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## Sponsoring a temporary overseas employee to Australia



**Australian Government**  
**Department of Immigration  
and Citizenship**

# Contents

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■	<b>Part 1 – Overview of employment visa categories</b>	<b>2</b>
	Other temporary and permanent visa categories	3
	Terms to know	3
■	<b>Part 2 – Information for employers</b>	<b>6</b>
	A. Sponsorship by an Australian or overseas business	6
	Sponsorship undertakings	7
	B. About Labour Agreements relating to temporary entry	21
	C. About Service Sellers	24
■	<b>Part 3 – Information for employees</b>	<b>25</b>
	Employee applies for a Subclass 457 – Business (Long Stay) visa	25
	Health and character requirements	25
■	<b>Part 4 – Preparing applications</b>	<b>26</b>
	Visa Application Charge	26
■	<b>Part 5 – Processing visa applications</b>	<b>29</b>
■	<b>Part 6 – Post arrival information for visa holders</b>	<b>34</b>
■	<b>Part 7 – Eligible occupations</b>	<b>36</b>

# Part 1

## Overview of employment visa categories

This booklet is for businesses seeking to recruit staff from overseas for temporary entry to Australia for periods between 3 months and 4 years on a Subclass 457 – Business (Long Stay) visa. Businesses may also sponsor secondary persons to accompany overseas staff to Australia.

Visas are available under arrangements for:

- A.** Sponsorship by Australian or overseas businesses;
- B.** Labour Agreements;
- C.** Service Sellers.

### A. Sponsorship by Australian or overseas businesses

Australian or overseas businesses who have been unable to meet their skill needs from the Australian labour market can sponsor, on a temporary basis for up to 4 years, overseas employees to fill skilled positions in Australia. Under this program, positions must be full-time and meet minimum skill and salary levels. There are 3 steps in the application process: sponsorship, nomination and visa application. Further information is on page 6.

### B. Labour Agreement

Labour Agreements cover both permanent and temporary entry visa subclasses.

Labour Agreements are formal arrangements negotiated between the Australian Government (represented by the department and DEEWR) and an employer. They are negotiated to meet special circumstances that cannot be covered by standard sponsorship arrangements. A Labour Agreement is the only migration pathway available for some industries, for example meat processing and on-hire.

Labour Agreements enable Australian employers to recruit a specified number of skilled workers from overseas where there is a demonstrated need in the Australian labour market. Labour Agreements are usually valid for 2–3 years. Further information is on page 21.

### C. Service Sellers

This visa is for foreign nationals who are representatives of overseas suppliers of services who are negotiating, or entering into, agreements to supply their services in Australia. Visas can be granted for a period of initial stay of 6 months and up to a maximum of 12 months. Further information is on page 24.

## Other temporary and permanent visa categories

Australia has a range of other temporary and permanent visas not covered by this booklet that cater for the needs of Australian employers and business people that include:

- 1 Short Stay Business Visitor visas;
- 2 Independent Executive Further Application Onshore visas;
- 3 The Employer Nomination Scheme;
- 4 Regional Sponsored Migration Scheme; and
- 5 Business Migration.

Further information is available on the department's website [www.immi.gov.au](http://www.immi.gov.au)

### Terms to know

When applying under the Temporary Business (Long Stay) arrangements, applicants need to understand these terms:

**457 processing centre** – dedicated offices of the department which provide 457 clients with a fast, efficient, integrated and professional service.

**Applicant** – refers to a person applying for sponsorship, nomination, or a visa.

**Australian mission** – an Embassy, High Commission, Consulate-General, Consulate or Trade Commission of Australia, in another country.

**Certified copy** – an original document that is signed and dated as a true copy by a magistrate, Justice of the Peace, Commissioner for Declarations, Commissioner for Affidavits, a person before whom a Statutory declaration may be made under the law of the state in which the Declaration is made, solicitor, registered medical practitioner, bank manager, or postal manager and/or Australian Postal Corporation Officer with 5 years service. If an applicant is offshore, a notarised copy is acceptable.

