



# Temporary Skill Shortage visa and complementary reforms: questions and answers

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## Overview of Reforms

### What are the key reforms?

Replacing the Temporary Work (Skilled) visa (subclass 457) program with the new Temporary Skill Shortage (TSS) visa on 18 March 2018.

Complementary reforms to strengthen the integrity of Australia's permanent employer sponsored skilled migration programs.

### What is the purpose of the reforms?

The replacement of the subclass 457 visa with the new TSS visa marks a significant milestone.

The subclass 457 visa has been in place for over 20 years and has been subject to major changes and reviews. However, the program is no longer meeting Australia's labour market and economic needs.

The TSS visa provides a credible mechanism for bringing skilled overseas workers to Australia. It will ensure Australian workers have priority for Australian jobs.

This new visa is part of the Government's reform package to strengthen the integrity and quality of our skilled visa programs. The reforms ensure that these programs meet Australia's needs and help build a strong and more prosperous Australia.

### When are the reforms scheduled to be implemented?

The reforms commenced from 18 April 2017 and have been implemented in phases. This implementation will be completed by March 2018, with the replacement of the subclass 457 visa with the TSS visa.

Further information about the reforms is available in the following factsheets:

- Reforms to Australia's temporary employer sponsored skilled migration program – commencement of the Temporary Skill Shortage visa
- Reforms to Australia's permanent employer sponsored skilled migration program

These factsheets are available at [www.homeaffairs.gov.au/Trav/Work/457-abolition-replacement](http://www.homeaffairs.gov.au/Trav/Work/457-abolition-replacement)

## Which visas are impacted by the reforms?

The reforms affect employer sponsored temporary and permanent skilled work visas, including:

- Temporary sponsored skilled work visas:  
The subclass 457 visa. This visa will cease in March 2018.  
The new TSS visa will commence in March 2018.
- Permanent sponsored skilled work visas:  
Employer Nomination Scheme (ENS) (subclass 186) visa.  
Regional Sponsored Migration Scheme (RSMS) (subclass 187) visa.
- Other permanent skilled visas (e.g. those that are points tested) will also be impacted.

## How do the reforms protect Australian workers and visa holders?

The reforms better protect Australian jobs by ensuring that overseas workers supplement the labour market, and do not replace Australian workers.

Tightened English language and salary requirements will ensure that overseas workers are less vulnerable to exploitation, and can participate fully in the workforce and community.

To help address worker exploitation and support compliance, two key reforms will be implemented, subject to the passage of legislation:

- an arrangement between the Department of Home Affairs (the Department) and the Australian Taxation Office to share Tax File Numbers (TFNs) of skilled overseas workers; and
- publicly naming sponsors that are sanctioned for breaching their sponsorship obligations.

Most sponsors do the right thing. However, for the very few who breach their sponsorship obligations, publishing businesses details provides a strong incentive to do the right thing.

Using TFNs of visa holders will assist the Department to identify where visa holders are underpaid.

This protects non-citizens from exploitation, protects Australian wages and conditions, and allows action to be taken against businesses that do the wrong thing.

## Occupation Lists

### What are the lists?

The lists set out skilled occupations where Australian employers have genuine difficulties in finding local workers. Each list reflects particular time periods and geographic areas of skills shortage.

- Short-term Skilled Occupation List (STSOL)
- Medium and Long-term Strategic Skills List (MLTSSL)
- Regional Occupation List (ROL).

### What was considered in changing the occupation lists?

The composition of the occupation lists are based on reviews by the Department of Jobs and Small Business that include public consultations, labour market analysis and advice from government agencies.

Changes are made to ensure the lists remain focussed and responsive to genuine skill needs across Australia.

The list of occupations, as well as a summary of recent changes, are available at: [www.homeaffairs.gov.au/Trav/Work/Work/Skills-assessment-and-assessing-authorities/skilled-occupations-lists](http://www.homeaffairs.gov.au/Trav/Work/Work/Skills-assessment-and-assessing-authorities/skilled-occupations-lists).

