Syllabus

The syllabus of the course or workshop is along the line of the MAPKE Examination ‘Knowledge of Migration Law’ components, which are:

1.1 Introduction to Australian legal principles
   - This part gives a brief overview of the federal legal system, the doctrine of separation of powers and the rule of law and precedents, the Australian Constitution and principles of law making in Australia

1.2 General principles of statutory interpretation
   - This part gives a brief description of the structure and interrelationship between common law, statutes, delegated legislation, quasi-legislation and policy, and how they are applied in administrative decision making

1.3 MARA including Code of Conduct, complaints & registration requirements
   - This part introduces participants to the Migration Agents Registration Authority (MARA) and its functions, the Migration Agents Regulations 1998 and the Code of Conduct, the implementation of the Migration Agents Review recommendations, and to make participants aware of the integrity measures, eligibility, ethics, roles and responsibilities for migration agents in running their office or in their relationship with MARA, with the Department or Tribunals, with clients, and with other practitioners and professionals

1.4 Migration legislation: framework and historical overview
   - This part gives an introduction to the development of Australian Immigration law, and some of the terminologies which we will come across in migration law

1.5 Introduction to migration procedure
   - This part introduces participants to the structure of the Migration Act 1958 and Migration Regulations 1994 and its various Schedules, plus an insight into Australia’s complex visa structure, and will also have a look at the workings of the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA)

2.1 Refugee and humanitarian
   - This part gives a description of Australia’s refugee law and policy in the context of the United Nations Refugee Convention and Protocol, and addresses the processing and assessment criteria of onshore protection visa applications as well as offshore refugee and humanitarian visa applications

2.2 General skilled migration
   - This part introduces participants to the general skilled migration categories, including assessment of skills and qualifications, the points test, distinguished talents, etc

2.3 Temporary entry: visitor visas/ETA’s, temporary 400 series visas
   - This part introduces participants to the categories of temporary visa categories, including tourist visas, electronic travel authorities (ETA), medical treatment visas, transit visas, border visas, diplomatic visas, retirement visas and other non-skill based temporary visas

2.4 Family stream
   - This part introduces participants to the various family migration categories and special provisions for domestic violence issues, etc. It also examines the sponsorship and assurance of support requirements, including lodgement of bond and health charge as applied to certain family migration visas

2.5 Business skills including Independent Executives
   - This part gives participants with a basic understanding of the requirements, including the business skills points test, for the various temporary as well as permanent business skills visa categories

2.6 Students
   - This part addresses the student visa system in Australia, and will look at the requirements applicable for various education sectors by applicants from different countries, student visa conditions and the Government’s special measures to maintain integrity of the student visa system, including the use of automatic visa cancellation mechanism, etc.

2.7 Employment: Employer Nomination, RSMS, Labour agreements
   - This part introduces participants to the employment-based skilled visas, including the Employer Nomination Scheme (ENS), Regional Sponsored Migration Scheme (RSMS), Labour Agreements, and temporary 457 visas for persons sponsored by businesses to work in Australia. It will also address related issues such as Labour Market Testing, activities to be of benefit to Australia, commitment to training, employer obligations and sanctions against breaches, etc.

2.8 Special eligibility: New Zealanders, former residents, Norfolk Islanders, etc
   - This part gives participants a brief introduction to the visas available to some special groups of persons, including New Zealand citizens, Norfolk Islanders, former Australian citizens or permanent residents, etc.
3.1 Citizenship & resident return visas
   • This part introduces participants to the various resident return visas for persons who have settled in Australia, and will include a look at various aspects of Australian citizenship

3.2 Visa cancellation, includes cancellation on character grounds (s.501)
   • This part looks at the various grounds for visa cancellation, including the Minister’s special powers to cancel visas on character grounds under Ministerial Directions and section 501 of the Migration Act

3.3 Unlawfuls and exclusions
   • This part examines the Department’s compliance functions, offences under the Migration Act, detection and detention of unlawful non-citizens, and exclusion periods for persons who had been deported or removed from Australia, or who had breached their visa conditions or had departed Australia as unlawful non-citizens

3.4 Appeal process: merits review
   • This part introduces participants to the process of merits review at the Migration Review Tribunal (MRT), the Refugee Review Tribunal (RRT), the Administrative Appeals Tribunal (AAT), and access to the Minister’s ‘public interest’ powers to personally intervene after the merits review process

3.5 Appeal process: judicial review
   • This part introduces participants to avenues and process of judicial review to the Federal Magistrates Court, the Federal Court and the High Court of Australia. It will also look at the principles and applicability of privative clauses and jurisdictional error

3.6 Freedom of Information
   • This part introduces participants to provisions of the Freedom of Information Act 1982 and how papers and files held by the Government can be accessed, and how it interacts with privacy provisions

3.7 Bridging visas
   • Bridging visas are special “non-substantive” temporary visas. This part introduces participants to the various categories of bridging visas, how they are applied for, and conditions that are attached to them

4.1 Fundamental migration procedure: Making or review of an Australian visa application
   • This part augments most of the other components in that it provides a more in-depth examination of migration procedure, including the legal preconditions and requirements for making valid applications, how visa applications are generally processed and assessed under the Act, the Regulations and the Schedules, how the Department communicates with migration agents, visa applicants, etc., and the role of policy (PAM and MSI’s) in lawful decision making