



Commonwealth of Australia

Migration Regulations 1994

**TESTS, SCORES, PERIOD, LEVEL OF SALARY AND EXEMPTIONS TO
THE ENGLISH LANGUAGE REQUIREMENT FOR
SUBCLASS 457 (TEMPORARY WORK (SKILLED)) VISAS 2015**

(Subparagraph 2.72(10)(g)(iv), paragraphs 457.223(4)(eb) and 457.223(6)(a), and subclause 457.223(11))

I, *MICHAELIA CASH*, Assistant Minister for Immigration and Border Protection, acting under subparagraph 2.72(10)(g)(iv) of Part 2A to the *Migration Regulations 1994* (the Regulations), and paragraphs 457.223(4)(eb), 457.223(6)(a) and subclause 457.223(11) of Schedule 2 to the Regulations:

1. REVOKE Instrument number IMMI 14/009 (F2014L00327), signed on 19 March 2014, specifying the tests, scores, period, level of salary and exemptions to the English Language requirement for Subclass 457 (Temporary Work (Skilled)) visas; and
2. SPECIFY for the purposes of subparagraph 457.223(4)(eb)(iv), the following language tests:
 - (a) International English Language Testing System (IELTS test);
 - (b) Occupational English Test (OET);
 - (c) Test of English as a Foreign Language internet-based test (TOEFL iBT);
 - (d) Pearson Test of English Academic (PTE);
 - (e) Cambridge English: Advanced test (CAE), where the test was completed on, or after 1 January 2015.
3. SPECIFY for the purposes of subparagraph 457.223(4)(eb)(v), the following scores:

English test	Minimum band score	Minimum scores for English test components			
		Listening	Reading	Speaking	Writing
IELTS test	Overall band score 5.0	4.5	4.5	4.5	4.5
OET	-	B	B	B	B
TOEFL iBT	Total band score 36	3	3	12	12
PTE	Overall band score 36	30	30	30	30
CAE	Overall band score 154	147	147	147	147

4. SPECIFY the period of three years from the date of the visa application, for the purposes of paragraph 457.223(4)(eb).
5. SPECIFY the period of three years from the date of nomination, for the purposes of subparagraph 2.72(10)(g)(iv).
6. SPECIFY for the purposes of paragraph 457.223(6)(a), that the base rate of pay (expressed as an annual salary) is at least the level of salary, where:
 - (a) the **base rate of pay** has the same meaning as in subregulation 2.57(1) of the Regulations; and
 - (b) the **level of salary** is AUD 96,400.
7. SPECIFY the following classes of Subclass 457 visa applicants to be an exempt applicant under subclause 457.223(11) of Schedule 2 of the Regulations:
 - (a) an applicant who is a citizen of, and who holds a valid passport issued by:
 - (i) the United Kingdom;
 - (ii) the United States of America;
 - (iii) Canada;
 - (iv) New Zealand; or
 - (v) the Republic of Ireland; or
 - (b) an applicant who:
 - (i) is nominated in an occupation that does not require a level of English language competency for grant (however described) of registration, licence or membership; and
 - (ii) has completed at least five years of full-time study in a secondary and/or higher education institution where the instruction was delivered in English; or
 - (c) an applicant who is:
 - (i) nominated in relation to an activity or occupation by a standard business sponsor approved under regulations 2.59 or 2.68 of the Regulations; and
 - (ii) nominated in relation to an activity or occupation that will be performed at a diplomatic or consular mission of another country or an Office of the Authorities of Taiwan located in Australia; or

- (d) an applicant who lodged his or her most recent Subclass 457 visa application before 1 July 2013 and:
- (i) is the subject of an approved nomination; and
 - (ii) the application for approval of the approved nomination in subparagraph (i) was made on or after 1 July 2010, in an occupation that does not require a level of English language competency for grant (however described) of registration, license or membership; and
 - (iii) is nominated in the application for approval of nomination in an occupation that is in:
 - A. ANZSCO Major Group 1;
 - B. ANZSCO Major Group 2;
 - C. ANZSCO Major Group 4;
 - D. ANZSCO Major Group 5;
 - E. ANZSCO Major Group 6;
 - F. Sub-Major Group 31; or
 - G. Unit Group 3993; or
- (e) an applicant who lodged his or her most recent Subclass 457 visa application before 1 July 2013 and:
- (i) is the subject of an approved nomination; and
 - (ii) the application for approval of the approved nomination in subparagraph (i) was made before 1 July 2010 in an occupation that does not require a level of English language competency for grant (however described) of registration, license or membership; and
 - A. for an applicant whose most recent Subclass 457 visa application was lodged before 14 April 2009 – the Subclass 457 visa applicant is nominated in the application for approval of the approved nomination in subparagraph (i) in an occupation that is in:
 - 1. ASCO Major Group 1;
 - 2. ASCO Major Group 2; or
 - 3. ASCO Major Group 3; or
 - B. for an applicant whose most recent Subclass 457 visa application was lodged on or after 14 April 2009 and before 1 July 2013 – the Subclass 457 visa applicant is nominated in the application for approval of the approved nomination in subparagraph (i) in an occupation, other than Head Chef 3322-01 or Chef 3322-11, that is in:
 - 1. ASCO Major Group 1;
 - 2. ASCO Major Group 2; or
 - 3. ASCO Major Group 3.

8. For the purposes of Item (7) of this Instrument:
- (a) in relation to secondary education, *full-time study* means the standard number of contact hours that a student would undertake in the relevant country;
 - (b) in relation to higher education, *full-time study* means the completion of at least three subjects in each semester or trimester of study;
 - (c) for the purposes of regulation 1.03 of the Regulations *ANZSCO* means the Australian and New Zealand Standard Classification of Occupations as published by the Australian Bureau of Statistics; and
 - (d) *ASCO* is defined at regulation 1.03 of the Regulations.

This Instrument number IMMI 15/028 commences on 18 April 2015.

Dated 16 April 2015

Michaelia Cash
Assistant Minister for Immigration and Border Protection