## Why are the occupation lists being regularly reviewed?

The Government announced on 18 April 2017 that occupations on the MLTSSL and STSOL will be regularly reviewed to make sure the entry of skilled foreign workers to Australia remains carefully calibrated to Australia's skills needs. The occupation lists are designed to be dynamic.

These reviews will consider information from a range of labour market data, as well as stakeholder feedback. For more information, including how to make a submission for the next review, please visit the Department of Jobs and Small Business' website [www.jobs.gov.au/SkilledMigrationList](http://www.jobs.gov.au/SkilledMigrationList).

## Can occupations move between the STSOL to the MLTSSL and Regional Occupation List?

Yes. Movement between the lists may result from the regular review process being undertaken by the Department of Jobs and Small Business.

## Occupational Caveats

### What are occupational caveats?

Caveats provide additional detail, beyond the Australia and New Zealand Standard Classification of Occupations (ANZSCO) definition, about the permitted scope of an occupation.

Caveats are imposed for a range of reasons including to manage immigration integrity issues and minimise the risk of fraud. The occupation lists, as well as the number and content of the caveats, are subject to regular review.

Information on caveats, including which visas they apply to is available at: [www.homeaffairs.gov.au/Trav/Work/Work/Skills-assessment-and-assessing-authorities/skilled-occupations-lists](http://www.homeaffairs.gov.au/Trav/Work/Work/Skills-assessment-and-assessing-authorities/skilled-occupations-lists).

## How do these changes impact on Australia's International Trade obligations?

All of these reforms are being implemented in a manner consistent with Australia's international trade obligations.

The occupation lists are designed to change and are subject to ongoing review. Occupations subject to specific commitments in international trade agreements are not impacted by changes to the occupation lists.

Visa periods of up to 4 years for occupations on the STSOL are available where requested by the sponsor and required to meet Australia's international trade obligations.

Information on Australia's international trade obligations relating to visa periods is available at: [www.border.gov.au/visas/supporting/Pages/482/short-term-ito-visa-period.aspx](http://www.border.gov.au/visas/supporting/Pages/482/short-term-ito-visa-period.aspx)

## I want to hire a worker in an occupation that isn't on the list any more. What are my options?

You should make sure no Australian is available for the role first. You may then wish to consider whether an alternate visa or labour agreement would meet your needs. Further information on employing and sponsoring workers is available at: <http://www.homeaffairs.gov.au/trav/work/empl>

# The New Temporary Skill Shortage (TSS) Visa – from March 2018

## What is the Temporary Skill Shortage (TSS) visa?

The new TSS visa will replace the subclass 457 visa from 18 March 2018.

The TSS visa will have two main streams, a Short-Term stream of up to two years, a Medium-Term stream of up to four years, as well as a Labour Agreement stream.

## How will the TSS visa help employers?

The TSS visa will provide businesses with access to the temporary critical skills they need to grow, where Australian skills are not available.

The Government understands the need for businesses to fill vacancies as quickly as possible.

The introduction of the TSS will be accompanied by a number of initiatives to help streamline processing of TSS visas and reduce processing times, particularly for lower-risk applicants.

Sponsors should consider applying to become **accredited sponsors** so that they can gain access to these benefits, as well as the existing benefits of priority processing and streamlined processing arrangements.

See: <https://www.homeaffairs.gov.au/trav/work/empl/sponsorship-accreditation>

## What is the Global Talent Scheme?

On 19 March, the Government announced the Global Talent Scheme to attract highly skilled workers and deliver innovation to Australia, to be piloted for 12 months from 1 July 2018.

The Department of Home Affairs will work closely with stakeholders to design and implement the pilot, selecting start-up companies and established employers that prioritise employment of, and skills transfer to, Australian workers.

