the Australian students under the AQTF Australian Qualifications Framework.

5. Who will issue the diploma or certificate to the TAFE graduate?

Graduates of the TAFE NSW SWSI course from the partner institutions will receive an Australian qualification evidenced by a Certificate issued by TAFE NSW. This certificate is similar to those issued to graduates in the TAFE NSW campuses in Australia, without indication that the course was taken at the campus of the partner institution in the Philippines.

6. Which TAFE courses will be offered in the Philippines?

For 2008, only TAFE Certificate III in Commercial Cookery course (2 semesters) will be offered.

Diploma courses in Nursing, Accounting and Information Technology (four semesters each) are being considered but no definite date has been set. Completion of these Diploma courses will require a further 2 years of study in Australia to complete the relevant Bachelors degree, before the graduate can qualify for suitable skills assessment in the relevant occupation.

7. What is the advantage of enrolling in the TAFE Certificate III in Commercial Cookery course in the Philippines instead studying the course in Australia?

The tuition fee in the Philippines is charged at least 70% less than the tuition fee for the same course offered in Australia. This fee is to be paid in pesos.

In Australia, the tuition fee for TAFE Certificate III in Commercial Cookery course is about A\$15,000 per year. Before you can be granted a student visa, you need to show that you have at least A\$30,000 per year in your account and to have passed the IELTS Academic module at the requirement level of 5.5.

8. Who is qualified to enroll in the TAFE course?

The student must be at least a high school graduate and is able to pass the qualifying TAFE NSW SWSI English language test as well as the aptitude test.

9. Is there an age limit for students to enroll in the TAFE course?

Mature aged students and second coursers are welcome to enroll in the course. However, applicants for skilled migration must be under 45 years old at the time of the visa application. Thus, if the ultimate objective is to migrate to Australia, the student should not be over 42 years old upon enrolling. This is so that after completion of the course and the required 12 months work experience, the graduate may not be disqualified for skilled migration to Australia, because of age.

10. What are the prospects of TAFE graduate qualifying for migration to Australia?

Generally, applicants for permanent residence in Australia under skilled migration must have suitable skills assessment before filing the visa application otherwise it will not be a valid visa application.

In addition to having a suitable skills assessment as a cook, the TAFE commercial cookery graduate must have work experience in an occupation listed in the Skilled Occupations List (SOL) for at least 12 months in the last 24 months before filing the visa application. The graduate must also:

- a) pass the points test;
- b) be under 45 years old;
- c) pass the English test at the required level;
- d) pass both the medical and police checks.

In fact all members of his or her family unit must also pass the health checks, and those over 16 years old must pass the character test, including those who are not applying for migration.

11. Is it possible for the TAFE graduate to obtain suitable skills assessment for purposes of migration?

Yes. There are two parts to obtaining a *suitable* skills assessment as a cook. First, there is the completion of the TAFE Certificate III in Commercial Cookery course and second, is the completion of 900 hours of relevant and directly related work experience (for example, work in commercial kitchens under the supervision of a qualified chef or cook).

12. If the TAFE graduate has worked as a restaurant cook for at least 900 hours before completion of the course, may that work satisfy the 900 hours?

Yes, work experience for the purpose of skills assessment may be obtained before, during or after the course. The work may be paid or voluntary training. The time spent at the workplace may add up over time and does not have to be continuous.

13. Does the TAFE graduate need work experience before applying for migration to Australia other than 900 hours of work experience for purposes of skills assessment?

Yes, the TAFE graduate must work in a paid occupation listed in the skilled occupations list (SOL) for at least 20 hours per week for 12 months and within the last 24 months, before applying for a permanent resident visa. For example, as *cook* (not as kitchenhand or domestic helper) in a commercial environment (such as restaurants or hotels).

14. If the TAFE graduate did not have any relevant work experience as a cook before enrolling in the course, but works for 40 hours per week for 12 months *after* the course completion, can he or she comply with the 900 hours required for skills assessment at the same time as he or she complies with the minimum of the 20 hours work experience?

The required 900 hours for skills assessment need not be over 12 months and may be voluntary. 20 hours out of 40 hours per week may be counted towards the 900 hours required for skills assessment. The remaining 20 hours out of the 40 hours per week must be paid work as a cook *after course completion* over a 12 month period before filing the visa application.

15. What are the benefits of studying the TAFE course instead of other commercial cookery courses in the Philippines?

Firstly, the TAFE graduate will receive an Australian qualification, an education of international standard recognised around the world including the UK, USA and Canada. This qualification may pave the way for employment opportunities as a cook or chef in hotels and restaurants worldwide.

