

# GMS Flash Alert

2016-119 | October 20, 2016



## Australia – Reduced Departure Timeframe for 457 Holders Once Employment Ends

Australia's Department of Immigration and Border Protection (DIBP) has announced a reduction in the timeframe for primary 457 visa holders being able to remain in Australia following cessation of employment.<sup>1</sup>

This change is scheduled to come into effect **from 19 November 2016**, subject to final approval by the Governor-General of the Commonwealth of Australia.

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### WHY THIS MATTERS

Under the new policy, the change from a 90-day timeframe to a 60-day timeframe upon cessation of employment will affect companies' employees granted a 457 visa on or after 19 November 2016, where an employment ends or is terminated. Employers may need to review current internal policies or communications if reference is made to the 90-day timeframe.

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### Amendment to Visa Condition 8107

The change will be effected through the amendment of visa condition 8107 attached to newly granted primary Subclass 457 visas.

Under the revised visa condition 8107, **all primary 457 visa holders who are granted their visas on or after 19 November 2016 will have 60 days to depart Australia or apply to remain upon the cessation of employment** with their sponsoring employer. This has been reduced from the 90 days afforded to existing primary 457 visa holders.

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## KPMG NOTE

All sponsorship obligations of approved Standard Business Sponsors under the 457 visa program, such as the requirement to notify the immigration department of a cessation of employment within 28 days of the employee's last day of employment, will remain unchanged.

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## FOOTNOTE:

1 This information is sourced from DIBP's 457 and BV ABC Management Section, Temporary Visa Programme Branch. It has yet to be published on the DIBP website.

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## RELATED RESOURCE

This article is excerpted from "[Reduced Timeframe for 457 Visa Holders to Depart Australia after Cessation of Employment](#)," in *Migration Newsflash* (18 October 2016), a publication of the KPMG International member firm in Australia.

### **New Back to Basics: Business Immigration 101**

KPMG is pleased to announce the publication of "[Back to Basics: Business Immigration 101](#)," the fifth installment of our Back to Basics thought leadership series!

Global mobility program managers often have the responsibility of managing the many complexities of immigration globally in support of both employee service delivery as well as compliance goals. The severity of potential risks and resulting liabilities necessitate a solid operational framework by organizations for immigration compliance, administration, and service delivery. This newest issue of Back to Basics has been developed to serve as an introduction to understanding key definitions and concepts associated with global business immigration. We also highlight certain leading practices in immigration program management.

We have created [a page on the KPMG TaxWatch Web site](#) for the other articles in the GMS practice's Back to Basics series. This current article as well as past articles (covering home leave, repatriation, short-term assignments, and assignment letters) are in .pdf format on the TaxWatch site.

## Contact us

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\* Please note that KPMG LLP (U.S.) does not offer immigration services.

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