



Settlement  
Council  
of Australia

# **Submission: Best Practice Principles and Standards for Skilled Migration Assessing Authorities**

Settlement Council of Australia

October 2023



*The Settlement Council of Australia acknowledges the traditional custodians of the land on which we operate, the Ngunnawal people. We also acknowledge the traditional custodians of the various lands on which migrants and refugees settle across Australia, and on which our sector operates.*

*We pay our respects to Elders past, present and emerging and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to our lands and waters.*

## **About the Settlement Council of Australia**

*The Settlement Council of Australia is the peak body representing Australia's migrant and refugee services and allied organisations. We provide leadership to the settlement sector and broader society to enable people of migrant and refugee backgrounds to experience positive settlement outcomes. We represent over 100 member organisations nationally, all working towards a shared vision for an Australia where all people of migrant and refugee backgrounds belong, thrive and experience fulfilling lives.*

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# Introduction

The Settlement Council of Australia (SCOA) is grateful for the opportunity to make a submission to the Department of Employment and Workforce Relations (DEWR) on Best Practice Principles and Standards for Skilled Migration Assessing Authorities.<sup>1</sup>

As the peak body for migrant and refugee settlement services in Australia, we advocate for settlement outcomes that lead to people of migrant and refugee backgrounds fully participating and thriving in society.

Migrants face numerous challenges in navigating and accessing Australian skill assessment procedures. In this submission, based on our knowledge and engagement with the settlement sector and broader multicultural communities, we provide an overview of the concerns with current skill assessment authorities and offer recommendations to improve processes and institutions so that migrants' skills are appropriately and fairly recognised in Australia. Better skills assessment will strengthen Australia's competitiveness in attracting international talent and result in mutual benefits for migrants and the Australian economy.

## List of recommendations

**Recommendation 1:** *Establish a central hub for all skills so migrants can navigate the information easily before being directed to the specialised assessment authority*

**Recommendation 2:** *Review and implement legislative and policy changes to qualification and skills recognition processes, drawing on international best-practice examples such as frameworks used in Germany and Denmark*

**Recommendation 3:** *Consult multicultural and settlement organisations for evidence-based occupational standards*

**Recommendation 4:** *Establish an independent body to oversee the decisions and operations of skills assessment authorities*

**Recommendation 5:** *Establish a universal settlement service so that migrants can be supported to both navigate skills assessment processes and obtain gainful employment*

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<sup>1</sup> Australian Government Department of Employment and Workforce Relations, <https://consultations.dewr.gov.au/best-practice-principles-and-standards-for-skilled-migration-assessing-authorities>

# Challenges of skills assessment

As acknowledged in the Draft Best Practice Principles and Standards for Skilled Migration Assessing Authorities (Draft Principles and Standards), the Review of the Migration System indicated that there are challenges for migrants to achieve skills recognition in the current system.<sup>2</sup> The Government's Migration Strategy Outline states the need to improve and streamline skills recognition, to help more migrants enter the labour market at a level commensurate with their qualifications.<sup>3</sup>

Australia's skilled migration program contributes to Australia's economic and workforce needs in skills areas identified by the Australian Government. The program requires prospective migrants to undergo an assessment of their skills, qualifications and/or work experience to ensure they meet the standards needed for employment in Australia. Skills assessments are issued by relevant assessing authorities approved by the Australian Government.

We agree in principle with the Draft Principles and Standards published by DEWR as part of this consultation. Our analysis and suggestions are aimed at improving and further expanding some of the principles as outlined below.

## *Principle 1/Migrant centric*

### Reform fragmented and complex skills assessments

Australia does not have a consistent, national approach to assessing diverse overseas skills and qualifications. Responsibility is fragmented across several levels of government and across departments, migration systems, and industry bodies. There are approximately 46 skill assessment authorities spanning 450 occupations across different states and territories. As a result, there is limited oversight and coordination regarding how effective the various processes are in contributing to labour market outcomes.

We acknowledge the necessity of designating the authority of assessment to various bodies due to the specialisation of occupations. However, from a migrant perspective, especially for someone freshly exposed to the Australian system, this presents formidable challenges. Due to the complexity of the system, a skilled migrant may be discouraged from choosing Australia as the preferred destination. Australia must stay ahead of allowing migrants to navigate the assessment procedures when other developed OECD nations are competing to attract the best of global talents. Through our networks, we have heard communities commenting on the relative ease of assessment processes in comparable countries based on the experiences of their relatives and friends.