## What eligibility criteria will underpin the TSS visa?

The Short-Term and Medium-Term streams of the TSS visa will be underpinned by eligibility criteria including:

- occupations lists;
- onshore renewals;
- minimum English language levels;
- robust market salary and Temporary Skilled Migration Income Threshold (TSMIT) requirements;
- at least two years' relevant work experience;
- mandatory labour market testing (unless international trade obligations apply);
- mandatory criminal history checks;
- a requirement to pay a contribution to the Skilling Australians Fund (subject to the passage of legislation); and
- a discretionary non-discriminatory workforce test to ensure employers are not actively discriminating against Australian workers.

## Why does the TSS visa have three streams?

The TSS visa has three streams to meet different economic needs.

## What is the Short-Term stream of the TSS visa?

The Short-Term stream is designed for Australian businesses to fill short-term skilled vacancies with overseas workers where an Australian worker is not available.

This stream will use the STSOL, which will be reviewed regularly by the Department of Jobs and Small Business, through public consultations, labour market analysis and advice from government agencies.

Unlike the subclass 457 visa, this stream will allow onshore renewals only once, and involve a genuine temporary entrant assessment to prevent de facto residence.

## What is the Medium-Term stream of the TSS visa?

The Medium-Term stream is designed for Australian businesses to fill critical skill gaps for up to four years in occupations in medium and longer-term need, where an Australian worker is not available.

This stream will use the MLTSSL, reviewed regularly by the Department of Jobs and Small Business, through public consultations, labour market analysis and advice from government agencies.

The Medium-Term stream will have a permanent residence option after three years, subject to meeting all other eligibility criteria, rather than after two years, as per the current subclass 457 visa arrangements.

## What is the Labour Agreement stream of the TSS visa?

The Labour Agreement stream may be utilised in exceptional circumstances where there is a demonstrated need that cannot be met in the Australian labour market and standard visa programs are not available. These formal, but flexible agreements are negotiated between an employer and the Government to enable an employer to recruit an agreed number of overseas workers (at a specified age, skill level and English language and salary), where Australian workers are not available to fill positions.

See: <https://www.homeaffairs.gov.au/trav/work/empl/labour-agreements>

## How much will the TSS visa cost?

The TSS sponsorship fee will be \$420, the same as the subclass 457 sponsorship fee.

The TSS nomination fee will be \$330, the same as the subclass 457 nomination fee.

Visa Application Charges (VACs) for the TSS visa are outlined below.

<b>Visa Application Charges</b>	<b>Primary Applicant</b>	<b>Adult Dependent</b>	<b>Child Dependent</b>
TSS visa (Short-Term stream)	\$1,150	\$1,150	\$290
TSS visa (Medium-Term and Labour Agreement streams)	\$2,400	\$2,400	\$600

## What is the Skilling Australians Fund levy?

The Bills to implement the Skilling Australians Fund (SAF) levy are before Parliament. Employers nominating overseas workers after the required legislation has passed will contribute to the training of Australians through the SAF levy. The SAF levy provides a tangible demonstration of the way in which the TSS visa supports training opportunities for Australians.

The levy will be payable in full at the time the worker is nominated, and will depend on the size of the business. The levy will not apply to dependent TSS visa applicants or to existing 457 visa holders.

Business size	TSS visa	ENS / RSMS visas
<b>Small (annual turnover less than \$10 million)</b>	\$1200 per year or part thereof	\$3000 one-off
<b>Other businesses</b>	\$1800 per year or part thereof	\$5000 one-off

## When is it expected the SAF levy will need to be paid?

The SAF levy will only be required to be paid in relation to any ENS, RSMS or TSS nominations lodged on or after the date of implementation of the levy. This includes TSS nominations lodged because circumstances change (eg subclass 457 visa holder wants to change employers) – noting, that the SAF levy would correspond to the proposed employment period. This includes TSS nominations lodged by Overseas Business Sponsors, nominations lodged under labour agreement streams and ENS/RSMS nominations where no nomination fee applies.