Secondly, it is one of the very few options for Filipinos outside Australia to obtain an Australian qualification that is recognised for skills assessment for purposes of migration. A non -TAFE commercial cookery course which is not recognised as an Australian qualification will not satisfy the skills assessment for purposes of migration even if the applicant has over 10 years of experience as a cook.

Thirdly, an intensive English program will also be integrated in the commercial cookery course to increase the chance of the TAFE graduate of passing the IELTS general module when applying for working visa or migration to Australia.

16. If one has worked as cook in a hotel for at least 6 years but does not hold an Australian qualification in cookery, what must be done to obtain the Australian qualification in the Philippines?

There are two ways: one is to complete the TAFE certificate in commercial cookery course and the other is to pass a workplace assessment by an Australian registered training organisation for a fee of at least A\$2000.00.

As this will take place outside Australia, one would need to add the cost of airfare and accommodations of the skills assessor to the place of assessment. In addition to passing the theory-based and practical tests, the applicant must submit the supporting certificate of work experience as a cook.

17. Can the TAFE graduate work for 20 hours per week in an occupation other than as a cook, to satisfy the recent work experience before lodging the visa application?

Yes, if the 12 month work experience is in an occupation that is listed in the Skilled Occupations List (SOL).

What is the advantage of studying to becoming a cook over that of becoming a registered nurse for the purpose of migration?

It is cheaper, easier and faster to be a qualified cook by taking the TAFE course than to obtain registration as a registered nurse in Australia, for migration purposes.

As discussed, completion of a one year TAFE commercial cookery course with 900 hours of work experience and one year of paid relevant work experience after course completion could qualify the graduate to apply for migration; that is, possibly after about 2 years, and under certain conditions.

It may take 7 years before the Philippine educated registered nurse may qualify for migration because he or she must first obtain registration as a registered nurse in Australia. This means he or she must have completed a Bachelor qualification in a nursing course, passed the PRC board exams, have 2 years experience, passed a higher level of English and then passed the nursing exam in Australia.

18. Does the TAFE graduate have to work as a cook in Australia after obtaining permanent resident visa?

No, after the visa grant, permanent resident visa holders can work in any occupation in Australia. In fact, the main applicant, spouse and dependents (children under 25 years old, full time students and not engaged to be married) may be included in the visa application and can study any course at government subsidised tuition fees in Australia or work in any occupation upon arrival in Australia after the visa grant.

19. How many points are allotted to “cook” as an occupation for purposes of the points test in skilled migration under current Migration legislation?

“Cook” is currently listed in the SOL at 60 points.

“Cook” is also listed in the Migration Occupation in Demand List (MODL), and if the applicant has worked or works as a cook for one year in the last 4 years before filing the visa application, he or she would be entitled to an additional 15 points which can be increased to 20 points if he or she has a job offer in Australia under certain conditions.

20. What happens if “cook” is removed from the skilled occupations list (SOL) or in the Migration Occupation in Demand List (MODL)?

If “cook” is removed from the SOL as a qualifying occupation, the TAFE commercial cookery graduate will generally no longer qualify under skilled migration. If “cook” is removed from the MODL, the extra points will no longer be given. *However, it is unlikely that it will be removed from the SOL in the near future because the skills assessing authority (TRA) no longer recognize six years of overseas work experience without Australian qualification for the purpose of suitable skills assessment. This will narrow down the number of qualified “cooks” for the purpose of skilled migration.*

Notwithstanding, in case, it is removed from the MODL/SOL, if the TAFE graduate can find a qualified employer to sponsor, he/she can still migrate or apply for a working visa to Australia or apply for work in cruise ships and in hotels and restaurants in Hong Kong, Singapore and Canada because of their Australian qualification.

The TAFE graduate will be in a situation similar to some Filipino registered nurses in London and America who cannot currently apply for permanent resident visa or bring their families there. This is because of the delaying of the grant of registered nurse visas to new applicants and to those who are now applying to migrate to Australia with their families. In many cases, those registered nurses are applying for work and permanent residence in Australia while they continue to work in London or America, until their contract expires.

21. How can we check if “cook” is still in the SOL and MODL?

You can go to the website of the Department of Immigration and Indigenous Affairs (DIAC) through the link at www.iargel.com.au, the website of Attorney Imelda Argel. Attorney Argel is a Filipino registered migration agent and a lawyer based in Sydney. She is the agent of TAFE NSW SWSI who is responsible for putting Philippine partners and TAFE NSW SWSI together.

For other enquiries you may email Attorney Imelda Argel at info@iargel.com.au or attend a seminar conducted by her in May. Please visit her website for the seminar schedule and feel free to contact her at anytime, especially after you have completed your TAFE course and work experience requirements discussed above.

Imelda Argel LLB LLM 16/04/08

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.