It is crucial that the current system of fragmented and complex assessment be brought under a central system where migrants can easily access information before being directed to a specialised assessment authority. While we appreciate the complexity of such an undertaking

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<sup>2</sup> Australian Government Department of Home Affairs (2023), Review of the Migration System, <https://www.homeaffairs.gov.au/reports-and-publications/reviews-and-inquiries/departamental-reviews/migration-system-for-australias-future>

<sup>3</sup> Australian Government Department of Home Affairs (2023), A Migration System for a More Prosperous and Secure Australia: Outline of the Government's Migration Strategy, <https://immi.homeaffairs.gov.au/what-we-do/migration-strategy/the-migration-strategy>

and the significant time investment, we urge the government to start this long overdue process of reform.

Putting in place comprehensive national legislation on recognition would assist in closing these gaps. A case in point is Germany, whose *German Recognition Act* established a legal right to the evaluation of regulated professions and skilled trades under the auspices of the federal government. Similarly, Denmark has put in place a comprehensive legal framework which establishes a central recognition agency with oversight of the assessment of skill recognition of all holders of foreign qualifications.<sup>4</sup>

National legislation on recognition allows for coordination, regular monitoring of implementation, improved fairness, transparency, consistency and accountability in the recognition process. In turn, this leads to improved accessibility to regulated professions and skilled trades by migrants and refugees.

***Recommendation 1: Establish a central hub for all skills so migrants can navigate the information easily before being directed to the specialised assessment authority***

***Recommendation 2: Review and implement legislative and policy changes to qualification and skills recognition processes, drawing on international best-practice examples such as frameworks used in Germany and Denmark***

***Principle 3/Evidence based***

## **Consult multicultural and settlement bodies to establish evidence-based assessment standards**

The principles and standards of skills assessment need to be based in evidence. The Draft Principles and Standards acknowledge the role of industry stakeholders, such as employers and unions, to ensure continued relevance and competitiveness in a global market. However, these stakeholders do not necessarily represent the views and interests of migrants. It is crucial that the government consults with multicultural and settlement organisations for evidence-based occupational assessment standards.

***Recommendation 3: Consult multicultural and settlement organisations for evidence-based occupational standards***

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<sup>4</sup> Organisation for Economic Co-operation and Development [OECD] (2017). *Making Integration Work: Assessment and Recognition of Foreign Qualifications*. Available online at: [https://www.oecd-ilibrary.org/social-issues-migration-health/making-integration-work-assessment-and-recognition-of-foreign-qualifications\\_9789264278271-en](https://www.oecd-ilibrary.org/social-issues-migration-health/making-integration-work-assessment-and-recognition-of-foreign-qualifications_9789264278271-en)

## **Establish an independent body to oversee skills assessment**

Currently, skilled migrants going through the skills assessment process have limited recourse if they are not satisfied with the services of a skill assessment authority, which could be a government or non-government organisation. Usually, the same assessing body handles complaints and any request for reassessment. Unlike most government and business dealings, codes and rules developed by professional associations are subject to limited independent oversight. However, it is crucial that migrants have access to an independent body if they are not satisfied with the relevant skills assessment authority.

To ensure that skills assessment practices do not discriminate against migrants with foreign qualifications but comply with principles of fairness and transparency, a model similar to the Canadian Office of the Fairness Commissioner could be introduced in Australia. The Office of the Fairness Commissioner model resembles an Ombudsman-like function in Australia, or a model similar to the Australian Competition and Consumer Commission (ACCC). While the Ombudsman investigates processes by Government agencies and Government funded organisations, the ACCC applies to businesses.<sup>5</sup>

Canada's Ontario province successfully pioneered the fairness commissioner model in 2006. Under this model, the *Fairness Access to Regulated Professions Act 2006* was passed. The legislation grants applicants to regulated professions several rights including the following:

- The right to obtain clear information about the requirements, assessment criteria, processes, and timelines;
- The right to timely decisions;
- The right to an explanation of the reasons driving the results of the assessment;
- The right to request a review or appeal;
- The right to a transparent, objective, impartial and fair assessment of their qualification by adequately trained assessors; and
- The right to access application records.

The Canadian legislation also established the Office of the Fairness Commissioner (OFC) which is responsible for dismantling barriers to recognition by streamlining processes, improving information and providing support.<sup>6</sup> The provinces of Manitoba, Quebec and Nova Scotia have also followed suit, and passed similar legislation. The OFC has resulted in increased accessibility, fairness and equal treatment of overseas trained migrants in regulated professions and trades in Ontario. **Ten years following its establishment, the OFC realised a 59% increase in foreign trained licensed professionals.** The highest numbers of foreign trained licensed professionals during this period were lawyers, teachers, physiotherapists, pharmacists, dentists, social workers, physicians, engineers, nurses, and engineering technicians.

