



AUSTRALIA | Accredited Sponsor Status Applications Accepted on November 1, 2011

The Australian Department of Immigration & Citizenship (DIAC) circulated a recent announcement to permit Australian companies to apply for Accredited Sponsor (AS) status. Beginning November 1, 2011, Standard Business Sponsors (SBS) will be eligible to apply for AS to facilitate priority processing or "fast-tracking" Subclass 457 Work visa (457 visa) applications.

According to current DIAC regulations, SBS is generally termed as either an Australian or overseas business that has a three-year accreditation to sponsor foreign national workers. SBS's must meet several basic obligations, or "sponsorship undertakings". Primary sponsorship undertakings include, but are not limited to: being a registered company in Australia or an appropriately registered overseas business entity or overseas government agency; agreeing to pay the Australian minimum salary levels according to occupation and maintaining updated immigration compliance records.

As of November 1, 2011, SBS's can apply to the DIAC to receive AS status for up to six years. AS will be a status that qualified SBS companies can obtain if meeting all the AS requirements. As this is a new development, and the DIAC has not yet announced how the entire process will work in practice, we are unable to estimate processing times for AS applications.

The New AS Requirements

According to the DIAC's announcement, the Australian company sponsor must:

- be a government agency, a publicly-listed company, or a private company, with a minimum of A\$4 million turnover per year for the last three years;
- have been an active 457 visa sponsor for the past three years (with a break of no more than 6 months, not due to any sanction);
- have no adverse information known about them based on DIAC and Department of Education, Employment and Workplace Relations (DEEWR) monitoring, including formal warnings and sanctions;
- have had at least 30 Subclass 457 visa holders granted in the previous 12 months;
- have lodged a high level of "decision-ready" applications (i.e., all application documents filed at once) over the previous two years;
- have a non-approval rate of less than three per cent for the previous three years;
- have Australian workers comprising at least 75% of their workforce in Australia and a commitment to maintain this level;
- have a valid collective or enterprise agreement which will cover all sponsored 457 visa holders earning less than A\$180,000.

The DIAC's official service standard to process 457 applications is between two to three months. Currently, uncontested SBS/457 applications submitted to the DIAC as

"decision-ready" are generally processed in two to six weeks. It is hoped that AS/457 applications could be processed within a matter of days versus weeks.

?What's Changed?

The qualifying criteria for AS status may be limiting to the majority of SBS's. Certain companies, while appearing eligible on the surface, when carefully evaluated, may fall short on such items as "a valid collective or enterprise agreement that will cover all sponsored 457 visa holders earning less than A\$180,000".

ACTION ITEMS FOR EMPLOYERS

While clients could meet some, or even a majority of the principal criteria points, clients interested in application should review now with their Pro-Link GLOBAL immigration specialist whether they will be able to meet **all** of the above requirements.

Companies are reminded that an AS will be required to maintain all of the above requirements for the duration of their six-year accreditation. If the new requirements are not maintained, the DIAC can revoke the company's AS accreditation and refuse fast-track processing of the company's 457 visa applications.

Caveat Lector | Warning to Reader

This content is provided for general information purposes only and does not constitute legal advice or final guidance for any immigration matter. Readers are reminded that a country's immigration laws and requirements may change with little to no advance public notice. Questions regarding specific immigration matters should be addressed to your Pro-Link GLOBAL specialist. Pro-Link GLOBAL has worked with our PLG | KGNM Correspondent Office to provide this update.

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