## Can I get my employee to pay the SAF levy?

No - Businesses will be prohibited from passing on the costs of the SAF levy to overseas skilled workers, as is currently the case for other sponsorship costs.

## Will there be any exemptions?

No. Businesses are unable to offset their SAF levy liability by demonstrating their own training expenditure. Employers sponsoring intra-corporate transfers are liable to pay the SAF levy.

## When will SAF levy payments commence?

The Government remains committed to the introduction of a SAF levy. Pending the passage of legislation to implement the SAF levy, businesses sponsoring TSS workers will be subject to the existing training expenditure requirements.

The SAF will be administered by the Department of Education and Training (DET) and will underpin a new national partnership with the states and territories. The Government has chosen to direct the revenue from the SAF Levy for projects which prioritise apprenticeships and traineeships, reflecting that this is a national training priority area and recognising existing investments in schools and higher education. Further information is available at: [www.education.gov.au/skilling-australians-fund](http://www.education.gov.au/skilling-australians-fund).

## What about the training benchmarks?

The SAF levy will replace the current training benchmark requirement, reducing the regulatory burden on employers and providing improved training outcomes for Australians.

Employers will not be simultaneously subject to the SAF levy and the existing training benchmarks. Standard business sponsorship applications lodged prior to the implementation date will not be assessed for compliance with the training benchmarks – this includes whether or not start-up businesses who have lodged a subsequent sponsorship application have complied with a previously provided auditable training plan.

In order to be approved, ENS/RSMS:

- Direct Entry nominations will still need to meet the training benchmark requirements



- Temporary Resident Transition nominations will still need to meet training compliance requirements.

Training compliance requirements for previous periods will no longer be assessed for ENS/RSMS applications lodged on or after the date of implementation, as they will be subject to the SAF levy charge.

When the TSS visa comes into effect the training obligation will remain in place until the SAF legislation is implemented, meaning that until the SAF is in place the training benchmarks will need to be met twelve months after the business became an approved sponsor.

## Will holders of the TSS visa be able to become Australian permanent residents?

Yes, holders of the TSS visa in the Medium-Term stream will have an option to apply for permanent residence after three years, provided they meet eligibility requirements at the time of application.

## What are there work experience requirements for the TSS visa?

This requirement protects Australian jobs.

Two years relevant work experience is interpreted as two years full time relevant work experience in the same or a similar occupation.

The requirement for TSS visa applicants to have two years work experience in the nominated occupation or a related field will be considered flexibly under policy in the context of the occupation. This includes recognition of relevant experience gained as part of: a Masters or PhD, clinical/industry placement and internships, performances undertaken during study for performing artists, and relevant industry experience for niche and generalist occupations.

## Will sponsors be required to comply with sponsorship obligations?

Yes, businesses who sponsor overseas workers under the TSS visa will continue to be subject to sponsorship obligations.

## What is the non-discriminatory workforce test?

The non-discriminatory workforce test will allow closer examination of applications from employers whose workforce is predominately made up of overseas workers.

This test is discretionary to accommodate businesses who have a legitimate need to employ mostly overseas workers, but will ensure that Australian workers are not discriminated against.

## How will labour market testing work under the TSS visa?

Labour market testing is a mandatory requirement for the TSS visa unless an international trade obligation applies. Employers will need to demonstrate their efforts to find a suitably qualified Australian citizen before they can seek to employ an overseas worker on a temporary basis.

## Will the Temporary Income Skilled Migration Threshold (TSMIT) be indexed?

In considering options for replacing the subclass 457 visa with the new TSS visa, the Government decided not to index the TSMIT, which is currently set at \$53,900.

