



457 Skills Assessment Reassessment Policy

As at 22 April 2010

TRA Approved Registered Training Organisations (RTOs) are required to conduct skills assessments for potential 457 visa applicants from nominated countries applying for nominated trade occupations within a seven (7) week timeframe¹.

Under the Australian Quality Training Framework (AQTF), RTOs are required to provide unsuccessful applicants with a right of appeal. Under the AQTF, an appeal is defined as:

A process whereby a client of an RTO, or other interested party, may dispute a decision made by the RTO. The decision made by the RTO may be an assessment decision or may be about any other aspect of the RTOs operations².

The AQTF does not provide a definition for re-assessment, however the Training and Assessment Training Package (TAA04) glossary provides the following definition:

Re-assessment is an assessment activity initiated as a result of an appeal against the outcome of a previous assessment³.

A re-assessment may also be initiated as the result of an applicant meeting skill gaps within a specific period of time, for example a short training program, additional work experience, etc.

In order for the Department of Immigration and Citizenship to manage 457 visa applications following an unsuccessful skills assessment outcome, the following timelines are required to be adhered to by all TRA Approved RTOs to ensure that appeal and reassessments are managed within a timely manner.

Two processes are to be implemented for TRA Approved RTOs:

1. A reassessment resulting from an appeal lodged by the applicant; and
2. A reassessment resulting from an applicant addressing skill gaps* identified during the initial assessment process.

* If skill gaps identified in the initial assessment process are significant the applicant will be required to re-apply for a skills assessment at a later date once the gaps have been addressed through further training and/or employment experience. Each case must be judged on its individual merit, bearing in mind that it may not be possible for an applicant to address significant skill gaps in the timelines proposed for the process to be finalised.

¹ Source: Service Deed between DEEWR and TRA Approved RTOS for the provision of assessment services for persons seeking a temporary sponsored working visa (Subclass 457), Schedule 1, Clause B.9.

² Source: http://www.training.com.au/documents/aqtf2k7_usr-guide-ess-std_final2.pdf

³ Source: http://www.ntis.gov.au/Default.aspx?trainingpackage/TAA04/volume/TAA04_1/chapter/Appendices

