

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING : 23 May 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE17/087) - 457 Changes - age limit exemptions - Programme 2.3: Visas

Senator Hume, Jane (L&CA 34) asked:

Mr Wilden: Under the new visa, or the new conditions, direct entry from 1 July 2017 will have an age limit of 45, and the transition scheme from 457s will stay at 50. Then in ENS/RSMS phase 4, which is March next year, it will be 45 for both those visas.

Senator HUME: But there are exemptions to that?

Mr Wilden: Some exemptions will apply in the future, but we have not worked out what we wish to carry from the exemptions forward. That goes to very specific individuals, if you like, who may be just over the proposed age limit. Particularly in the upper echelons—CEOs, et cetera—there may be good reason to waive that age requirement.

Senator HUME: Do we have categories of exemptions, or are they a case-by-case—

Mr Wilden: I will take that on notice to get the full detail for you.

Answer:

Exemptions are available to applicants applying for Employer Nomination Scheme (ENS, subclass 186) and Regional Sponsored Migration Scheme (RSMS, subclass 187) visas who are either:

- Nominated as a senior academic at Academic Level B, C, D or E by a university in Australia, as either a University Lecturer or Faculty Head; and
- Nominated as a scientist, researcher or technical specialist by an Australian government scientific agency, including State and Territory government scientific agencies.

For applicants applying through the Temporary Residence Transition stream of the ENS or RSMS visas, the following exemptions apply:

- Individuals who have been working for their nominating employer as the holder of a Temporary Work (Skilled) (subclass 457) visa for the last four years and whose earnings were at least equivalent to the Fair Work Australia High Income Threshold for each year over that period; and
- Individuals nominated as a medical practitioners (ANZSCO Minor Group 253) who have been working for their nominating employer as the holder of a subclass 457 visa for at least the four years immediately before applying and whose nominated position is located in regional Australia.

For applicants applying through the Direct Entry stream of the ENS or RSMS visas, the following exemption applies:

- New Zealand citizens and non-New Zealand members of the family unit of New Zealand citizens who hold Special Category (subclass 444) or New Zealand Citizen Family Relationship (Temporary) (subclass 461) visas who have been working for their nominating employer in their nominated occupation for at least two years (excluding any periods of unpaid leave) in the last three years immediately before making their visa application.