# Impacts for the Permanent Employer Sponsored Visa Program (subclass 186, 187)

## What are the changes for subclass 186 and 187 visas?

A summary of these changes is available on the Department of Home Affairs' website at: [www.homeaffairs.gov.au/WorkinginAustralia/Documents/reforms-australia-permanent-employer-sponsored-migration-programme.pdf](http://www.homeaffairs.gov.au/WorkinginAustralia/Documents/reforms-australia-permanent-employer-sponsored-migration-programme.pdf).

## How do the age changes affect the subclass 186 and subclass 187 visas?

From 18 March 2018, applicants for the Temporary Residence Transition (TRT) stream of the subclass 186 and subclass 187 visas must not have turned 45 at the time of application for this stream, unless the applicant held or had applied for a subclass 457 visa on 18 April 2017, or are eligible for an exemption. This aligns the TRT stream with the age limits for the Direct Entry (DE) stream, which changed on 1 July 2017. The changing of the maximum age of visa applicants from 50 to 45 increases the economic contribution of skilled migrants to Australia, and is in line with the Productivity Commissions recommendation to reduce the age limit for eligibility for permanent residency.

People who held, or had applied for, a subclass 457 visa on 18 April 2017 (the date these reforms were announced) will be able to access certain existing provisions under the TRT stream of the ENS or RSMS, including that the age requirement will remain at less than 50 years of age.

Exemptions from the age requirement for certain groups of people will continue to be available. These groups include certain medical practitioners, university lecturers, and people earning over the Fair Work High Income Threshold (currently \$142,000).

## I have applied for a subclass 186 or 187 visa, and can no longer meet the nomination requirements. Am I eligible for a refund?

If the visa application is withdrawn and the nomination requirements cannot be met through no fault of the visa applicant, the first instalment of the visa application charge will be refunded in certain circumstances for subclass 186 and subclass 187 visas.

## How will I be affected by occupation lists changes if I hold, have applied for, or intend to apply for a subclass 186 or a subclass 187 visa?

You will not be impacted by changes to occupation lists if you:

- currently hold an ENS or RSMS visa, or
- lodged your ENS or RSMS visa application on or before the date of the list changes.

If you apply for an ENS visa in the Direct Entry (DE) and Temporary Residence Transition (TRT) streams, your occupation must be on the MLTSSL used for subclass 186.

If you apply for an RSMS visa in the RSMS DE and TRT streams, your occupation must be on the MLTSSL used for the subclass 187, or be one of the additional occupations available for employers in regional areas.

If you apply for an RSMS visa in the DE stream and your nomination was lodged on or after 1 July 2018, all occupations on MLTSSL and the Regional Occupation List require a skills assessment.

## If I hold a 457 visa, can I apply for permanent residence through the TRT stream of the subclass 186 or 187 visa after March 2018?

Yes, this stream is available to all subclass 457 holders who meet the various requirements.

Transitional arrangements will be put in place in March 2018 in relation to certain requirements if you held or applied for your subclass 457 visa before 18 April 2017 as outlined below.

## If I hold a 457 visa, can I apply for permanent residence through the DE stream of the subclass 186 or 187 visa after March 2018?

Yes, this stream is available to all subclass 457 holders who meet the various requirements, including being nominated in an eligible occupation.

## If I have turned 45, can I apply for permanent residence through the subclass 186 or subclass 187 visa?

No, you will not meet the requirements for a subclass 186 or 187 visa unless:

- you held or had applied for your subclass 457 on 18 April 2017 and are applying under the TRT stream – see below; or
- you meet one of the age exemptions for these visa subclasses – further information is available on the Department’s website at [www.homeaffairs.gov.au/Trav/Visa-1/186-?modal=/Trav/Work/Work/Age-Skill-and-English-Language-Exemptions-Permanent-Employer-Sponsored-Programme](http://www.homeaffairs.gov.au/Trav/Visa-1/186-?modal=/Trav/Work/Work/Age-Skill-and-English-Language-Exemptions-Permanent-Employer-Sponsored-Programme).

