



Migration Institute
of Australia

Core Skills Occupation List Consultation

May 2024

Migration Institute of Australia

The Migration Institute of Australia (MIA) is the oldest professional association representing migration professionals in Australia, being initially established as the Australian Migration Consultants Association in 1987, before changing its name to the MIA in 1992. Through its public profile the MIA advocates the value of migration, thereby supporting the wider migration advice profession, migrants and prospective migrants to Australia. The MIA represents its members through regular government liaison, advocacy, public speaking and media engagements. The MIA supports its members through its separate but interrelated sections: professional support; education; membership; communications; media; business development and marketing.

The MIA operates as a company limited by guarantee under the Corporations Act 2001 and complies with all Australian Securities and Investments Commission (ASIC) requirements. The MIA is not empowered under its Constitution to pay dividends. The MIA and its elected office bearers are guided by the legal framework set out in the Corporations Act 2001, the MIA Constitution and Rules, the Corporate Governance Statement and Board Charter.

MIA members hold a further responsibility to their clients and the Australian community to abide by ethical professional conduct and to act in a manner which at all times enhances the integrity of the migration advice profession and the Institute. MIA members are bound by both statutory Code of Conduct of the Office of the Migration Agents Registration Authority which sets the profession's standards of behaviour and the MIA Members' Code of Ethics and Practice.

Statement of Recognition

The Migration Institute of Australia acknowledges the Traditional Custodians of the lands and waters throughout Australia. We pay our respect to Elders, past, present and emerging, acknowledging their continuing relationship to this land and the ongoing living cultures of Aboriginal and Torres Strait Islander peoples across Australia

Migration Institute of Australia

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31 May 2024

The Migration Institute of Australia welcomes this opportunity to provide feedback to this Jobs and Skills Australia, Core Skills Occupation List consultation.

The MIA is the leading Australian professional association for Registered Migration Agents and legal practitioners. MIA members provide a representative sample of the migration advice profession, operating across the range of practices in this unique sector from sole practitioner to large corporate migration advice organisations.

This submission reflects the collective knowledge and opinions of MIA members, obtained through methods including individual members' feedback. This submission provides MIA members well-considered thoughts on the skilled migration points test and its success in selecting those migrants who can make significant contributions to the Australian economy.

Please feel free to contact the MIA on [Redacted] if further assistance is required in relation to this matter.

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Migration Institute of Australia

Core Skills Occupation List Consultation

1. The Migration Institute of Australia (MIA) makes this submission to the Jobs and Skills Australia (JSA) Core Skills Occupation List (CSOL) consultation, on behalf of its members who represent skilled migrants seeking to settle in Australia and Australian employers and organisations who want to utilise the skilled migration program to address skills shortages.
2. The MIA wishes to provide some general observations and considerations to Jobs and Skills Australia (JSA) on the formulation and effectiveness of the skills lists within the migration program, rather than specific occupations.

Composition of Core Skills Occupation List

3. The Australian migration program has long used skills lists to identify those skilled occupations that render overseas applicants eligible to apply for skilled migration under various visa pathways, including the independent, state and territory sponsored, and employer sponsored visa streams.
4. In 2021 the MIA established that almost 30 different lists were designated for use across the skilled migration visa program, that included over 600 specific occupations.¹
5. Migration occupation lists within the skilled program receive a great deal of criticism, although this is usually attached to structural issues, including the number of different lists and inflexibility of the lists in the face of rapidly changing economic environments and emerging technologies.
6. The MIA supports in principle, the notion of a single Core Skills List for all skilled migration visas within the Core Skills Pathway. However to be effective that list would need to address these previous issues. The single CSOL list must be:
 - comprehensive enough to include occupations required across multiple and disparate visa classes, locations and labour market circumstances
 - flexible enough to address labour market changes in a timely manner and include emerging occupations and those in skills shortages

¹ This number included Home Affairs lists, State and Territory government lists, labour agreement lists and DAMA occupation lists for Subclasses 186, 187, 189, 190, 407, 482, 485, 491, and 494 visas. As further DAMAs and labour agreements have been approved since that date, this number will have increased even further.

