



Changes to offshore General Skilled Migration visa applications received before 1 September 2007

Q 1 What are the changes to offshore General Skilled Migration visas lodged before 1 September 2007?

Under section 39 of the *Migration Act 1958* the Minister for Immigration and Citizenship has the power to set the maximum number of visas of a particular class that may be granted in a financial year. This is known as 'capping'. Once this number is reached, any application for that class of visa that has not been finalised is taken not to have been made. This is known as 'ceasing'. This means that the application and visa application charge are returned to the visa applicant.

Q 2 Why is the minister capping and ceasing General Skilled Migration visa applications made before 1 September 2007 visas?

The number of places in the Skilled Migration Program available to applicants who are not sponsored by an employer continues to decline, as the government's priority is to support demand driven migration. At the same time, the number of pending GSM applications continues to grow as the demand for GSM places exceeds the available supply.

The Australian Government has decided to end the ongoing uncertainty for offshore GSM visa applicants who applied prior to 1 September 2007, by capping and ceasing these visa classes.

Q 3 I applied for an offshore GSM visa prior to 1 September 2007. What will happen to my application?

If your GSM application is not decided before the cap is reached, you will be subject to the capping and ceasing arrangements and your visa application charge (VAC) will be returned. You will no longer have an application waiting to be processed.

Q 4 I lodged my offshore GSM visa application before 1 September 2007 and have provided all documents requested by the department including medicals and police checks. Will the change affect me?

Yes, if your GSM application is not decided before the cap is reached, you will be subject to the capping and ceasing arrangements and your VAC will be returned. You will no longer have an application under consideration.

Q 5 My application for an offshore GSM visa that I made before 1 September 2007, is currently at the Migration Review Tribunal. Will the capping and ceasing arrangements affect me?

Yes. If you lodged an offshore GSM application prior to September 2007, and your application is currently at the Migration Review Tribunal you will be subject to the capping arrangements if your GSM application is not decided before the cap is reached. If your application is capped, your VAC will be returned and you will no longer have an application awaiting review.

Q 6 Will the Australian Government refund the total cost associated with my offshore GSM application, such as the VAC, obtaining a skills assessment, medical examinations and police checks if I lodged the application before 1 September 2007?

The Australian Government will refund the VAC if your application is capped and ceased. Associated fees incurred for medical examinations, English language tests and police checks cannot be refunded as these payments were not made to the Australian Government.

Q 7 My offshore GSM application was lodged before 1 September 2007 on my behalf by my migration agent. Who will the VAC be returned to?

The visa application charge will be returned to the applicant, care of the migration agent's address.

Q 8 Can I apply again for an offshore GSM visa even though my previous application has been capped and ceased?

Yes. You can apply again for any of the current GSM visa subclasses. However, you will need to meet the current legislative requirements, which have changed significantly from those that existed prior to 1 September 2007.

Q 9 Can I request the department not to impose the capping arrangements in relation to my offshore GSM application lodged before 1 September 2007?

No. When the minister decides to cap and cease all offshore GSM visa classes lodged before 1 September 2007, under the *Migration Act 1958*, all case officers must act in accordance with the minister's decision.

Q 10 Who can I contact in the department to discuss my case?

If you are outside Australia and wish to discuss your case please call 61 1300 735 683. If you are in Australia please call 1300 735 683. The hours of operation are Monday to Friday 9.00am—4.00pm (Central Australian Time).

Useful documents

More information on the changes announced by the minister on 8 February 2010 is available on the following information sheets:

- [Revoking the Critical Skills List](#)
- [Changes to the General Skilled Migration Program](#)
- [Changes to the current Skilled Occupation List](#)
- [Outcomes of the Migration Occupation in Demand List review – frequently asked questions](#)
- [General Skilled Migration Points Test Review](#)
- [Onshore international students – frequently asked questions](#)
- [Changes to Priority Processing](#)