AUSTRALIA AMENDS VISA 457 SCHEME

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The Philippine Consulate General in Sydney has reported on the recent amendments on Australia's Visa 457 scheme. The new legislation entitled "Amendment to Sponsorship and Nomination Criteria and Temporary Business (Long Stay) Subclass 457 visa Time of Decision Criteria aims to weed out undesirable employers and recruiters and improve their compliance with the terms of employment of foreign workers recruited under the Visa 457 scheme.

The following are the amendments on the new legislation which took effect on 01 October 2007:

l A business which proposed to hire out the service of a Subclass 457 visa holder to an unrelated business cannot apply to be approved as a Standard Business Sponsor.

- A Standard Business Sponsor cannot nominate an activity where the activity involves hiring out the visa holder's services to another unrelated business.

- An application for a Subclass 457 visa, on the basis of sponsorship by a Standard Business Sponsor, cannot be approved where the activity involves hiring out the visa holder's services to another unrelated business, unless the nomination that was approved in relation to the activity was made before 01 October 2007.

- An application for Subclass 457 visa on the basis of sponsorship by Standard Business Sponsor whose business activities include the recruitment of labor or hiring of labor for supply to an unrelated business, may be approved only if the proposed nominated activity relates to employment directly by the sponsor in a position within the sponsor's own business and that is not hired out or supplied to other unrelated businesses.

The amendments were in response to the issues raised on the 457 visa scheme which has drew the attention of different sectors in Australia. Human rights and Church groups have voiced their concern on the vulnerability of workers under the 457 visa. Among the concerns raised were the lack of awareness on the part of the worker on their rights; the worker's difficulty in complaining against their employer for fear of visa cancellation and; the allegations that some employers might be avoiding their responsibilities to their migrant workers. The concerned groups also emphasized that Australia has an obligation to ensure that all workers are protected against any forms of extortions and authorities must act swiftly to prevent any further injuries or deaths to migrant workers.

The government of Australia clarified that under the 457 visa scheme, migrant workers are free to complain about their employment conditions and that workers under the scheme have the same rights and protection as any other Australian worker.

Filipino migrant workers, particularly those who enter Australia under the 457 visa scheme are advised to seek the assistance of the Philippine Embassy/Consulates should they encounter problems relative to their employment in the country.

For the information of all concerned.

Adopted: 28 Nov. 2007

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