

# Accredited Specialisation Application Guidelines 2018

## **IMMIGRATION LAW**



## What is an Accredited Specialist?

A lawyer who is accredited as a specialist is recognised as having an enhanced skill level, as well as substantial involvement in established legal specialty areas. The Law Institute of Victoria requires such specialists to demonstrate superior knowledge, experience and proficiency in a particular area of law to ensure that recognition as an accredited specialist is meaningful and reliable.

## Eligibility for Accreditation

- Membership of the Law Institute of Victoria
- A current practising certificate
- At least five years' experience in practice
- Substantial involvement in this area of practice over the past three years
- Three references in support of the application
- Successful completion of the prescribed assessment program

Candidates who do not meet the eligibility criteria may apply for an exemption from criteria in accordance with the *Specialisation Scheme Rules*. Such applications for exemptions must be lodged no later than **4pm on Friday 6 April 2018**.

**IMPORTANT: Details of the conditions for gaining specialist accreditation are contained in the Specialisation Scheme Rules which can be found at:**

[https://www.liv.asn.au/LIVPublicWebSite/media/150th-Anniversary-2009/LIV%20Documents/20180420\\_Master\\_SpecialisationSchemeRules\\_April16.pdf](https://www.liv.asn.au/LIVPublicWebSite/media/150th-Anniversary-2009/LIV%20Documents/20180420_Master_SpecialisationSchemeRules_April16.pdf)

Specialisation candidates are particularly advised to read the *Specialisation Scheme Rules* and familiarise themselves with the requirements for any applications for exemption or special consideration. The Rules are located under the Scheme Administration tab of the *Specialisation Scheme* link.

## Assessment

The assessment program for Accredited Specialisation in Immigration Law is in three parts. To gain accreditation candidates must obtain a satisfactory mark in each of the three parts of the program. Candidates may, in any, or all of the assessment program, be assessed on any or all of the **Assessment Topics** listed in **Schedule 4**.

Part 1: Mock File – See **Schedule 1**.

Part 2: Written Examination – See **Schedule 2**

Part 3: Simulated Interview – See **Schedule 3**.

**Further details of the assessment programme and procedures are contained in the Schedules attached to these Guidelines.**

Candidates will be examined on the law as it stands at the date of assessment.

## Supplementary assessment

Candidates may be required to undertake additional assessment at the discretion of the Specialisation Board.

## Exemption from Written Examination

Candidates may apply in advance for an exemption from the written examination if they have recently studied subjects relating to Immigration Law in a postgraduate course at a tertiary institution. Any such exemption is entirely at the discretion of the Specialisation Board and will be assessed on a case by case basis.

Eligibility for the exemption is subject to the following conditions. The completed post graduate course units **must:**

- have been completed within the preceding five years of the date of application
- assess knowledge that is equivalent in range to the knowledge assessed in the specialist accreditation exam
- be at a level of complexity and standard of knowledge that is equivalent to that assessed in the specialist accreditation exam
- contain knowledge that is of equivalent relevance to practice in the specialist accreditation exam.

Any application for an exemption should be made at the time of lodging the application form, which is to be lodged no later than **4pm on Friday, 6 April 2018**.

## Timetable

Monday 26 February 2018	Accredited Specialisation information evening
Friday 6 April 2018	Applications requesting Board discretion (for those who do not meet eligibility criteria) or exemption from the Written Examination close, at 4pm
Friday 20 April 2018	All other Applications close at 4pm
Wednesday 16 May 2018	Part 1: Mock File distributed
Monday 28 May 2018	Accredited Specialisation Exam Techniques evening
Wednesday 6 June 2018	Part 1: Mock File due back by 4pm
Saturday 28 July 2018	Part 2: Written Examination
Tuesday 31 July 2018	Part 3: Simulated Interview
Late October 2018	Results sent to candidates will be advised by mail
TBC Late November 2018	Accredited Specialisation Conferral Ceremony

**IMPORTANT: Candidates who wish to apply for special consideration in relation to their assessment tasks must do so in accordance with the Rules [https://www.liv.asn.au/LIVPublicWebSite/media/150th-Anniversary-2009/LIV%20Documents/20180420\\_Master\\_SpecialisationSchemeRules\\_April16.pdf](https://www.liv.asn.au/LIVPublicWebSite/media/150th-Anniversary-2009/LIV%20Documents/20180420_Master_SpecialisationSchemeRules_April16.pdf)**

## Performance Standards

Practitioners wishing to be accredited should be able to:

1. perform at a superior standard which is expected of practitioners wishing to hold themselves out as specialists in the area
2. display a superior standard of knowledge of the law and procedure which underpins the performance of tasks in this area of practice.