**Child** – (when used in relation to another person) means:

- a natural (biological) child; or
- an adopted child within the meaning of the *Migration Act 1958*; or
- a child conceived through an artificial conception procedure (ACP) as provided for in the *Family Law Act 1975*; or
- a child born under surrogacy arrangements, where parentage has been transferred by court order under a prescribed state or territory law.

**De facto partner** – a person is the de facto partner of another person (whether of the same sex or a different sex) if the person is in a de facto relationship with the other person.

**De facto relationship** – for the purposes of a Subclass 457 – Business (Long Stay) visa application, a person is in a de facto relationship with another person if:

- they are not in a married relationship (for the purposes of the *Migration Act 1958*) with each other;
- they are not related by family;
- they have a mutual commitment to a shared life to the exclusion of all others;
- the relationship between them is genuine and continuing; and
- they live together or do not live separately and apart on a permanent basis.

**Department's offices** – an office of the Department of Immigration and Citizenship (the department).

**Married relationship** – persons are in a married relationship if:

- they are married to each other under a marriage that is valid for the purposes of the *Migration Act 1958*;
- they have a mutual commitment to a shared life as husband and wife to the exclusion of all others;
- the relationship between them is genuine and continuing; and
- they live together or do not live separately and apart on a permanent basis.

**Nominee** – the person nominated to fill the identified vacancy.

**Overseas Business** – a business not operating in Australia.

**Partner** – a spouse or de facto partner, including same-sex de facto partners.

**Primary person** – the primary person is the overseas employee being sponsored to work temporarily in Australia, who is applying for a Subclass 457 – Business (Long Stay) visa.

**Secondary person** – this is a family member of a primary person or a person currently holding a Subclass 457 – Business (Long Stay) visa who is applying to join them as a secondary person.

**Spouse** – a person is the spouse of another person if they are in a married relationship.

## Abbreviations used by the department

**DEEWR** – Department of Education, Employment and Workplace Relations

**ENS** – Employer Nomination Scheme

**OBS** – Overseas Business Sponsor

**PAYG** – Pay As You Go (tax)

**RSMS** – Regional Sponsored Migration Scheme

**SBS** – Standard Business Sponsor

## Secondary persons

The primary person may include in their application the following persons to accompany them to, or remain with them in, Australia.

A secondary person may be a:

### Partner

Your partner is your spouse or de facto partner, including same-sex de facto partners.

### Dependent child (under 18 years of age) of the partner

A dependent child is the child or step-child of the primary person or their partner where the primary person or their partner has legal responsibility for the child.

### Dependent child (aged 18 years and over) and other relatives

Dependent children aged 18 and over and other relatives of the primary person or their partner may be considered on the application if:

- they are not in a married relationship or a de facto relationship;
- they are usually resident in the primary person's household;
- they rely on the primary person for financial support for their basic needs;
- the primary person has supported them for a substantial period; and
- they rely on the primary person more than any other person or source.

Children who were assessed as a member of the family unit of the primary applicant for the purposes of a previous subclass 457 visa may be eligible for a further secondary subclass 457 visa if:

- they have not married or entered a de facto relationship since the last subclass 457 visa was granted; and
- they have not yet turned 21 years of age.

### Custody requirement

If an application includes a child under 18, who is not accompanied by both parents, the applicant needs to produce documentation showing that the applicant has the legal right to remove that child from the country. The applicant needs to provide a:

- certified copy of a court order giving them the right to remove the child or decide where the child can live; **or**
- statutory declaration agreeing to the migration of the child from any person who has the legal right to decide where that child can live.

