



## VISA ALERT

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### CHANGES TO 457 VISA AND ENS PROGRAMS FROM 1 JULY 2011

**:: TIP**

With additional funding announced in the May 2011 Federal Budget to resource the monitoring of 457 visas, now is a good time to consider a pre-DIAC audit health check. Contact one of our professionals to find out more.

#### Income thresholds increase

From 1 July 2011 the Temporary Skilled Migration Income Threshold ("TSMIT") for 457 visa holders increases from \$47,480 p.a. to **\$49,330** p.a. This change affects all nomination applications that are undecided by, or lodged with Department of Immigration and Citizenship ("DIAC") on or after, 1 July 2011.

All sponsored employees must be paid the market salary for their position. A nomination will be refused where the market salary for the nominated occupation falls below \$49,330 p.a.

Since the new TSMIT relates only to nominations approved on or after 1 July 2011, it does not require an adjustment to salaries of existing sponsored employees whose market salary is between the current and new TSMITs.

Salary packaging of gross annual earnings is permitted by DIAC to include Living Away From Home Allowance. This is acceptable even if it results in the base salary falling below the TSMIT.

For trade occupations or chefs, unless required for licensing purposes, English language test results may not be required where the nominee's base rate of pay is more than **\$88,410** p.a. Also exempt from the need to demonstrate English language skills are nationals from the UK, Canada, USA, Ireland or New Zealand working in a trade occupation or as a chef.

There has been no change to the 'high income' threshold exempting sponsors from the need to demonstrate evidence of payment of market salary. This remains at \$180,000 p.a.

The annual base salary level for nominees under the Employer Nominated Scheme (ENS) for permanent residence has also been increased in line with the new TSMIT to **\$49,330** p.a. for most occupations and **\$67,556** p.a. for ICT occupations.

#### New lodgement fees

Lodgement fees for applications in the 457 visa and ENS programs increase with effect from 1 July 2011.

- \* 457 visa program
  - Sponsorship - \$405
  - Nomination - \$80
  - Visa - \$305
- \* ENS (121/856 visas)
  - Nomination - \$520
  - Visa (121 Offshore visa) - \$1,995
  - Visa (856 Onshore visa) - \$2,960

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