## General Recommendations

Candidates may find it of assistance in preparing for the assessment tasks to:

- form a study group – to register your interest in forming a study group please contact **special@liv.asn.au**
- attend appropriate LIV CPD events in the area of specialisation
- review previous examination papers and videos of oral assessments - these are available at [https://www.liv.asn.au/LIVPublicWebSite/media/150th-Anniversary-2009/20170224\\_Form\\_AS\\_AssessMaterials-Orders-Interactive\\_V06.pdf](https://www.liv.asn.au/LIVPublicWebSite/media/150th-Anniversary-2009/20170224_Form_AS_AssessMaterials-Orders-Interactive_V06.pdf)
- read some or all of the Suggested Reading Material listed in **Schedule 5**
- legislation and other provisions
- candidates should be familiar with the relevant parts of legislation relating to the selected topics for assessment, and the legislation listed in **Schedule 5**.

## Legislation and Other Provisions

Candidates should be familiar with the relevant parts of legislation relating to the selected topics for assessment, and the legislation listed in **Schedule 5**.

## Applications

Applications must be made on the prescribed application form.

## Resume of Practice

As evidence of substantial involvement, applicants must submit a resume of their professional activities relevant to practice in immigration law. The resume should give the Board an overall picture of the applicant's experience and expertise in immigration law, with an emphasis on involvement over the past three (3) years. It is not expected that a comprehensive curriculum vitae will be submitted.

No standard format is prescribed. However, applicants might find it helpful to use some or all of the following headings:

- broad description of current practice activities
- experience in specific areas of activity in immigration
- involvement with relevant professional organisations
- relevant publications and presentations
- academic qualifications
- other.

It is not necessary to repeat details provided on the application form.

**Please forward to the Law Institute of Victoria:**

1. The completed application form
2. Three references
3. Resume of practice
4. Application fee of \$1,100.00 (including GST) payable to the Law Institute of Victoria.

## Applications close

**4pm Friday, 6 April 2018** for applicants wishing to apply for Board discretion because they do not meet the eligibility criteria or for applicants wishing to apply for exemption from the Written Examination.

**4pm Friday, 20 April 2018** for all other applications.

The address for applications is:

**Accredited Specialisation**

Law Institute of Victoria  
GPO Box 263, MELBOURNE 3001  
or DX 350, MELBOURNE

**Inquiries:**

Telephone: 9607 9461  
Facsimile: 9607 9404  
Email: special@liv.asn.au

# SCHEDULE 1

## Examination Assessment Component Part 1 – Mock File

**Distribution Date:** Wednesday 16 May 2018

**Submission Date:** Wednesday 6 June 2018 by 4pm

### Assessment Overview

Candidates will be required to complete specific tasks on a mock file, including the preparation of legal advice and court documents. Candidates may use the resources of their offices in completing this exercise. However, consultation with any other person in completing the exercise is not permitted. Candidates will be required to provide a signed statement to that effect.

The completed exercise must be submitted as a word or PDF document through the submission box for this assessment piece on [www.accreditedspecialisation.liv.asn.au](http://www.accreditedspecialisation.liv.asn.au) by no later than 4pm on 6 June 2018.

### Assessment criteria

Candidates will be assessed on their:

- (a) ability to identify relevant issues from the materials
- (b) knowledge of the relevant law, including significant recent decisions
- (c) knowledge of relevant procedural rules and principles
- (d) ability to provide practical, clear and comprehensive advice.

### Examination conditions

- The written examination is an **open book exam**.
- Candidates may take into the examination room any books, notes or other written material.
- Portable computers may be used for reference purposes on a read-only basis so long as their use does not disturb other candidates. Access to the internet is strictly prohibited.
- Mobile telephones are not permitted.
- Questions must be answered in the script book provided for candidates electing to submit a handwritten examination, or in the word processor provided for those electing to type responses.
- Handwriting must be legible for candidates electing to submit a handwritten examination.
- Bullet points are permissible.
- Each candidate will be issued with an examination number.
- The names of candidates must not appear on any material submitted for assessment.

