

AUSTRALIAN GOVERNMENT RESPONSE (PROVIDED BY DEPARTMENT OF FOREIGN AFFAIRS AND TRADE)

- . Currently, foreign applicants for a Temporary Work (Skilled) visa (subclass 457) who seek to work in one of 30 nominated occupations, and who hold a passport from any one of ten nominated countries, including China, are required undertake skills assessment by a registered training organisation approved by Trade Recognition Australia
 - where licensing or registration is required at a federal or state or territory level to perform the occupation, the visa applicant must also gain that license or registration before they can undertake any work
 - : this includes passing any necessary tests or skills assessment required to obtain a licence in any given jurisdiction.
- . As part of the ChAFTA package, a side letter was developed to remove the requirement for mandatory skills assessment for Chinese 457 visa applicants seeking to work in 10 of the 30 nominated occupations for the subclass 457 visa application process.
 - this commitment only removes the need for an automatic ('mandatory') skills assessment at the 457 visa application stage - **all applicants will still need to satisfy DIBP that they have the skills and experience required** for the occupation in which they are nominated to be granted a visa
 - : this process could be conducted by providing evidence of qualifications, memberships of relevant bodies or associations, references, CVs and documents showing English-language skills
 - : as with all other 457 visa applicants, should a visa processing officer consider verification of skills is needed, they can still require that a skills assessment be conducted.
- . **The side letter does not remove the requirement that temporary visa holders must hold relevant licenses and certification** as required by Australian federal, state and territory laws and regulations.

BACKGROUND

The current process

Since 2009, under the current 457 visa process, for citizens of ten countries, DIBP requires applicants seeking 457 visas for 30 of the occupations on Consolidated Sponsored Occupations List (CSOL) to undergo a skills assessment before being granted a 457 visa. China is one of these ten countries (the others are Brazil, Fiji, India, PNG, Philippines, South Africa, Thailand, Vietnam and Zimbabwe).

Trades Recognition Australia, in the Department of Education and Training, has overall responsibility for these skill assessments and has five private Australian-based Regional Training Organisations (RTOs) contracted to conduct the assessments. Some of these RTOs have permanent overseas offices where assessments are conducted (including in the Philippines, the UK, India and South Africa), though none have permanent offices in China.

It is important to note that a positive skills assessment may lead to a 457 visa being granted, providing all other conditions are met, but it **does not guarantee licensing and / or registration with the appropriate body.**