

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 22 May 2006

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(105) Output 1.1: Migration and Temporary Entry

Senator Carr asked:

1. Do you see any policy difficulties in granting 457 visas which are for up to 4 years on the assumption of skill shortage when a particular industry's fortunes (and the economy generally) can turn down well inside 4 years?
2. Is the Department's policy formulation sensitive to the fact that skilled occupations that can be in shortage today may not be in 12 months because of an industry downturn or downturn in a particular geographic part of the country?
3. Can 457 visas be revoked in a situation where a skill shortage evaporates, for one reason or another?
4. If this can occur, please provide details of the relevant process and what triggers it.

Answer:

1. It is not appropriate for officials to comment on Government policy.
2. Yes. The Department takes into account a range of relevant factors when formulating policy options for consideration by the Government.
3. The Department may take steps to cancel a Subclass 457 visa where the circumstances for the grant of the visa no longer exist or if the visa holder ceases employment with the sponsor or is found breaching a condition attached to their visa.
4. The cancellation process may be triggered following the receipt of information by the Department that the nominee's employment with the sponsor has ceased or that they are working in contravention of their visa conditions. This could include information provided by the sponsor, the visa applicant or as a result of compliance activity. The process must comply with the legal process in the Migration Act and Regulations and is broadly as follows:
 - (i) the Department receives information that, on face value, may come within the law relating to visa cancellation.
 - (ii) the Department issues a notice of intention to consider cancellation of the person's visa.
 - (iii) the Department provides visa holder with opportunity to comment on the intention to cancel their visa.
 - (iv) the Department considers all information and makes a decision either to cancel or not to cancel the visa under the Migration Act and Regulations.