# SCHEDULE 2:

## Examination Assessment Component Part 2 – Written Examination

**Exam Date:** Saturday 28 July 2018, time to be confirmed (3 hours plus thirty minutes for reading and planning)

**Exam Venue:** Saxons Training Centre, 500 Collins Street, Melbourne

### Assessment Overview

The paper will test knowledge of procedure and rules as well as the ability to apply relevant knowledge to situations encountered in practice.

The examination paper will be in three sections.

- **Section A** – 15 questions worth two marks each.
- **Section B** – Six questions worth five marks each.

Sections A and B will contain questions requiring brief answers. The questions will cover a wide range of migration and citizenship topics drawn from the list of topics for assessment. The emphasis in this section is on knowledge of fundamental legislation, regulations and procedures.

**Section C** – Two questions worth 20 marks each.

This section will present candidates with more complex fact situations in which expert legal advice might be sought.

### Assessment criteria

Candidates will be assessed on their ability to:

- (a) identify relevant issues
- (b) demonstrate knowledge and understanding of the relevant law
- (c) present clearly expressed practical advice that is both comprehensive and legally correct.

### Examination conditions

- The written examination is an **open book exam**.
- Candidates may take into the examination room any books, notes or other written material.

- Portable computers may be used for reference purposes on a read-only basis so long as their use does not disturb other candidates. Access to the internet is strictly prohibited.
- Mobile telephones are not permitted.
- Questions must be answered in the script book provided for candidates electing to submit a handwritten examination, or in the word processor provided for those electing to type responses.
- Handwriting must be legible for candidates electing to submit a handwritten examination.
- Each candidate will be issued with an examination number.
- The names of candidates must not appear on any material submitted for assessment.

## **After the Examination**

Immediately following the conclusion of the written examination, candidates will be able to access information pertaining to the Part 3: Simulated Client Interview assessment via [www.accreditedspecialisation.liv.asn.au](http://www.accreditedspecialisation.liv.asn.au)



# SCHEDULE 3:

## Examination Assessment Component Part 3 – Simulated Client Interview

**Interview Date:** Tuesday 31 July 2018

**Interview Venue:** Law Institute of Victoria, Level 2, 470 Bourke Street Melbourne

### Assessment Overview

The candidate will conduct a simulated first interview with a person acting in the role of a client. The exercise will take up to 50 minutes and will be recorded by video for assessment purposes.

The candidate is expected to demonstrate a clear ability to take and receive instructions, deliver preliminary advice and provide information to the "client" in a manner which satisfies the assessment criteria, core knowledge areas and the performance standard.

At the conclusion of the interview, candidates will be given 10 minutes to prepare a brief file note which records, in point form, the steps to be taken following the interview. This file note will be assessed by the examiners in conjunction with the recorded interview.

The time allocated for the interview and writing up of the file notes will be strictly enforced.

The location and timetable for the simulated interview will be announced closer to the date of the assessment program.

### Assessment criteria

This exercise will assess a wide range of performance standards, including those relating to interaction between the solicitor and client, taking instructions and giving advice, assessing facts and legal options, canvassing options with the client and developing the initial plan. Candidates will be assessed on their ability to:

- (a) elicit relevant information and facts from the client – 15 percent
- (b) obtain and clarify instructions – 10 percent
- (c) identify relevant issues – 15 percent
- (d) communicate clearly with the client – 15 percent
- (e) accurately assess facts and legal issues and options – 25 percent
- (f) indicate procedural steps and timelines for responses – 10 percent
- (g) develop an initial plan – 10 percent.

# SCHEDULE 4:

## Topics for Assessment

The topics listed below indicate the range of matters which could be addressed in the assessment program. This is not necessarily an exhaustive list.

### 1. Fundamental principles

- Constitutional basis for migration law.
- Legislative framework: Act, regulations, policy (Procedural Advice Manuals (PAMS) and Fast Load Instructions (FLIs) and Federal Legislative Instruments; implications of a codified system of entry, policy including directions under s499.
- Basic principles of administrative law, including:
  - rules of procedural fairness and natural justice
  - validity and/or retrospectivity
  - concepts of jurisdictional error
  - concept of ultra vires.
- Changes in the law and determining what law applies at a particular time.
- Transitional arrangements.
- Definitions contained in the Migration Act 1958 (Vic) and Regulations and other relevant laws and conventions (including international law).
- Registration of migration agents.
- Relevant merits and judicial review decisions.

