

## QUESTION TAKEN ON NOTICE

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 30 October 2006**

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

### **(165) Output 1.1: Migration and Temporary Entry**

Senator Evans asked:

1. What is the status of family members holding 457 visas (secondary 457 visas)?
2. Are they allowed into the country on the agreement of the sponsoring employer?
3. Can an employer withhold that agreement and not allow family members to accompany the principal visa holder?
4. Can an employer withdraw that agreement once the family member is in the country and force them to leave? i.e. can the employer effectively cancel the family member's 457 visa?
5. If so, on what grounds can an employer cancel the 457 visa for family members?
6. If an employer can cancel the 457 visa, how long does the family member have before they are required to leave the country?
7. Does the employer have to advise, and justify to the, Department when they cancel the visa of a family member?
8. Does the Migration Act provide any protection for family members on 457 visas from being required to leave the country?

*Answer:*

1. Family members, interdependent partners and dependent children of interdependent partners are able to apply for a Subclass 457 visa to accompany the primary applicant to Australia. Subclass 457 visas granted to secondary applicants allow full work and study rights.
2. The Subclass 457 visa is an employer-sponsored visa category. Employers seeking to sponsor must meet the criteria to sponsor and must agree to a set of sponsorship undertakings. They can then nominate skilled positions they wish to fill with skilled overseas workers. Overseas workers and their families who have the support of the sponsor can then apply for a Subclass 457 visa. Employer sponsorship is designed to protect the Australian community from potential costs arising from temporary residents including health costs, and location, detention and removal costs.

3. As the sponsorship undertakings make the sponsor responsible for each Subclass 457 visa holder, it is at their discretion to decide who they are willing to sponsor.
4. No, the employer cannot withdraw from their sponsorship undertakings in relation to a secondary visa holder.
5. Not applicable.
6. Not applicable.
7. Not applicable.
8. Not applicable.