GRADUATE CERTIFICATE IN AUSTRALIAN MIGRATION LAW AND PRACTICE

This is a broad outline of the course and the subjects. It is not intended to be a detailed syllabus of each subject. A complete set of the notes and further subject details will be provided upon successful enrolment in the course. The University reserves the right to vary the subject content as required.

SUBJECT OUTLINE

BLO5605 AUSTRALIAN MIGRATION LAW AND MARA

1. Examine Australia's immigration system, legislation and policy
2. Interpret immigration law
3. Determine appropriate research approaches
4. Appraise the history of immigration in Australia and its contribution to the philosophy of the migration agents' profession.

CONTENT:

Topics to be addressed in this unit include:

- Successful writing in law, improving your academic writing for assessment
- Introduction to Australia's legal system
- The Parliament of Australia, the Executive & the Judiciary
- The nature of legislation & the relationship between levels of legislation
- Introduction to administrative law
- Court hierarchy
- General principles of statutory interpretation
- Historical overview of Australian immigration
- Philosophy of the Australian immigration system
- Legislative framework for migration law and procedure
- The Migration Act 1958, Ministerial Directions, Migration Regulations 1994, the Schedules, Gazette Notices and other legislative instruments and policy documents
- DIAC structures
- Overview of Australia's Migration Program & the control of non-citizens entering Australia
- Overview of Australia's visa classes and subclasses, general visa requirement
- General concepts of migration procedure and visa application process, validity of applications, visa conditions, electronic lodgement
- Australian citizenship - citizenship by birth and grant, dual citizenship and loss & resumption of citizenship, Australian Declaratory Visas (ADV)
- MARA's role & responsibilities
- Migration agents and advisers
- The Migration Agent Registration Scheme
- Continuing professional development (CPD) for registered agent
- Introduction to the Code of Conduct, IRMAP, ethics and professional practice
- Research tools and information sources for migration agents
- Australia's visa system
- Demand for different visa classes
- Mechanisms of immigration control
- Visa criteria & Schedules to the Migration Regulations
- Visa application processes
- Lodgment of a valid visa application
- General visa requirements
- Visa conditions
- Bridging Visas
- Electronic lodgment

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1. Demonstrate sound knowledge of different visas, their respective requirements and application procedures
2. Determine alternative pathways to meeting client needs
3. Formulate appropriate submissions to government
4. Assess the relative merit of different methods of information retrieval and dissemination

CONTENT:

Topics to be addressed in this unit include:

- Key visa classes:
- Family visas
  - Spouses
  - Other family
- Employer Sponsored
  - Sponsorship provisions
  - Temporary Business (Long stay) visa (subclass 457)
  - Employer Nomination Scheme / Regional Sponsored Migration Scheme
  - Trainee visas
  - Other 400 series sponsored visas
- General Skilled Migration
  - Core criteria
  - Points test
  - Pass & pool marks
  - Schedules 6 & 6A
- Business Skills
  - Temporary, provisional and permanent
- Students
  - Including schedules 5A and 5B
- Refugee and humanitarian
- Other
  - Visitors
  - RRV, ATRs, REs
  - Transit and border visas
  - Statutory visas
  - Special eligibility
  - Bridging visas
  - New Zealanders
  - Former Residents visas
  - Others
- State and Territory Government Sponsorship
- Regional Certifying Bodies
- Third party Assessing Authorities
- Assurance of support requirements
BLO5607 VISA COMPLIANCE, CANCELLATION & REVIEW *

1. Identify requirements and procedures relating to refusals, compliance and other sanctions; appeals and reviews
2. Review and appraise alternative pathways to meet client needs
3. Formulate appropriate submissions to government
4. Research case law

CONTENT:
Topics to be addressed in this unit include:

- Freedom of Information and Privacy
- Grounds for refusals, visa or sponsorship cancellation and sanctions
- Introduction to refusal, cancellation and compliance issues
- Compliance visas including
  - Bridging visas
  - Criminal justice visas
  - Enforcement visas
  - Witness Protection visas
- Cancellation on specified grounds including:
  - Incorrect information
  - Character or related grounds
  - Student visas
  - Business visas
  - Regional sponsored employment visas
  - Temporary visas
  - Secondary or associated visas (consequential cancellation s. 140)
  - Consequential visa options pending cancellation
- Unlawful status: consequences and options for clients
- Sponsorship sanctions and cancellation
- Monitoring
  - Subclass 457 sponsorships
  - Business skills
- Education providers
- Immigration compliance powers
- Immigration clearance
- Detention, voluntary departure, removal and deportation from Australia, exclusion, and offences under the Migration Act
- Types of reviewable decisions (Migration Act, Citizenship, Freedom of Information)
- Exclusions from review
- Review processes - Merits and judicial review
- Review bodies, time limits for review, processing priorities & procedures
- Migration Review Tribunal (MRT)
- Refugee Review Tribunal (RRT)
- Administrative Appeals Tribunal (AAT)
- Judicial review to Federal Magistrates, Federal Court, Full Court of the Federal Court, & High Court
- Privative clause decisions
- Relevant case law
- Review case law authorities
- Preparation of supporting submissions
- Developing and writing submissions
- Ministerial discretion generally including, but no limited to sections 351, 417 and 501J of the Migration Act.
- Commonwealth Ombudsman
- Section 366A MRT Exceptional circumstances issues
- Appearing before a Tribunal – MRT/RRT or AAT
BLO5608  APPLIED MIGRATION LAW AND PRACTICE MANAGEMENT*

SUBJECT OUTLINE

1. Determine appropriate strategies for providing effective advice to clients
2. Demonstrate consultancy, advocacy and communication skills required to deal effectively with clients
5. Plan organize and deliver effective migration services
6. Investigate alternatives in applying law, policy and administrative practices
7. Demonstrate propensity to adhere to the Code of Conduct for Migration Agents
   Identify personal and professional development needs and plan learning program
8. Plan and prepare communication strategies with key stakeholders including clients and government
9. Operate professional migration agent business
10. Discriminate between ethical and unethical operational practices

CONTENT:

Topics to be addressed in this unit include:

- Practical visa application skills including form completion, application assembly and e-lodgment
- Code of Conduct
- Communication skills
- Interviewing skills
- Use of interpreters
- Cultural awareness
- File management and record keeping
- Problem solving and legal analysis
- Negotiation skills
- Advocacy
- Submission and letter writing, application procedures
- Client confidentiality
- Ethics and ethical decision making
- Cultural, gender awareness
- Fee agreements and contracting with clients
- Research methodology and skills
- Role of legal aid and access to advice
- Professional membership and networking
- Relevant business structures
- Relevant legislation relating to migration practice and small business
- Accounting and taxation principles & practices
- Book-keeping systems
- Financial duties, fees and charges and obligations to clients under the Code of Conduct
- Migration practice management
- Effective client services and communications strategies
- Communicating effectively with Government and third party authorities
- Basic Introduction to contract law, tort law and the laws of negligence, criminal responsibility, and consumer protection
- Risk assessment, risk management, and crisis management
- Occupational health and safety issues
- Relevant legislation relating to disability, discrimination and gender