## How do the changes to the subclass 186 and subclass 187 visas affect me if I held my 457 visa before the Government announced the changes on 18 April 2017?

People who held a subclass 457 visa on 18 April 2017, or have applied for a subclass 457 visa on 18 April 2017 that was subsequently granted, will be able to access certain existing provisions under the TRT stream:

- occupation requirements remain the same (ie there are no restrictions as long as the nominee continues to work in the same position for the same employer as approved for their subclass 457 visa)
- the age requirement will remain at less than 50 years of age; and
- the work experience requirement, and the requirement to have worked at least two out of the three years prior to nomination on a subclass 457, will remain at two years.

They will, however, be required to meet additional subclass 186 and subclass 187 eligibility criteria from 18 March, including English language requirements and salary arrangements (the Temporary Skilled Migration Income Threshold (TSMIT) requirement will apply for subclass 186 and 187 visa).

As per the table below, only the cohorts listed will have access to TRT transitional arrangements, consistent with the Government’s announcement. All other applicants will need to meet the new requirements in place as of March 2018.

Cohort	TRT requirements expected to apply
<p><b>Client held a subclass 457 visa on 18 April 2017 and continues to hold this visa or a TSS visa/related bridging visa at time of application.</b></p> <p><b>Or</b></p> <p><b>Client lodged a subclass 457 visa application on or before 18 April 2017 which was subsequently granted and continues to hold this visa or a TSS visa/related bridging visa at time of application.</b></p>	<p>New <b>requirements</b> apply subject to the transitional provisions outlined below:</p> <ul style="list-style-type: none"> <li>• <b>occupation list requirements will not apply;</b></li> <li>• the <b>age requirement</b> will remain at <b>less than 50</b> years of age with existing age exemptions still available; and</li> <li>• the <b>minimum period</b> an applicant is required to have been employed in their</li> </ul>

	nominated occupation as the holder of a subclass 457 or TSS visa will remain at <b>two years</b> .
<b>All other applicants</b>	New requirements apply

## I had to get a new subclass 457/TSS visa. Can I still access these transitional arrangements?

Yes - as long as you and your employer are able to meet the other requirements of the TRT stream.

Access of an overseas worker to these transitionals is not dependent on continuing to hold the same subclass 457 visa or working for the same employer. The overseas worker can have since been granted subsequent subclass 457/TSS visa and/or been re-nominated by a different employer.

## How long will these transitional arrangements be available?

Eligible overseas workers will need to lodge an application for permanent residence within four years, by March 2022.

## Are there any transitional arrangements in place for the Direct Entry (DE) stream?

No. There are no transitional arrangements in place for DE stream applicants, who are expected to meet the requirements in place at the time of application.

This will include being aged less than 45 years of age at time of application, unless you meet one of the specified age exemptions.

In addition, you will also need to have an eligible occupation on the MLTSSL for a subclass 186 application, and for the subclass 187, the MLTSSL and additional occupations.

## Why are you requiring people who hold a 457 or TSS visa to have an eligible occupation if they apply for permanent residence?

From 18 March 2018, applicants for an employer sponsored permanent residence visa will be required to have an eligible occupation on the MLTSSL and/or Regional Occupation List for regional employers, including those transitioning from a temporary work visa via the Temporary Resident Transition stream.

The exception will be people who held a subclass 457 visa, or had applied for a subclass 457 visa, on 18 April 2017. They will not have to have an eligible occupation to apply under the TRT stream for an ENS or RSMS visa.

Applying the occupation list to the TRT stream ensures that temporary entrants seeking to migrate permanently to Australia hold an occupation that has been identified as required in Australia's labour market in the medium to long-term. The subclass 457 and TSS visas are temporary visas and do not provide a guaranteed pathway to permanent residence. Australia's visa programs are targeted to ensure the entry of skilled foreign workers to Australia remains carefully calibrated to Australia's skills needs.