### 2. Requirements relevant to more than one class of visa

#### 2.1 General requirements

- Classes and subclasses of visas.
- Schedules 1–13.
- Resident return visas, authority to return and return endorsements.
- Conditions of visas.
- EOI, Skill Select.
- Criteria for a valid application:
  - application fees
  - base charge
  - dependents' charge
  - subsequent temporary application charges
  - non-internet application charges, credit card surcharge and waivers.
- Time when criteria must be met.
- Requirements for a favourable decision.
- Codes of procedure for dealing with visa applications, including time limits.
- Method and place of lodgement of applications and internet applications.
- Exclusion periods.

- Period of validity of visas.
- 2nd VAC.
- Health charges.
- English language charges.
- Settlement criteria.
- Sponsorship and nomination.
- Limitations on sponsorship/nomination:
  - family related
  - guardian of a child
  - business sponsorship
  - state/territory sponsorship/nomination.
- Assurance of support and bond.
- Capping and queuing.
- Time limits for lodgement of primary applications and review applications.
- Schedule 3 criteria.
- Relevant merits and judicial review decisions.

## **2.2 Public interest criteria Schedule 4/Schedule 5**

- Health criteria:
  - applicability of waiver
  - role of the Medical Officer of the Commonwealth
  - scope of the review authority of MOC's opinion.
- Character requirement.
- Settlement criteria.
- Debts due to the Commonwealth:
  - migration related debts (removal/detention)
  - other debts
  - applicability of the Financial Management and Accountability Act 1997 (Cth) (provision for waiving debts).
- Risk factor profiles.
- National interest consideration.
- Exclusion periods and waiver requirements.
- Relevant merits and judicial review decisions.
- Australian values statement.
- PIC 4020 – bogus documents/false or misleading information/identity.

## **2.3 Points tests and skills determination**

- Act sections 92–96, Regulations Div 2.6 Prescribed qualifications and Point Systems, allocation of points, applications for skills assessment and relevant sources: ANZSCO Dictionary, PAMS, NOOSR Country Education Profiles.
- Application of transitional arrangements.
- Schedule 6, 6A, 6B, 6C and 6D allocation of points, definitions, pass, nominated occupation, role of “relevant assessing authorities”.

- Publications, guidelines of “relevant assessing authorities”.
- Business skills points test – Schedule 7A.
- Processing Directions.
- Relevant merits and judicial review decisions.
- All Skilled Occupations Lists.
- SkillSelect – EOI.
- Australian study requirement.
- English requirement.

### 3. Migrant entry

- Family: partner, child, parent, contributory parent, orphan relative, aged dependent relative, remaining relative, adoption, carer, and “member of the family unit” definition and “dependent”.
  - partner and criminality issues
- Skilled categories:
  - independent
  - family sponsored
  - state/territory nominated
  - students
  - skilled graduate and skilled recognised graduate.
- Employer Nomination Scheme (ENS) and Regional Sponsored Migration Scheme (RSMS) – approved appointments Regulation 5.19.
- Labour agreements
- Business skills, business innovation visas and post settlement business surveys.
- Distinguished talent.
- NZ citizens.
- Special categories including:
  - former citizen
  - former resident.
- Quotas, capping and priorities.
- Relevant merits and judicial review decisions.
- Sponsorship obligations and employer sanctions.

### 4. Temporary entry

- Visitors:
  - visitor visa for parents of Australian children.
- Students:
  - Genuine Temporary Entrant
  - assessment levels
  - streamlined visa processing.

- Temporary residents, including work visas and employer sponsored visas; fair work considerations.
- Sponsorship obligations and employer sanctions.
- Specialist temporary entry (400 series), skilled temporary visas
- New Zealand citizens (including family members).
- Business skills, business innovation visas, investor retirement (405).
- Miscellaneous temporary entry categories, e.g. Medical treatment, transit, dependent child, retirement visas.
- Relevant merits and judicial review decisions.

