

MIGRATING TO AUSTRALIA – What You Need To Know



With 10 years of experience in Immigration Law, Susantha Katugampala is an established lawyer practising in Melbourne, Australia. He has been domiciled in Melbourne for the past
19 years and is a Law graduate of the Monash University, Melbourne. He is also an accredited Immigration Specialist of the Law Institute of Victoria.

Susantha Katugampala established Australia Gateway – a migration consultancy firm in Colombo recently to assist Sri Lankans who wish to migrate to Australia. On his recent visit to Sri Lanka Susantha spoke to Chamindra Warusawitharane on the need to promote proper guidance during the migration process and on how the expatriate community can assist future development endeavours in the country.

What motivated you to establish a Migration Consultancy firm in Colombo?
At first, I was reluctant to promote migration in Sri Lanka. I love my country and do not wish to contribute to the brain drain and assist the bulk of its talent to leave the country. However, a Central Bank report issued in 2006 stated that private remittance by Sri Lankan expatriates in 2005 amounted to US $ 1,700 million, which is one of the highest sources of foreign income generated in that year. Sri Lankans living abroad genuinely love their country of birth and wish to contribute to its development process. Especially after the devastating Tsunami this genuine need to help Sri Lanka increased. While at present there is an enormous tendency among Sri Lankans to leave the country there is very little accurate guidance and advice. Therefore, we decided to open an office in Colombo to provide proper guidance and accurate legal advice to those who wish to leave the country.

What sets your firm apart from other agencies that provide migration advice in Sri Lanka?
We have been engaged in the business of helping people with their immigration matters for the last 10 years in Australia. We have our Law firm based in Melbourne’s Central Business District. We provide legal advice and represent our clients on immigration matters to the Australian Government. Currently, I am the only accredited immigration specialist operating and offering Australian migration services in Sri Lanka. I was accredited by the Victorian Law Institute in Melbourne, Victoria. Furthermore, we are a result-oriented firm. We have strict principles in terms of accepting someone’s case and offering our services. Before we accept applications we make the correct assessments in order to determine whether the concerned party fits into the legal criteria required by Australian law to migrate to Australia. A broad understanding of the Australian immigration law and ten years of practical experience in Australia and overseas allow us to offer our clients the maximum benefits. In most cases our end result would be a resident visa for our clients.

What is the current perception about Sri Lankans in Australia?
Sri Lankan immigrants have a great reputation in Australia. Sri Lanka has produced fantastic individuals in the wider Australian community starting from academics such as Doctors and Scientists to the average blue-collar worker. Sri Lankans have a great attitude; they are sincere and helpful. Apart from these, Sri Lankans blend in with the Australian community with remarkable ease. What the Australian Government and the public did not like in certain instances was that sometimes Sri Lankans brought their political issues at home to Australia. However, in general Sri Lankans have a very good reputation there. Moreover, Sri Lankan qualifications are recognized by Australia. A degree offered by a Sri Lankan Government University is equal to an Australian degree. There are great opportunities for Sri Lankan Accountants, IT professionals, Engineers, Hospitality Trade professionals, Motor Mechanics etc.

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What are the migration requirements imposed by the Australian Government?
Under the general skill migration system, a migrant would be assessed and given points under several categories. If the person has the required points he or she would qualify to migrate to Australia. A general skill migrant under the independent category requires 120 points. A general skill migrant who is sponsored by a blood relative in Australia or a State Government in Australia only requires 100 points.
‘A would be’ general skill migrant has to fulfill several requirements such as a skill, work experience, English language proficiency and he or she has to be under the age of 45 years. A skill would be a degree, diploma or trade qualification recognized by the Australian Government. In order to obtain the required points for work experience he or she has to provide documentary evidence of employment or self-employment. The Australian Government recognises the IELTS examination as a correct measurement of proficiency in the English language. The British council, ACBT and ICBT offer IELTS examinations in Sri Lanka. The IELTS examination is imperative for Sri Lankan passport holders. If a person is immigrating, he or she has to go through the General module of the IELTS and a student will have to sit for Academic IELTS.
A person applying for business or investor migration can be above 45 years of age,

however he or she has to be under the age of 55 years. A business or investor migrant should fulfill certain requirements such as qualifying business ownership, turn over and assets. Senior Managers who are over 45 years of age and satisfy the assets requirements also can apply for business migration.
The Australian migration system recognises certain work experience without formal qualifications. If you are a General Manager, Sales and Marketing Manager or an HR manager in a senior level and if you have over five years of work experience in a large organisation you are recognised as a Senior Functional Manager. This gives you a skill assessment worth 60 points.
Immigrant applicants can earn extra points if they are fluent in other languages. Translation tests are available. If the applicant's degree was conducted in a designated language (Sinhala, Tamil, etc) he or she can earn extra points.

