

Migration Newsflash

21 April 2015



Implementation of 457 Integrity Review recommendations

The government has implemented the first of the changes to the subclass 457 visa recommended in the 457 Integrity Review. The changes were foreshadowed in the government announcement of 18 March by Assistant Minister for Immigration and Border Protection, Senator the Hon Michaelia Cash, who commissioned the review. She announced at the time that the changes; "struck the right balance between strengthening necessary integrity measures whilst removing unnecessary red-tape." The following changes took effect 18 April 2015, and cover:

1. Notification period for sponsoring employers

Sponsors under the subclass 457 visa program now have 28 calendar days to notify the Department of Immigration and Border Protection of a temporary visa holder ceasing employment, any change in tasks and duties and payment of overseas travel costs. This timeframe is now in-line with reporting obligations for other government agencies (e.g. Australian Taxation Office) and means that sponsors will be able to review and simplify their notification processes.

2. 457 English language requirements amended

The government has amended English requirements to:

- allow applicants to provide an overall score with minimum scores for each test components. For example, if using an International English Language Testing System (IELTS) test, instead of requiring a minimum test score of 5 in each component (reading, writing, speaking and listening), applicants will have to achieve an average test score of 5 across the components (with no less than 4.5 in any of the components); and
- change the 5 year consecutive study requirement to allow for 5 years in total of study in English; and
- increase the types of acceptable tests for evidencing English language ability under the 457 visa program. In addition to the IELTS and the Occupational English Test (OET), the following tests are now acceptable forms of evidence under the 457 visa program:
 - Test of English as a Foreign Language internet-based test (TOEFL iBT) (total band score 36);
 - Pearson Test of English Academic (PTE) (overall band score 36); and

- Cambridge English: Advanced test (CAE) (overall band score 154). Test must have been completed on or after 1 January 2015.

The expansion of alternative test providers will allow greater choice to potential visa holders and perhaps alleviate delays seen with current providers in booking available test dates in particular locations. Overall the amended requirements should ensure a better focus on English ability and less focus on test results.

3. Evidence of Market Salary Rates for high-income earners

The third change implementing the integrity review recommendations sees the salary exemption for high income earners for market rates amended to AUD180,000 from AUD250,000. This change should mean less red tape for high income earners and sponsors.

Sponsors should consider what changes may be required to internal processes to keep them up to date. Further changes are expected to be implemented over the next 6 months.

Contact us

Your KPMG Immigration professional can work with you to help minimise any such impact and navigate through the legislation, please do not hesitate to contact us with any queries.

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