## 5. Change of status

- Development of options and strategies (including lateral thinking).
- Validity:
  - differentiate between criteria for applications vs criteria for granting a visa.
- General issues:
  - limitations on applications, ie schedules 3, 4, 5 and 8; ss41, 46A, 48, 48A, 48B
  - substantive visa requirements
  - assurances of support
  - "old" legislation/regulations and policy
  - family violence, death of partner, parenting arrangements and other exemption provisions
  - substantial compliance issues.
- Partner (Provisional and Permanent) including family violence and other exemption provisions), Reg 2.12 prescription of certain Partner visa applications for the purposes of s48 and consequential policy amendment in relation to Schedule 3 criteria and waiver.
- Permanent visas (based on) family relationships.
- Occupational and business grounds.
- Offshore refugee and humanitarian visas and onshore protection visas.
- Statutory visas including:
  - absorbed person
  - special purpose
  - criminal justice
  - ex-citizen visa
  - enforcement visas.
- Employer nomination.
- Business skills/business innovation.
- Temporary visas:
  - temporary resident
  - student
  - visitor
  - medical treatment.
- Applications by unlawful non-citizens and holders of bridging visas:

- schedule 3 criteria.
- Processing of applications:
  - bridging visas
  - change of conditions
  - evidence required.
- Effect of certain visa conditions on subsequent applications.
- No further stay conditions and provisions for waiver.
- Relevant merits and judicial review decisions.
- ENS/RSMS.

## 6. Refugee and humanitarian entry

- General:
  - Refugee Convention and Protocol (Convention Against Torture, ICCPR, Convention on the Rights of the Child)
  - definition of “refugee” as modified by legislation and judicial interpretation
  - stateless persons.
- Offshore:
  - unauthorised maritime arrivals and transitory persons
  - refugee subclass 200
  - special humanitarian programs subclasses 201–204
  - approved proposing organisations
  - temporary safe haven visas.
- Onshore:
  - protection visas
  - temporary protection visas
  - safe haven enterprise visas
  - temporary humanitarian
  - complementary protection
  - ministerial powers relating to lodgement of applications and bridging visas.
- Relevant merits and judicial review decisions.

## 7. Detention, cancellation and compliance

- Powers of entry, search and examination.
- Mandatory detention of unlawful non-citizens.
- Release from detention, bridging visas, wrongful detention.
- Questioning detention.
- Mandatory removal of unlawful non-citizens
  - personal identifiers.

- Costs of detention, removal and deportation, recovery.
- Offences under the Migration Act 1958 (Cth):
  - people trafficking
  - contrived relationships
  - offences relating to work, including civil penalty provisions.
- Powers and procedures for cancellation: Division 3, subdivisions C-H, Migration Act:
  - incorrect information s109
  - general s116, s128
  - business visas s134
  - 134B Emergency Cancellation on security grounds
  - student visas s116
  - regional sponsorship employment visas s137Q and 137T (consequential cancellation)
  - consequential cancellation power s140
  - temporary safe haven visas 500A.
- Character including s501, 501A, 501(3A), 501B, 501F (consequential cancellation) and s502:
  - refusals (including refusals by the Minister personally)
  - cancellations (including refusals by the Minister personally)
  - review by the AAT.
- Criminal deportation.
- Relevant merits and judicial review decisions.

## 8. Review of migration decisions

### 8.1 Choice of remedy – Avenues of appeal and review

#### 8.1.1 Merits review

- Definition of reviewable decision.
- Review powers and jurisdiction of the AAT.
- Time limits:
  - detainees
  - non-detainees.
- Ministerial discretion:
  - requests to the Minister seeking his personal intervention Ministerial override of character decision by delegate or AAT under ss501A, 501B and 501C.
- Relevant merits and judicial review decisions.

#### 8.1.2 Judicial review

- Definition of judicially reviewable decision.
- The privative clause.

- Grounds for judicial review.
- Time limits.
- Powers of the Federal Court and Federal Circuit Court.
- Role of High Court.

## 9. Citizenship – Citizenship Act 2007 (Cth)

- Australian Declaratory Visa (ADV).
- Australian citizenship.
- Status at birth.
- Automatic acquisition of Australian citizenship:
  - persons born in Australia
  - citizenship by adoption
  - citizenship for abandoned children
  - citizenship by incorporation of territory.
- Citizenship by Descent.
- Children born under offshore commercial and onshore non-commercial surrogacy arrangements.
- Citizenship by Adoption under the Hague Convention on Intercountry Adoption.
- Citizenship by Conferral:
  - normal requirements
  - exemptions from the normal requirements
  - residence requirements and exemptions for conferral
  - English language requirements and Australian values
  - citizenship test
  - personal identifiers.
- Persons of national security or character concern.
- Cancellation or deferral of approval.
- Cessation of Citizenship:
  - renunciation
  - revocation
  - service in enemy armed forces
  - children of parents who lose their Australian citizenship.
- Resumption of citizenship.
- Dual citizenship.
- Review of decisions.
- Transitional arrangements.
- Relevant merits and judicial review decisions.

