



Gold Medal Visa
Accredited Immigration Experts

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Grandfathering Provisions on Permanent Residency for Subclass 457 Visa Holders

The Australian Immigration introduced significant changes to the employer sponsored visa program in 2017 and 2018, which effectively limited the ability of many sponsored visa holders to access a permanent residence pathway.

However, to ensure that visa holders already pursuing a permanent pathway were not disadvantaged, the Australian Immigration introduced transitional arrangements for a protected visa cohort, to provide them with concessions to the new stricter requirements.

Who does this apply to?

These transitional arrangements apply to the 'protected visa cohort', which is defined as anyone who:

- held a subclass 457 visa on **18 April 2017** and continues to hold this visa, a 457 visa/TSS visa or a related bridging visa; or
- had lodged an application for a subclass 457 visa on or before 18 April 2017 that was subsequently granted and continues to hold this visa, a 457 visa/TSS visa or a related bridging visa

The visa holder does not need to still hold the same subclass 457 visa to be eligible for these concessions. They can also hold a subsequent subclass 457 visa, subclass 482 visa, or a related bridging visa.

These visa holders will be able to access certain concessions regarding eligibility for permanent residency:

- **occupation list requirements remain the same** (i.e. eligibility is secured regardless of which occupation list your occupation is on as long as the nominee continues to work in the same position for the same employer as approved for their subclass 457 visa); and
- the **age requirement will remain** at less than 50 years of age; and

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- the **work experience requirement will remain** as 2 years on a subclass 457

Important:

- Eligible overseas workers will need to lodge their permanent visa application by **18 March 2022**.
- Access to these transitions by an overseas worker is not dependent on continuing to hold the same subclass 457 visa or working for the same employer. The overseas worker can have since been granted subsequent subclass 457/TSS visa and/or been re-nominated by a different employer.

What will this mean for permanent residency application after 18 March 2022?

Without the concessions, the applicant must meet the current criteria including:

- being under the age of 45 at time of application (unless exempt); and
- working in the nominated occupation for their sponsor for at least 3 years on a TSS/457 visa (the 3-year period starts when the visa holder starts working on their TSS/457 visa) out of the previous 4 years; and
- the nominated occupation must be on Medium and Long-term Occupation List

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