

## Subclass 457 Visa Program - Income Threshold Increase

As at 1 July 2011 the Temporary Skilled Migration Income Threshold (TSMIT) for 457 visa applicants has risen from \$47,480.00 p.a. to **\$49,330.00 p.a.**

This change does not apply to 457 visa holders who have been granted their visas prior to this date. These employees earning salaries between the old and the new TSMIT are not required to have their salaries adjusted to meet the new threshold.

The obligation to ensure equivalent terms and conditions of employment to 457 visa holders remains. This means that the employer must pay the "market salary rate". The requirement to pay market salary rate means that sponsored 457 visa holders must be provided with the same terms and conditions of employment as provided (or would be provided) to an Australian undertaking equivalent work in the same workplace at the same location.

Employers of those 457 visa holders earning **\$180,000.00 p.a.** and above remain exempt from having to pay "market rates" for these positions.

If the base salary for the position falls below the TSMIT but the overall salary package is above the TSMIT then the position will be available for a 457 visa nomination if the Minister thinks it is reasonable.

For trade occupations and chefs, unless required under a licence, English language test standards may not be required where the base salary for the position exceeds **\$88,410.00 pa.** Nationals from the UK, Canada, USA, Ireland or New Zealand are also exempt from these standards in these occupations.

For Nominees applying for permanent residence under the Employer Nominated Scheme (121/856 visas) the base salary level has also been increased to **\$49,330.00 p.a.**

## Fee increase

Fees for 457 and 121/856 visas have increased as at 1 July 2011

### 457 visas

- Sponsorship - \$405.00
- Nomination - \$80.00
- Visa - \$305.00

### 121/856 visas

- Nomination - \$520.00
- 121 Offshore visas - \$1,995.00
- 856 Onshore visas - \$2,960.00

Please contact David Stratton, Ryan Curtis-Griffiths or Helen Zheng, Lawyers in our Migration Law Work Group, if you require further information in relation to this issue, or if you require legal advice regarding any other migration law matter.

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