

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 20 OCTOBER 2009

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### (122) Program 1.1: Visa and Migration

Senator Back asked:

Subclass 457 visa program - English language Exemption

Applications can be exemption (sic) from the English language test if the gross base salary rate is set above \$81040, excluding all deductions and based on a 38 hour week:

- a) what occupations is this open to; and
- b) how many applications which fall under the eligible ASCO levels for the new English requirements have claimed the exemption based on salary.

*Answer:*

a) The following classes of applicants are exempt from the English language requirement:

(a) applicants who are nominated in an occupation that does not require a level of English language competency for registration, license or membership, and are a passport holder of any of the following countries:

(i) Canada;

(ii) New Zealand;

(iii) the Republic of Ireland;

(iv) the United Kingdom; or

(v) the United States of America;

(b) applicants who are nominated in an occupation that does not require a level of English language competency for registration, license or membership, and are nominated for an approved position that is in the Australian Standard Classification of Occupations ("ASCO Second Edition") Major Groups 1 – 3, excluding 3322-01 Head Chef and 3322-11 Chef (except where an applicant has been nominated for Head Chef or Chef and has lodged an application before 14 April 2009), and

(c) applicants who are nominated in an occupation that does not require a level of English language competency for registration, license or membership, and have completed at least five consecutive years of full-time study in a secondary and/or higher education institution where the instruction was delivered in English.

b) There were nine primary visas granted to Subclass 457 visa applicants between 1 July and 31 October 2009 who were eligible for exemption from the English language proficiency requirement because their salary level was equal to or greater than the salary exemption threshold of \$81,040.