The occupation lists used for temporary and permanent employer sponsored skilled migration, including the MLTSSL, are regularly reviewed by the Department of Jobs and Small Business.

## Why are ENS applicants no longer able to access occupations listed on the STSOL?

The Government announced in April 2017 that only occupations listed on the MLTSSL would be eligible for the ENS and RSMS visas, with additional occupations available for RSMS to support employers in regional Australia.

Occupations listed on the STSOL have been identified by the Department of Jobs and Small Business as needed to support Australian businesses fill immediate and short-term skills gaps, where skilled Australian workers are not available. Access to STSOL occupations for the ENS and RSMS visas would be inconsistent with the objective of these visas – to meet medium and long-term skills shortages.

## Why has the Government introduced a three-year work experience requirement for the ENS and RSMS?

A three-year work experience requirement already exists for the ENS in the DE stream.

Introducing a three-year work experience requirement to RSMS in the DE stream brings it into line with ENS.

People applying for an ENS or RSMS visa in the TRT stream are required to have been employed in the nominated position for three years.

## Why has the Government applied the Temporary Skilled Migration Income Threshold (TSMIT) to the subclass 186 and subclass 187 visas, which are permanent visas?

As part of the reforms to employer sponsored skilled migration, the Government is requiring subclass 186 and subclass 187 nominators to ensure that their overseas workers are paid no less than the annual market salary rate for the position, and that this salary is no less than the TSMIT.

This requirement is designed to protect skilled overseas workers from exploitation and to ensure skilled overseas worker are not used to undercut local employment wages. This requirement also ensures subclass 186 and 187 visa holders have reasonable means of support in Australia.

This is consistent with findings from the independent Review of the TSMIT, released in February 2017, which considered the discrepancy between temporary and permanent visas in respect of the TSMIT. The report of the independent review can be found on the Department of Home Affairs website at:

<https://www.homeaffairs.gov.au/about/reports-publications/discussion-papers-submissions/review-tsmi>.

## Impacts for the Points-Tested Visa

### What are the changes for points-tested skilled visas?

Applicants for a subclass 189, 190 or 489 visa must not have turned 45 at the time they are invited to apply for the visa.

### Will I be affected by occupation lists changes if I hold, have applied for, or intend to apply for a points-tested visa (subclasses 189, 190 and 489)

You will not be impacted by these changes if you:

- are invited to apply for a subclass 190 or 489 visa on or after the date of the changes, your occupation must be on the STSOL, MLTSSL or Regional Occupation List (for state/territory 489 applicants).

- are invited to apply or intend to apply for a Skilled Independent and Family Sponsored points-tested visa (subclasses 189 and 489) after the date of changes, your occupation must be an eligible occupation on the MLTSSL.

## Impacts for International Student visa holders

### What if I hold or am considering applying for a student visa?

International students are not directly affected by the changes.

## Impacts for international students seeking to apply for the Temporary Graduate visa or the Training Visa

The replacement of the 457 visa with the TSS visa will not directly affect international students, however, international students considering a TSS visa as a post-study option will be required to meet the strengthened eligibility criteria, in particular the requirement for two years' relevant work experience.

### What if I hold, have applied for or intend to apply for a Temporary Graduate visa (subclass 485 visa)?

International students who have completed an eligible qualification on a student visa can still apply for post study work through a Temporary Graduate visa (485 visa). This visa provides them with the opportunity to work for up to four years in the Post Study work stream, depending on level of study, or 18 months in the Graduate Work stream if their occupation is on the MLTSSL.

You may be affected if you currently hold a subclass 485 visa and intend to apply for another visa that utilises occupation lists. When you apply for the other visa you must ensure the occupation is on the current occupation list.

It is important that you make sure you are aware of the most recent information on the visa you apply for, because requirements for further visas can and do change. A temporary visa does not provide a right to apply for a permanent visa. The Department encourages all prospective applicants to check the website regularly.

