



VISA ALERT

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MARKET SALARY RATES ANNOUNCED FOR 457 VISA HOLDERS FROM FROM 14.09.2009

:: IMMEDIATE ACTION ITEM

Review employment contracts for existing 457 visa holders to ensure the obligation to pay the market salary rate is met from 14 September 2009

:: TIP

To bring an end to 457 visa sponsorship obligations consider nominating 457 visa holders for permanent residence under the prioritised and fast track Employer Nomination scheme

The Minister for Immigration and Citizenship has (finally) announced the following information on market salary rates for 457 visa holders commencing **14 September 2009**:

- the market salary rate will be assessed according to the industrial arrangements that apply to an equivalent position occupied by an Australian worker within the same workplace, i.e. Collective Agreement, award, common law contract
- if there is no Australian performing equivalent work in the same workplace, the employer must show the market rate by reference to the following:
 - Collective Agreement or award
 - remuneration surveys
 - published earnings data e.g. ABS earnings data, Job Outlook
 - evidence of what employees are paid in similar workplaces e.g. job vacancy advertisements
- introduction of the Temporary Skilled Migration Income Threshold (TSMIT) to ensure that all 457 visa holders have sufficient income to support themselves
- market salary rates for a nominated occupation must be at least above the TSMIT - if the market salary rate for an occupation is lower than the TSMIT, a nomination will not be approved
- current sponsors must pay at least the TSMIT until 31 December 2009 - for ICT professionals the TSMIT is \$61,920 p.a. and for others \$45,220 p.a. based on a 38 hour week
- positions with a salary level above \$180,000 p.a. are not required to provide evidence of the market salary rate
- the market salary rate includes LAFHA, if relevant.

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