## 10. Client contact

- Professional conduct and practice rules.
- Assisting in completing applications.
- Solicitor's responsibilities for bona fides of applications.
- Issues of privilege.
- Solicitor's lien on documents.



- Use of solicitor's trust account.
- Relevant merits and judicial review decisions.

## 11. Responsibilities of a lawyer

- Legal Profession legislation.
- Trust accounting.
- Insurance.
- Ethics.
- Costs/charging.
- Potential deregulation.
- Legal professional privilege and duty of confidentiality

## 12. Regulation of migration agents

- OMARA's powers.
- Appeal rights.
- Migration Agent Regulations – Code of Conduct.
- Consumer Guide.
- Criteria for registration.
- CPD and English for migration agents.
- Professional indemnity insurance.
- Average fees charged.
- Client contract.

## 13. Other issues

- Freedom of Information.
- Legal Aid and Pro Bono schemes.
- Alternative avenues of redress:
  - HREOC
  - Ombudsman
  - MPs
  - UNHCR.
- Privacy Commissioner.
- Relevant merits and judicial review decisions.
- Lawyers practising overseas.

### Important:

Any matter relevant to practice in immigration law may be examined, including the areas listed above. The following list gives an indication of other matters which candidates might be asked to address. Candidates may be asked questions arising under any legislation, related regulations and other materials listed in these guidelines. This is not intended to be an exhaustive list.

# SCHEDULE 5:

## Related legislation and other materials

### Related Legislation:

This is not necessarily an exhaustive list. It does not list subordinate legislation and policy or regulations, guidelines or gazette notices which may also be relevant. Candidates will be examined on the law as it stands at the date of assessment.

- *Administrative Appeals Tribunal Act 1975 (Cth)*
- *Administrative Decisions (Judicial Review) Act 1977 (Cth) and Regulations*
- *Australian Citizenship Act 2007 (Cth)*
- *Australian Citizenship (Transitional and Consequential Act 2007 (Cth)*
- *Australian Citizenship Regulations 2007 (Cth)*
- *Australian Human Rights Commission Act 1986 (Cth)*
- *Australian Passports Act 2005 (Cth) and Regulations*
- *Commonwealth Gazette Notices and Legislative Instruments*
- *UN Convention against Torture*
- *UN Convention on the Rights of the Child*
- *Convention Relating to the Status of Refugees 1951 as amended by the Protocol*
- *Education Services for Overseas Students Act 2007 (Cth)*
- *Education Services for Overseas Students National Code of Practice*
- *Fair Work Act 2009 (Cth)*
- *Federal Court of Australia Act 1976 (Cth) and Rules*
- *Federal Circuit Court of Australia Act 1999 (Cth) and Rules*
- *Freedom of Information Act 1982 (Cth)*
- *Human Services (Medicare) Act 1973 (Cth)*
- *Immigration (Guardianship of Children) Act 1946 (Cth)*
- *Immigration (Guardianship of Children) Regulations 2001 (Cth)*
- *International Covenant on Civil and Political Rights, United Nations 1966*
- *Judiciary Act 1903 (Cth)*
- *Legislative Instruments Act 2003 (Cth)*
- *Marriage Act 1961 (Cth)*
- *Migration Act 1958 (Cth)*
- *Migration Agents Regulations 1998 (Cth)*
- *Migration Reform (Transitional Provisions) Regulations (Cth)*
- *Migration Regulations 1994 (Cth) as amended*
- *Migration (Visa Application) Charge Act 1997 (Cth)*
- *Migration Amendment (Visa Application Charge and Related Matters) Regulation 2013 (Cth)*
- *Migration Amendment (Temporary Sponsored) Visas Act 2013 (Cth)*
- *Migration Amendment (Charging for a Migration Outcome and other Measures) Regulations 2015 (Cth)*
- *Ministerial Directions issued under s499*

- *Migration (United Nations Security Council Resolutions) Regulations 2007 (Cth)*
- *Ombudsman Act 1976 (Cth)*
- *Privacy Act 1988 (Cth)*
- *Same-sex Relationships (Equal Treatment in Commonwealth Laws-General Law Reform) Act 2008 (Cth)*
- *Social Security Act 1991 (Cth)*
- *Other relevant International Instruments*

## Suggested Reading

**Candidates may find it useful to refer to the following texts (being careful to ensure the sources reflect the current status of the law):**

Cope, Quick Reference Card – *Immigration Law*, 2015, LexisNexis.