7. The current system of skills classification uses the Australian and New Zealand Standard Classification of Occupations (ANZSCO). This Australian Bureau of Statistics product is described by the ABS as providing an integrated framework for storing, organising and reporting occupation-related information in both statistical and other analytical applications.
8. ANZSCO uses a combination of the skills level and skill specialisation of job tasks to classify occupations in increasingly detailed groupings. These unit group classifications range from the Major Groups defined by an ANZSCO one digit code and increasing demarcated through to single occupations specified by ANZSCO six digit codes.
9. However, the ANZSCO was never designed for migration purposes and many of the problems associated with migration skills lists can be traced to deficits in the ANZSCO or the way in which it is applied. The use of the ANZSCO has led to the inflexibility and inefficiency of current skilled migration lists.
10. All current skills lists use the most specific and detailed six digit level for nominated occupations for the aforementioned 600+ occupations. While it might appear that this provides the potential for a large range of flexibility, it can also have the opposite effect.
11. The Department of Home Affairs (Home Affairs) requires applicants to fit into a single skilled occupation for visa eligibility. Many applicants will have skills and experience that spread across a number of six digit occupation classifications but that do not fit within a single ANZSCO occupation classification, particularly in jobs where technology is developing rapidly.
12. A further issue that affects the flexibility of the skills lists is the irregularity with which ANZSCO is updated. It is not possible, within current resourcing constraints, for it to keep pace with labour market changes and emerging occupations. This creates a time lag that can stretch for years before an occupation is added to the ANZSCO.
13. The impact of this on employers and migrants can be profound. If a job classification or occupation does not appear in ANZSCO, it cannot be included in a migration skills list or be skills assessed and is not available to be used for migration purposes.

14. The ABS has made some attempts to address this issue in recent times with targeted updates of various sectors and a scope of work for this was published when the National Skills Commission was in operation, although this appears to have now disappeared.²
15. The current practice of using six digit occupation codes results in lists that are highly inefficient. For instance, there are 14 different six digit codes for registered nurses. The MIA questions the efficiency of listing 14 variations of registered nurse specialisation when there is no such differentiation in AHPRA nursing registration and where all nurses undertake a general not specialised, nursing degree.
16. The MIA suggests that the issues associated with the migration skills lists could be addressed by changing the way the ANZSCO classifications are used to develop the lists. The occupation in the lists could be more broadly defined, using the ANZSCO four digit Unit Group codes, rather than the more specific and restrictive six digit Occupation Groups codes.
17. ANZSCO four digit Unit Group codes provide the indicative skills level required, necessary qualifications and/or work experience, registration or licensing requirements of the occupation and an overview of the occupational tasks the skilled applicant would be expected to be able to undertake.
18. Listing occupations by ANZSCO four digit unit group codes would provide a degree of flexibility within the lists that would go some way towards accommodating not only Australian employer needs but also new and emerging skills sets within sub major unit.
19. Moving to unit groups also has the potential to reduce the Departmental administrative load, with less detailed assessments of separate and specific occupation codes required.

² ANZSCO website, <https://www.abs.gov.au/statistics/classifications/anzsco-australian-and-new-zealand-standard-classification-occupations/latest-release>

Regional occupations

20. Of concern to the MIA is the number of agricultural, horticultural and farming related occupations that are on the 'Off' list and 'Targeted consultation' list.
21. Regional Australia suffers disproportionate workforce shortages. Working Holiday makers and other temporary worker programs are utilised to ensure food production continues and export markets are supplied.
22. While some of these farming related occupations appear in various industry labour agreements and Designated Area Migration Agreements, the visa options for these occupations will be further limited if they are removed from the list. Employers for instance, who wish to sponsor workers outside of those agreements or who are in locations not covered by the agreements, will have no opportunity to do so, if the occupations are not on the CSOL.

Timing of removal of occupations from the CSOL

23. The Home Affairs Migration Strategy provides for three new visa pathways for skilled migrants. The Specialist Skills pathway for those paid above \$135,000; Core Skills pathway, the focus of this current skills list consultation; and the Essential Skills pathway for lower paid sectors.
24. The Home Affairs Action Plan also provides proposed dates for consultation of early to mid 2024 and implementation of the visas in late 2024. However, to date only a small number of these consultation have commenced and the MIA believes that implementation of these new visas will be delayed until 2025.
25. The MIA would ask the JSA to consider this potential timeframe and delay in deciding when to remove occupations from the CSOL. If the lower skill level occupations on the current lists are removed before to new visa pathways are available, employers will be left without any means of sponsoring these essential workers.

Recommendations

Recommendation One

The MIA recommends that the four digit Unit Group ANZSCO codes be used to define the occupational groups that appear on the Core Skills Occupation List.

Recommendation Two

The MIA recommends that caution be applied when deciding whether to remove regionally focussed occupations from the Core Skills Occupation List.

Recommendation Three

The MIA recommends that Jobs and Skills Australia delays removing any occupations from the Core Skills List until the new skilled visa pathways are ready to be implemented.