If an applicant is refused a skills assessment and wishes to appeal, they must appeal to the same body which refused them in the first place. A regulatory environment that mandates transparent,

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<sup>5</sup> Australian Competition and Consumer Commission (ACCC). <https://www.accc.gov.au/business/competition-and-exemptions/associations-and-professional-services/professional-associations>

<sup>6</sup> The Office of the Fairness Commissioner, Government of Ontario. <https://www.fairnesscommissioner.ca/en/Pages/Home.aspx>

objective, impartial and fair registration procedures for regulated professions and skilled trades reduces undue burdens, resulting in fairer processes. This in turn opens the door to experienced migrants being able to bring their skills, knowledge and judgement into Australia's workforce.

If adopted in Australia, such a model would represent the interests of migrants with foreign qualifications who consider applying for the assessment and recognition of an overseas qualification to work in a regulated profession, and fill a significant gap in oversight, transparency and accountability.<sup>7</sup>

**Recommendation 4: Establish an independent body to oversee the decisions and operations of skills assessment authorities**

### **Principle 6/Employment focussed**

## **Close gaps between skills assessment and employment**

While skills assessment helps migrants apply for and obtain certain visas, it does not guarantee finding work post assessment and on arrival in Australia. Issues such as a lack of Australian work experience, limited English language proficiency and limited networks are all barriers preventing migrants from utilising their skills upon arrival in Australia.

Employers are free to choose who they wish to hire, and an overseas qualification, even when recognised, may not be competitive without Australian references or local work experience. The successful translation of a recognised qualification into skilled work depends on three main enablers: local work experience, familiarity with the Australian work culture, and English language proficiency. In addition to these barriers, institutional factors such as unconscious bias and race-based discrimination also play a role in migrants' non-employment.

Settlement service providers help humanitarian entrants and several other visa categories to access various services in Australia and help them find education or work. However, skilled migrants are excluded from such support despite evidence showing that they struggle during the initial phase of arrival in Australia. For example, in Canada, 35.2% of economic category (skilled) migrants accessed settlement services in 2020. Furthermore, significant numbers of dependents of economic migrants (51.0%), and family-sponsored migrants (40.4%) accessed settlement services.<sup>8</sup> The Canadian experience illustrates the need for settlement services for all categories of migrants. We propose establishing similar **universal settlement services** in Australia that include all migrants.

This would both provide some support to navigate complex skills assessment processes, as well as provide more holistic settlement and employment support that ultimately leads to gainful employment.

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<sup>7</sup> Organisation for Economic Co-operation and Development [OECD]. (2017). *Making Integration Work: Assessment and Recognition of Foreign Qualifications*. Available online at: [https://www.oecd-ilibrary.org/social-issues-migration-health/making-integration-work-assessment-and-recognition-of-foreign-qualifications\\_9789264278271-en](https://www.oecd-ilibrary.org/social-issues-migration-health/making-integration-work-assessment-and-recognition-of-foreign-qualifications_9789264278271-en)

<sup>8</sup> Statistics Canada (2022), *Settlement services provided to immigrants to Canada, 2020*, <https://www150.statcan.gc.ca/n1/daily-quotidien/220602/dq220602e-eng.htm>



***Recommendation 5: Establish a universal settlement service so that migrants can be supported to both navigate skills assessment processes and obtain gainful employment***

## **Conclusion**

In conclusion, the Settlement Council of Australia's submission underscores the critical need for comprehensive reform in the skilled migration assessment procedures in Australia. By advocating for a more migrant-centric, evidence-based, fair, and transparent process, SCOA aims to ensure the effective recognition and utilisation of the skills of migrants for the betterment of both the individuals and the Australian economy.

The submission highlights the challenges faced by migrants in navigating the complex and fragmented current system, emphasising the need for streamlined and centralised processes. SCOA's proposed solutions, inspired by successful international models, emphasise the establishment of a central hub for skills information and the implementation of national legislation for recognition. Additionally, we reiterate the importance of involving multicultural and settlement organisations in developing evidence-based assessment standards and establishing an independent body to facilitate a fair and transparent appeals process.

Furthermore, there is a need to bridge the gap between skills assessment and employment, advocating for the establishment of universal settlement services that cater to all migrants.

With a commitment to ensuring the successful integration of migrants and refugees into Australian society, the Settlement Council of Australia remains dedicated to advocating for a more inclusive and streamlined skilled migration assessment process. By implementing the recommended reforms, Australia can better harness the potential of its diverse migrant population, fostering a more dynamic and competitive workforce while promoting a more inclusive and equitable society for all.