Mirko Bagaric et al, *Migration and Refugee Law in Australia: Cases and Commentary*, 2007, Cambridge University Press.

Cathryn Costello, *Migrants at Work: Immigration and Vulnerability in Labour Law*, 2014, Oxford University Press.

Mary Crock and Laurie Berg, *Immigration, Refugees and Forced Migration: Law, Policy and Practice in Australia*, 2011, Sydney: Federation Press.

Mary Crock et al, *Future Seekers II Refugees and Irregular Migration in Australia*, 2006, Federation Press Sydney.

Rodger Fernandez, Murray Gerkens, Dominic Yau, Sherene Ozyurek, *Australian Migration Legislation Collection*, July 2017, LexisNexis.

Michelle Foster, *International Refugee Law and Socio-economic Rights: Refugee From Deprivation*, 2007, Cambridge University Press.

Murray Gerkens, Rodger Fernandez, Dominic Yau, Sherene Ozyurek, Janelle Kenny, *Australian Immigration Companion*, 6th Edition, LexisNexis.

Roz Germov et al, *Australian Immigration Law including PAMs and FLIs (online loose-leaf service)*, 2014, LexisNexis.

Guy Goodwin-Gill and Jane McAdam, *The Refugee in International Law*, 2007, Oxford University Press.

James C Hathaway and Michelle Foster, *The Law of Refugee Status* (2nd edn), 2014, Cambridge University Press.

James C Hathaway, *The Rights of Refugees Under International Law*, 2006, Butterworths.

Michael Head, *Administrative Law, Context and Critique*, (4th edn) 2017, The Federation Press.

Ben Petrie, Natasha Bosnjak, *Migration Law, Annotated Migration Act with Related Legislation*, 2016, Law Book Co., Thomson Reuters.

Christine Rodan and Erskine Rodan, *Migrating to Australia* (2nd edn), 2013, LifeSuccess Publishing.

Kim Rubenstein, *Australian Citizenship Law*, (2nd edn), 2017, Law Book Co., Thomson Reuters.

Springvale Legal Centre, *Lawyers Practice Manual*, Chapter 14.1 (Online, Thomson Reuters).

Mirko Bagaric et al, *Migration and Refugee Law: Principles and Practice in Australia*, 2008, Cambridge University Press.

## Other references

LexisNexis Practical Guidance – Immigration Law module (online service)

Legend.com online service run by Department of Immigration & Citizenship, available by subscription.

Department of Immigration and Border Protection:

- Australian Citizenship Instructions (ACI)
- The Procedures Advice Manual (PAMs)
- Fast Load Instructions (FLIs)

Dennis C Pearce and Robert S Geddes, *Statutory Interpretation in Australia* (8th edn), 2014, LexisNexis.

Dennis Pearce and Stephen Argument, *Delegated Legislation in Australia* (4th edn), 2012, LexisNexis.

Mark Aronson and Matthew Groves, *Judicial Review of Administrative Action* (5th edn), 2013, Thomson Reuters.

Immigration Review, Butterworths.

Immigration Advice and Rights Centre.

Administrative Appeals Tribunal – Migration and Refugee Division and Immigration Assessment Authority, policies, guidelines and principal member directions. All relevant cases.

Australian Bureau of Statistics and Statistics New Zealand, *Australian and New Zealand Standard Classification of Occupations 2013 (ANZSCO Dictionary) (Version 1.2)* – [www.abs.gov.au](http://www.abs.gov.au).

MIA – Migration Case Law Newsfeed (member e-bulletin).

Precis – The MRT-RRT Monthly Decisions Bulletin (Feb 2012–June 2015).

Country Education Profiles – [www.internationaleducation.gov.au](http://www.internationaleducation.gov.au) (Please note that this is subscription based).

## Useful websites

[www.austlii.edu.au](http://www.austlii.edu.au), [www.immi.gov.au](http://www.immi.gov.au), [www.comlaw.gov.au](http://www.comlaw.gov.au), [www.aat.gov.au](http://www.aat.gov.au), [www.iarc.asn.au](http://www.iarc.asn.au), [www.abs.gov.au](http://www.abs.gov.au), [www.apf.gov.au](http://www.apf.gov.au).