



Producer Notice

Further information on 457 visa programme

5 May 2017

Information

Key APL Contacts

APL has received a response from the Department of Immigration and Border Protection (DIBP) to APL's enquiry regarding producers' concerns around abolishing Temporary Work (Skilled) (subclass 457) visa (457 visa).

This detailed information can be found attached. APL appreciates that some of this information may be difficult to untangle for those unfamiliar with immigration law. We have highlighted this with DIBP, who are working to provide easier to understand factsheets on the website.

In APL's interpretation of DIBP's response, the new system retains a pathway to permanency for Regional Occupations on the regional list (available below) including Pig Farmer and Agricultural Technician. This is good news.

With regard to the availability of only one onshore two-year visa renewal for occupations on the Short Term Skilled Occupation List (STSOL), DIBP have confirmed that applicants will be able to re-apply from offshore as many times as they desire. This does not guarantee a successful application, and they will be subject to a new 'genuine temporary entrant' assessment.

APL attended the 457 visa reforms stakeholder roundtable today, Friday 5 May 2017, to obtain further information and will maintain an ongoing dialogue with DIBP. During discussions today, the Department informed us of its intention to conduct stakeholder consultation sessions around the country. We strongly encouraged DIBP to visit regional centres, including those with large concentrations of APL membership. This will enable producers to put their concerns directly to the Department. We will keep you updated with any new information on these sessions.

DIBP is also open to receiving industry submissions suggesting amendments to the STSOL and Medium to Long Term Skilled Shortage List (MLTSSL). APL will take up this opportunity to formally raise industry concerns. We encourage you to provide your concerns, suggestions, and comments to us. We will then pass them on to government in a consolidated industry submission. Please contact Andrew Robertson (andrew.robertson@australianpork.com.au) with your views, as soon as possible.

As changes are implemented through to March 2018, information will continue to be updated on the Department's website at <http://www.border.gov.au/Trav/Work/457-abolition-replacement>.

General inquiries and further information	Deb Kerr APL GM Policy	0408 169 628
	Andrew Robertson Policy Analyst	02 6270 8888

Department of Immigration and Broder Protection (DIBP) detailed response.

Labour agreements

Abolition and replacement changes to the 457 visa have no immediate impact on the labour agreement programme with:

- existing labour agreements remaining in effect;
- existing visa holders not impacted unless they apply for another visa impacted by the changes outside of the labour agreement programme; or
- new nominations that you intend to lodge/related visa applications not impacted – including applications for occupations which have been ‘removed’ from the standard programme but remain specified in your agreement.

The Department will need to amend all existing labour agreements at some time prior to March 2018 next year. At minimum, amendments will need to reflect the abolition of the subclass 457 visa. No further applications for 457 visas accepted post the new visa being introduced in March 2018.

Pig Farmer (121318) and Agricultural Technician (311111)

These occupations are listed on the STSOL. New applications for these occupations can still be made under the 457 programme.

From March 2018, the two-year visa stream will use the STSOL. This list will be updated every six months. Unlike the current 457 visa, this stream will allow onshore renewals only once, and involve a genuine temporary entrant assessment to prevent de facto residence.

Employer Nomination Scheme (ENS, subclass 186)

A number of visa programmes, including the subclass 186, that use the STSOL can also access some additional occupations on the MLTSSL. For ease of reference, the Department’s website has a combined list of both the STSOL and the eligible MLTSSL occupations. See: Combined list of eligible skilled occupations.

Certain occupations are excluded from use in certain circumstances. These exceptions only apply to the 457 visa programme.

From March 2018, for ENS and Regional Sponsored Migration Scheme (RSMS), the MLTSSL will apply. Additional occupations available to support regional employers for the RSMS.

Regional occupations

Regional occupations are listed below:

	Occupation	ANZSCO Code
1.	<i>Aquaculture Farmer</i>	121111
2.	<i>Cotton Grower</i>	121211
3.	<i>Flower Grower</i>	121212
4.	<i>Fruit or Nut Grower</i>	121213
5.	<i>Grain, Oilseed or Pasture Grower (Aus) / Field Crop Grower (NZ)</i>	121214
6.	<i>Grape Grower</i>	121215
7.	<i>Mixed Crop Farmer</i>	121216
8.	<i>Sugar Cane Grower</i>	121217
9.	<i>Vegetable Grower (Aus) / Market Gardener (NZ)</i>	121221
10.	<i>Crop Farmers nec</i>	121299
11.	<i>Apiarist</i>	121311
12.	<i>Beef Cattle Farmer</i>	121312
13.	<i>Dairy Cattle Farmer</i>	121313
14.	<i>Horse Breeder</i>	121316
15.	<i>Mixed Livestock Farmer</i>	121317
16.	<i>Pig Farmer</i>	121318
17.	<i>Poultry Farmer</i>	121321
18.	<i>Sheep Farmer</i>	121322
19.	<i>Livestock Farmers nec</i>	121399
20.	<i>Mixed Crop and Livestock Farmer</i>	121411
21.	<i>Production Manager (Forestry)</i>	133511
22.	<i>Wine Maker</i>	234213
23.	<i>Agricultural Technician</i>	311111
24.	<i>Primary Products Inspectors nec</i>	311399

RSMS

The changes to the occupation lists announced last week did not impact the occupations available to applicants through the RSMS. RSMS applicants are still able to be sponsored for any occupation classified at Australia and New Zealand Standard Classification of Occupations (ANZSCO) skill level 1 to 3.

The Temporary Residence Transition (TRT) stream of the permanent employer sponsored visa programme does not assess occupations against a set list. To be eligible for this stream the applicant must demonstrate that they have worked in the occupation for which they were granted their 457 visa for at least two years, as well as meet all other necessary requirements. Therefore, the recently announced changes to the STSOL and MLTSSL do not impact applicants in the TRT stream.