

AMBER MIGRATION NEWSLETTER
8 August 2018

In this version of **Amber Migration's** newsletter, we update you on the Skilling Australians Fund levy that will be implemented on 12 August 2018.

Implementation of the Skilling Australians Fund (SAF) levy

The SAF levy will be implemented on **12 August 2018**. The levy (which is also known as the Training Contribution Charge or TCC) will be imposed on any Nominations for:

- **Subclass 482** Temporary Skills Shortage (TSS) visas;
- **Subclass 186** Employer Nomination Scheme (all streams) visas;
- **Subclass 187** Regional Sponsored Migration Scheme (all streams) visas; and
- The levy will also be imposed on Nominations to **transfer an existing Subclass 457 (or 482) visa** holder to a new employer.

The charge is payable upfront, per nomination, at the time of application. The following table summarises the level of TCC payable:

Sponsor's annual turnover	482 TSS	186 ENS & 187 RSMS
Less than \$10 million	\$1,200 per year of visa requested	\$3,000 One-off
Over \$10 million	\$1,800 per year of visa requested	\$5,000 One-off

The TCC **will not be applied retrospectively** and will only apply to nomination applications lodged on or after 12 August 2018.

There will be **no exemptions** for the SAF levy, except for religious workers nominated under the Labour Agreement streams of the TSS or ENS visas.

Sponsor Obligations

The current Training Benchmarks A and B have been repealed, however sponsors are still required to maintain records of all relevant training benchmark expenditure incurred before 12 August 2018.

The current business sponsor obligations have been amended to include the TCC as a cost that **cannot be recovered** from or transferred to the nominee.

TCC refund policy

Part of full refunds of the TCC will be available in the following circumstances:

482 TSS	<ul style="list-style-type: none">• The nomination is withdrawn before a decision is made and the reason for the withdrawal was that the information used to calculate the TCC was incorrect;• The standard business sponsorship application associated with the nomination was withdrawn or refused;• The nomination is in the LA stream and is withdrawn before entering into the work agreement;• 482 visa application associated with the nomination is refused on either health or character grounds;• 482 visa applicant fails to commence employment in the position associated with the nominated occupation;• Further refunds may be possible where the approved visa period is more than one year and the visa holder ceases to be employed by the nominator or an associated entity within one year after commencing said employment.
186 ENS and 187 RSMS	<ul style="list-style-type: none">• The nomination was approved by Immigration by mistake;• The nomination relates to a visa in the LA stream and the application for nomination was withdrawn before the nomination was finally decided and the occupation was not one that may be nominated under the LA or the number of nominations approved for that LA year has been reached;• The nomination is withdrawn before the nomination is decided because the amount used to calculate the TCC was incorrect;• The nomination relates to a visa in the LA stream and the nomination is withdrawn before entering into the work agreement;• The nomination relates to a visa in the TRT stream and the nomination is withdrawn before the decision is made, because a wrong occupation was nominated;• The nomination is withdrawn before decision because the wrong stream was identified;• The visa application associated with the approved nomination is refused on either health or character grounds;• The 186 or 187 visa holder fails to commence employment in the nominated position.

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