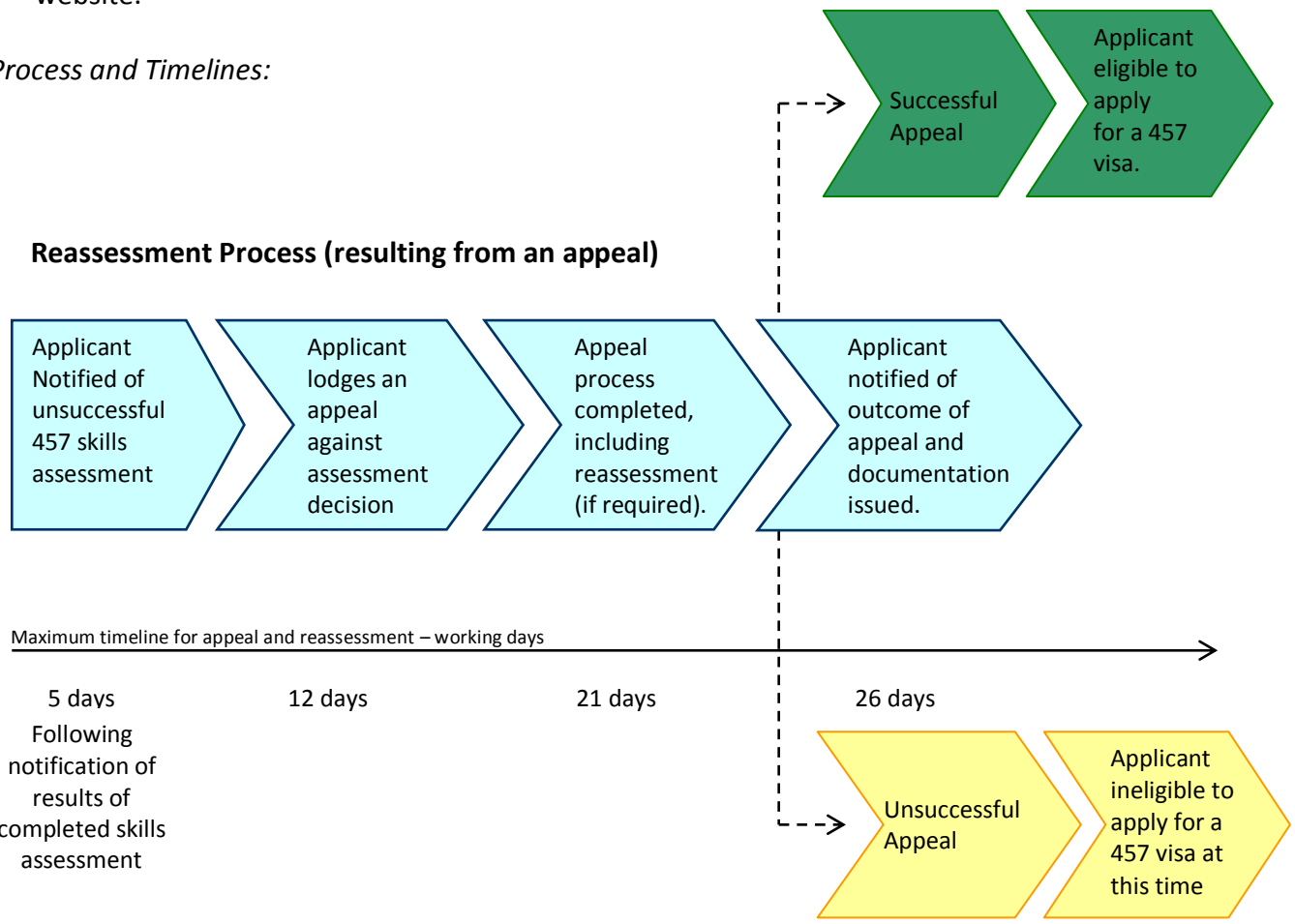
1. A reassessment (resulting from an Appeal by the applicant)

- a. An unsuccessful 457 skills assessment applicant who wishes to lodge an appeal of the assessment decision will be required to do so within **seven (7) working days** of being notified in writing by the TRA Approved RTO of the unsuccessful outcome.

If the 457 visa application process has commenced, the applicant (or their agent⁴) will be required to notify the Department of Immigration and Citizenship (DIAC) that an appeal has been lodged.

- b. TRA Approved RTOs will be required to conduct a review of the initial assessment decision, and if deemed appropriate, conduct a reassessment of the applicant within **fourteen (14) working days** of lodgement of the appeal by the applicant.
- c. The TRA Approved RTO will be required to notify the applicant of the outcome of the appeal within **five (5) working days** of completion of the appeal process and issue appropriate documentation (in accordance with Schedule 1, B.6d of the Service Deed).
- d. Fees for conducting a reassessment that results from an appeal must be listed on the RTO’s website.

Process and Timelines:



⁴ Agent may include: recruitment agent; migration agent; employer sponsor; or any person acting on behalf of the skilled worker applying for a 457 visa.

2. Reassessment resulting from the applicant addressing skill gaps identified during initial assessment process:

- a. If an unsuccessful 457 skills assessment applicant wishes to undertake a reassessment within the same application process, they will be required apply for a reassessment within **twenty-one (21) working days** of being notified in writing by the TRA Approved RTO of the unsuccessful outcome.

If a reassessment is not requested within this timeframe, the skills assessment application will be closed as ‘unsuccessful’ and the applicant will be required to re-apply for a 457 skills assessment, and if necessary, lodge a new 457 Visa Application with the Department of Immigration and Citizenship.

- b. A reassessment must be conducted **within fourteen (14) working days** from the date the request received.
- c. The applicant must be notified of the outcome of the reassessment within **five (5) working days** of completion of the reassessment, and be issued with the appropriate documentation (in accordance with Schedule 1, B.6d of the Service Deed).
- d. Fees for conducting a reassessment must be listed on the RTOs website.