### What if I hold, have applied for, or intend to apply for a Training visa (subclass 407 visa)?

You will not be impacted by these changes if you:

- hold a subclass 407 visa granted before the date of change; or
- lodged your subclass 407 visa application before the date of change; or
- your sponsor lodged a subclass 407 nomination to nominate you before the date of change.

You may be impacted by these changes if:

- your sponsor lodges your subclass 407 nomination after 18 March 2018; or
- you hold a subclass 407 visa granted before the date of change and you intend to apply for a subsequent 407 visa. If this is the case, you must nominate an occupation from the current occupation list, available at: [www.homeaffairs.gov.au/Trav/Work/Work/Skills-assessment-and-assessing-authorities/skilled-occupations-lists](http://www.homeaffairs.gov.au/Trav/Work/Work/Skills-assessment-and-assessing-authorities/skilled-occupations-lists).

# Impacts for the subclass 457 Visa Program

## What if I already hold a subclass 457 visa?

If you hold a subclass 457 visa already, then you can continue to hold your visa until its expiry. You will not be impacted by these changes unless you seek to apply for a further visa or change employers.

## If I already hold a subclass 457 visa, can I apply for a family member to join me?

Secondary visa applicants can apply to join a primary subclass 457 visa holder in Australia. If approved, the secondary applicant's visa period will match the visa period of the primary visa holder. The secondary visa applicant will need to apply for a Temporary Skill Shortage visa.

## If I already hold a subclass 457 visa, can I change employers?

Yes, however, if you hold a subclass 457 visa and want to change employer or position, a new nomination will need to be lodged and approved for you. The nomination must be for an occupation that is on the STSOL, MLTSSL, or ROL.

## How will the reforms affect existing 457 sponsors/visa holders?

Until 17 March 2018, Australian businesses can sponsor an overseas worker for a subclass 457 visa.

From 18 March 2018, businesses already approved as standard business sponsors will continue to be able to sponsor a worker under the new TSS visa until their existing sponsorship expires. Once an existing sponsorship expires, sponsors would need to reapply for sponsorship to be able to continue to sponsor overseas skilled workers.

The 'one onshore renewal' rule included in the Government's April 2017 announcement, applies to TSS visas in the short-term stream only – it does not apply to existing subclass 457 visa holders who are seeking their first TSS visa (that is, this new rule will only impact them if they are granted two TSS short-term visas in a row, and then seek to apply for a third one).

# Stakeholder Engagement

## How have stakeholders been engaged on the reforms?

The Department of Home Affairs has consulted widely since the announcement of the abolition of the subclass 457 visa in developing the policy settings for the TSS visa. Some settings of the existing framework have been carried over to the TSS visa without amendment, and have not been the subject of consultation.

Most recent public engagement by Department of Home Affairs officials took place in February 2018 and included face-to-face briefings with key stakeholders in Sydney, Melbourne, Brisbane and Canberra; migration agent information sessions in key capital cities; and a briefing for the diplomatic community in Canberra.

These reforms were informed by earlier reviews including: the 2014 Independent Review into the Integrity of the Subclass 457 programme; the 2016 Productivity Commission Inquiry Report: Migrant Intake into Australia; the 2016 Review of the Temporary Skilled Migration Income Threshold; and the 2016 Senate Inquiry A National Disgrace: The Exploitation of Temporary Work Visa Holders.

- These reviews were subject to extensive consultation processes, including with: individuals; academics; bodies and businesses who use the employer sponsored skilled visa programs;

migration agents; representatives of foreign governments; the Ministerial Advisory Council on Skilled Migration; and government departments and agencies.

Following implementation of the TSS and skilled visa reforms, the Department of Home Affairs will be engaging with migration agents via webinars to gauge feedback on the changes. Other post-implementation stakeholder meetings with key industry stakeholders will be held as required. Feedback from businesses is encouraged through peak bodies who can engage directly with the Department of Home Affairs on their behalf.