



## Andrew Barr MLA

### Chief Minister

Treasurer

Minister for Social Inclusion and Equality

Minister for Tourism and Special Events

Minister for Trade, Industry and Investment

Member for Kurrajong

Mr Tom Duncan  
Clerk  
ACT Legislative Assembly  
GPO Box 1020  
CANBERRA ACT 2601

Dear Mr Duncan

Thank you for your letter of 20 September 2018 regarding E-Petition 19-18 lodged by Mrs Elizabeth Kikkert MLA regarding fair treatment for international students in Canberra.

In April 2017, Australian Government's Department of Home Affairs commenced a significant reform package for Australia's temporary and permanent employer sponsored skilled migration programs. The reduction of permanent pathways and tightening of criteria in other jurisdictions had the combined impact of increasing demand on the ACT subclass 190 pathway, which has been capped by the Department of Home Affairs at around 800 nominations per year.

On 29 June 2018, the ACT Nominated Skilled Migration 190 visa pathway was temporarily restricted, as demand for ACT 190 nomination was set to exceed the 2017-18 allocation. This was in line with established program practice; the guidelines for applying for ACT nomination clearly stated the program may be temporarily closed at any time without notice which is an accepted demand management measure.

With the likelihood of continuing high demand on ACT 190 visa subclass and a restricted cap, the ACT Government undertook a review of the policy and program settings of the program with the aim of better managing demand and stakeholders' expectations, while maintaining the program objectives and broad framework set by the Department of Home Affairs. The review, which involved significant stakeholder consultation - including impacted students, migration agents and education providers - has informed a new approach that will establish a fair and sustainable program into the future.

The ACT Nominated Skilled Migration 190 visa pathway reopened on 29 November 2018 with a merit-based assessment tool that replaced the former 'first-in, first-served' system. The rank and select merit-based application process was the preferred stakeholder outcome in the review of the ACT 190 nomination program.

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The merit-based assessment system allows the ACT Government to better manage demand and select the most suitable applicants for nomination. It is now anticipated the program will no longer need to be closed, without notice, to manage demand.

Overseas and Canberra-based candidates, including international students affected by the 29 June 2018 program restrictions, may express their interest in ACT 190 nomination by completing a score-based Canberra matrix. Candidates accumulate points against the various measures of demonstrated economic contribution or benefit and/or a genuine commitment to be part of the ACT, and are then ranked. Candidates who were resident in Canberra on or before 29 June 2018 are allocated additional points in the matrix as a transitional measure.

On 16 November 2018 the Department of Home Affairs increased the 2018-19 national allocation for State/Territory 190 nomination to 19,600 places; with the ACT allocation increased by 600 to a total of 1,400 nomination places for 2018-19. With the increased 2018-19 allocation, there are now approximately 1,100 places available for the ACT 190 nomination in this financial year.

It is important to understand that international student visas for study at Australian institutions are aimed at supporting an educational outcome. Students who choose and pursue a course and place of study based on an intention to qualify for permanent residency do so at their own volition. The ACT Government does not actively promote the ACT Skilled Nominated 190 program to international students through any media or marketing campaigns, nor can the ACT Government be accountable for how intermediaries and interested third parties present this pathway to their clients.

The Government understands the uncertainty that the June 2018 program closure created for some international students, but we have re-set the 190 visa program so it is fairer and more sustainable.

Yours sincerely



Andrew Barr MLA  
Chief Minister

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