

## Workers on 457 – recommendations implemented from the 2008/09 integrity review

Major reforms to the 457 visa program were made throughout 2009. These reforms affect workers on 457 visas and their sponsors. This fact sheet summarises the key changes.

### Employer obligations

Sponsorship obligations require employers to:

- keep records
- pay market rates
- cooperate with Immigration inspectors
- not recover costs from visa holders including recruitment or migration agent fees
- pay reasonable costs of economy class air travel from the visa holder's place of residence in Australia to the visa holder's home country.

Failure to meet these obligations may result in a sponsor being barred from bringing new overseas workers to Australia. DIAC can also impose fines of up to \$6600, or apply to a Court for civil penalties of up to \$33 000.

For more information on employer obligations please go to:

[http://www.immi.gov.au/skilled/skilled-workers/\\_pdf/fs-457-sponsor-obligations.pdf](http://www.immi.gov.au/skilled/skilled-workers/_pdf/fs-457-sponsor-obligations.pdf)

### New immigration inspector powers

Immigration inspectors have new powers. These include the power to enter a workplace without notice, inspect documents and impose fines on sponsors who breach their obligations.

### Market salary rates

A requirement that employers pay workers on 457 visas market rates was introduced on 14 September 2009. This means that employers must provide workers on 457 visas with pay and conditions no less favourable than those provided to Australian workers doing the same work at the same workplace. For more information see the Market salary rates fact sheet.

**Increased mobility within the labour market**

Workers on 457 visas are now able to change employer without needing to apply for a new visa. The new employer must be an approved sponsor and must nominate the visa holder to perform a specific job. After the nomination is approved, the visa holder may start working for the new employer. For more information see the Changing employer fact sheet.

**Health insurance**

Previously, employers were responsible for medical costs incurred in public hospitals by workers on 457 visas. From 14 September 2009, new visa holders are required to maintain health insurance as a condition of their visa. There are transitional provisions for existing visa holders. For more information see the Health insurance fact sheet.

**Increased English language requirements**

The level of English language skills required for new applicants for 457 visas wanting to work in trade occupations and as chefs has increased.

**Introduction of skills assessments**

Formal trade assessments are now required for tradespersons and chefs from countries not considered low-risk.

**Non-discriminatory employment practices**

Employers must attest to a strong record of employing local labour and nondiscriminatory employment practices.

**Sharing information with the Australian Taxation Office and other government authorities**

The Commissioner of Taxation is now able to share tax information with DIAC to ensure correct salary levels are being paid to visa holders. DIAC can cancel an employer's sponsorship or bar them from bring new overseas workers if they breach their obligations.

For more information about the 457 visa program or other visa issues, contact your union, the ACTU on 1300 362 223 or:

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