

David Cameron
10 Downing Street
London SW1A 2AA
United Kingdom

1 January 1900

Our ref: EA-2014-05-DC

Dear David Cameron,

Re: Email advice for 3 specific questions

Thank you for beginning your first steps of Australian migration with Frontier Migration Services.

I refer to your request dated 1 January 1900 in reference to 3 questions as set out below.

Please note that this does not constitute legal advice and is intended for informational purposes. This letter does not create a client-solicitor relationship and you should obtain your own independent legal advice before proceeding.

Background summary

You have provided the following information as a background to your request. If any of the information is incorrect, please contact us immediately as this may impact our response.

- You are currently in the research phase of applying for the Skill Select program, specifically the subclass 189 visa.
- You are intending to apply as an [occupation]
- You do not have a qualification for [occupation]
- You are intending to apply with a defacto partner
- You are a resident of Czech Republic

Questions to be answered

1. I do not have a qualification but I have over 5 years of experience in [occupation]. What should I do?
2. In the subclass 190 visa, do I have to live in the nominating state for 2 years? Am I allowed to return to my home country to visit?
3. My partner will be migrating with me. Will he/she require an IELTS too?

Responses

We provide the following responses in accordance with the Migration Act and Regulations and the information that you have provided us. Please note that we reserve the right to change our opinion and response should new information come to light.

1. I do not have a qualification but I have over 5 years of experience in [occupation]. What should I do?

The Skill Select program is for applicants who are highly skilled. To be considered highly skilled you must have the necessary qualifications and experience and this is reflected in the Points Test.

As a requirement to submitting an Expression of Interest, you will need a skills assessment from the appropriate authority that will assess whether your skills will be recognised under the Australian framework.

However if you do not have qualifications that are highly relevant to your nominated occupation then you may want to undergo Recognition of Prior Learning (RPL) from the assessing authority.

RPL is a process for giving candidates credit for skills, knowledge and experience gained through working and learning. It can be gained at any stage of their lives, through formal and informal learning, in Australia or overseas, through work or other activities such as volunteering.

To demonstrate RPL you will need to provide evidence of work performed and how your experience is relevant and/or equivalent to an Australian qualification.

We can assist you in obtaining RPL and manage the entire process. Alternatively, in line with our unbundling philosophy we are able to instruct you on how to obtain RPL yourself. Please contact us to discuss how we can assist and what level of service if appropriate to your situation.

2. In the subclass 190 visa, do I have to live in the nominating state for 2 years? Am I allowed to return to my home country to visit?

If you are applying for a subclass 190 visa, and successfully invited to apply then you will be nominated by a sponsoring State or Territory.

The intention of the State or Territory sponsorship is that they require the skill set that you

possess and therefore sponsor you to live and work in that State or Territory to fill the skills shortage. As such, as a condition of the State or Territory Sponsorship you are committing to live and work in the nominating State or Territory for a period of 2 years.

Although interpretation of this particular 'condition' is that it's a 'commitment' rather than a hard condition of the visa grant, your visa application is a legal document and on it you declare that you will live and work in the sponsoring State or Territory for 2 years. Therefore any breach of this commitment may have consequences for when you apply for Citizenship.

This commitment does not prevent you from travelling in and out of the State or Territory so you are free to enter and exit Australia as many times as your visa allows; which is multiple entries.

Therefore you are allowed to return home to visit your country during this 2 year period but you must not live and work in a different State or Territory to your nominated State or Territory.

State or Territory nominations are more complex than the subclass 189 visa and require additional paperwork and applications. Frontier Migration Services can assist you in this process by providing you with detailed instructions for the State or Territory nomination applications. Please contact us to discuss how we can assist you.

3. My partner will be migrating with me. Will he/she require an IELTS too?

If you are applying for the subclass 189 or 190 visas and you will be migrating with family members, your family members must also demonstrate English language ability. The level that your family members must demonstrate is Functional English.

If your family members cannot demonstrate Functional English then you will be required to pay a secondary instalment charge of \$4,885.

IELTS is one way of demonstrating Functional English, however from November 2014 onwards the DIBP will also accept the following tests:

- Test of English as a Foreign Language internet-based Test (TOEFL iBT)
- Pearson Test of English (PTE) Academic test
- Australian Assessment of Communicative English Skills (ACCESS) test

Other proof of Function English can include:

- You are the holder of a valid passport issued by the United Kingdom, the United States of America, Canada, New Zealand, or the Republic of Ireland and you are a citizen of that country.
- A positive assessment by an Adult Migrant English Program service provider in

Australia that you have functional English.

- Completed all years of primary education and at least three years of secondary education in an educational institution in or outside Australia and all instructions were in English.
- Completed at least five years of secondary education in an institution in or outside Australia and all instructions were in English.
- Successfully completed at least one year of full-time study or equivalent part-time study towards a degree, higher degree, diploma, or associate diploma in an institution in Australia and all instructions were in English.
- Completed a degree, a higher degree, a diploma or a trade certificate that required at least two years of full-time study or training in an institution in or outside Australia and all instructions were in English.

Next steps

We have provided you with detailed responses to your questions and hope that they have been adequately answered. If you wish to speak to a registered migration agent for a more detailed confidential consultation or to discuss a personalised strategy, please book into a consultation [here](#).

Please note that you are under no obligation to continue the process with Frontier Migration Services.

If you choose to undertake further consultation with Frontier Migration Services, you will be provided with a personalised strategy and migration roadmap, including step by step instructions on which documents you will need and how to obtain the appropriate documents.

What Frontier Migration Services can do for you:

- Provide you with a strategy and detailed plan on achieving your migration goals
- Personalised instructions and information on your visa requirements
- Maintain and coordinate all communication with the Department
- Up to date progress reports and constant communication
- Review of your application and documents before submission
- Faster processing times by lodging decision ready applications
- Certification of document copies (onshore only)
- Detailed instructions on obtaining Skills Assessment, health checks, police checks, English language testing

Australian immigration laws change quite frequently throughout the year and often migration matters are time critical. You may be eligible for this type of visa today but tomorrow it could be that this visa no longer exists.

So please don't delay in discussing your migration goals with us or you could miss out on visa subclasses that are available to you now.

We would be happy to discuss this further with you and assist you with your migration journey.

Please book into a [consultation](#) or [contact us](#) if you are unsure of which option to will suit you before proceeding.

Yours sincerely,

Fiona Chan
Registered Migration Agent | Solicitor
Frontier Migration Services
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