Can you talk about the steps taken by the Australian Government to assist the migration process?

The Australian Government has a non-discriminatory migration policy that allows anyone to migrate to Australia regardless of origin or ethnicity. Australia attracts over 200,000 people a year under various migration programs. Under the skill migration programme, the Australian Federal Government announces an immigration programme each financial year (from July 1, 2008 to June 30, 2009) to fill the shortages in the workforce, which is to be 130,000 this year. The Australian Federal Government and the State Governments work together in order to at-tract the best quality migrants to fill the shortages in the workforce. The Federal Government holds the ultimate right to issue visas to Australia. However State Governments can choose people that they want to have in their State by way of providing State sponsorships. Each State has its own skill demand list and the States can choose to provide sponsorships to immigrants based on that list. Under a new policy effective from January 1, 2009 applicants who are sponsored by a State get first priority in processing applications. The Federal Government also introduced a new list called the Critical Shortages List (CSL) which is in the Australian Government Immigration Department website. If an applicant falls under this list he or she also gets priority. In addition if an applicant falls into the Migration Occupation Demand List (MODL) he or she gets additional points in the skill migration point test.

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Can you elaborate the legal criteria required for Australian Citizenship?
A permanent resident is entitled for Australian Citizenship subject to satisfying the legal criteria. Under the current law if anyone has spent four years in Australia out of which at least one year was as a permanent resident and if that person was a lawful resident he or she can apply for Australian citizenship. In addition to the resident requirement the applicant needs to have passed the Citizenship Test conducted by the Department of Immigration & Citizenship in Australia and be of good character. Australia is always conscious about an applicant's criminal records whether they apply for permanent residence or citizenship. An Australian citizen is entitled for the Australian passport that is a level one passport for international travel. The good news is that both Sri Lanka & Australia legally allow the dual citizenship and a Sri Lankan who may become an Australian citizen can be a citizen of Sri Lanka and hold both Sri Lankan and Australian passports.

Do you feel that there is a need to educate Sri Lankans on the proper immigration process?
Definitely, at the moment there is a drive factor in Sri Lanka for many Sri Lankans to migrate to Australia. Therefore, inevitably some people might fall victim to unscrupulous agents who would advise them to produce fraudulent documents in order to obtain visas. It is very likely that fraudulent documents are spotted. Although most of the migration applications are lodged in Australia these documents will be sent back to the Australian High Commission in Colombo for verification and the applicant will lose any chance of obtaining a visa if the documents are not genuine. We have always been outright in educating our people to do the right thing and produce genuine documents and go through the accurate legal process of applying for an Australian visa. We are not only concerned about helping people to immigrate but also to improve the status of the Sri Lankan passport. At the moment a Sri Lankan passport does not have a good reputation. We are on a campaign to encourage people to do the right thing. During the last ten years we have been informing and educating people through print and electronic media in Australia and Sri Lanka. We also want to discourage illegal migration.

You said that there is a drive factor at present, which encourages Sri Lankans to migrate, what kind of service do you offer them?
Initially we assess a person's chances of success under the Australian legal

requirements and we offer this service free of charge. If we accept someone’s case we will advise him or her to prepare the documents. Then we obtain approval and lodge visa applications with the Australian Department of Immigration and Citizenship. We will also continue the communication process with the Australian Government until the visa is approved. Furthermore, if there are any complications we will represent our client always from the department level to the appeal level. We are a result-oriented firm and our end result would be a residence visa to the client.

To end the interview, what are your final thoughts?

Sri Lankans certainly love their country regardless of their residency. The biggest need I see in the Sri Lankan economy is attracting more foreign remittances to this country and improving our foreign remittance reserves. Immigration can play a big role in this process, in the short term Sri Lankans living overseas can help Sri Lanka by sending remittances. The Sri Lankan Government currently has an initiative to attract Sri Lankan expatriates’ money through treasury bills. This should be expanded to other ways in which the expatriate community can bring opportunities back to Sri Lanka. Their expertise and knowledge can help develop the human resources in Sri Lanka. Our people are the greatest asset in rebuilding this country. Sri Lankans have great attitudes and values. All we need to succeed is to add value to these already existing advantages. My message to Sri Lankans who wish to emigrate is that they should not leave disheartened. Leave your country with love in your heart and then give something back.