### Work and study rights

Under the Temporary Business (Long Stay) category, secondary persons are able to work and study during their stay in Australia. Temporary visa holders may, however, incur education/tuition costs for any study undertaken in Australia. For government primary and secondary school fee information, contact the relevant school authority in each state. For private education sector fee information, contact the school or college concerned. Contact details for government and non-government education authorities are available from the Department of Education, Employment and Workplace Relations (DEEWR) website [www.deewr.gov.au](http://www.deewr.gov.au)

Temporary visa holders studying at tertiary level attract the same fees as apply to overseas students. More information about overseas student fees can be obtained from the DEEWR website [www.deewr.gov.au](http://www.deewr.gov.au)

# Part 2

## Information for employers

Visas are available under arrangements for:

- A. Sponsorship by an Australian or overseas business;
- B. Labour Agreements;
- C. Service Sellers.

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### A. Sponsorship by an Australian or overseas business

The process for sponsoring a person from overseas to work in Australia on a temporary basis for up to 4 years is:

**Step 1:** the employer applies for approval as a Standard Business Sponsor;

**Step 2:** the employer nominates the position to be filled and the primary person to fill the position;

**Step 3:** the prospective employee applies for a Subclass 457 – Business (Long Stay) visa.

Visa applications may be lodged at the same time as the employer lodges the sponsorship and nomination, or separately. Where lodged together, if the sponsorship or nomination is refused, the visa application may also be refused at the same time. If the visa applicant is in Australia when their application is refused, they may be restricted from making a further visa application while in Australia. To avoid this, withdrawal of the application can be requested on the visa application form.

**Note:** Visas can only be granted while both a sponsorship and nomination are in effect. If the visa application is lodged close to the expiry of the sponsorship and nomination, a new sponsorship and nomination may need to be applied for prior to processing the visa.

## Sponsorship undertakings

An applicant for Standard Business Sponsorship must agree to meet certain sponsorship undertakings in relation to its overseas employees.

The department must be satisfied that the business is able to meet these sponsorship undertakings in relation to all those it has sponsored, including any secondary applicants.

Sponsor	Undertaking
<b>Must comply with immigration laws</b>	<ul style="list-style-type: none"> <li>to comply with its responsibilities under the immigration laws of Australia;</li> <li>not to employ a person who would be in breach of the immigration laws of Australia as a result of being employed;</li> <li>to ensure that, if there is a gazetted minimum salary in force in relation to the nominated position occupied by a sponsored person, the person will be paid at least that salary.</li> </ul>
<b>Must comply with workplace relations laws</b>	<ul style="list-style-type: none"> <li>to comply with all laws relating to workplace relations that are applicable to the applicant, and any workplace agreements that the applicant may enter into with a sponsored person;</li> <li>to ensure that a sponsored person holds any licence, registration or membership that is mandatory for the performance of work by the person;</li> <li>to make superannuation contributions required for a sponsored person while the sponsored person is in the applicant's employment;</li> <li>to deduct tax instalments, and make payments of tax, while the sponsored person is in the applicant's employment.</li> </ul>
<b>Must cooperate with the department</b>	<ul style="list-style-type: none"> <li>to notify the department, within 5 working days after a sponsored person ceases to be in the applicant's employment;</li> <li>notify the department of: <ul style="list-style-type: none"> <li>any change in circumstances that may affect the business capacity to honour its sponsorship undertakings; or</li> <li>any change to the information that contributed to the applicant being approved as a sponsor, or the approval of a nomination;</li> </ul> </li> <li>to cooperate with the department's monitoring of the applicant and the sponsored person. This undertaking continues until the earlier of the following: <ul style="list-style-type: none"> <li>if the sponsored person ceases to hold the visa for which he or she was sponsored, the earlier the time when the person leaves Australia and the time when the person is granted a substantive visa; and</li> <li>the time when the sponsor ceases to be an approved sponsor of the sponsored person.</li> </ul> </li> </ul>
<b>Must be responsible for costs</b>	<ul style="list-style-type: none"> <li>to ensure that the cost of return travel by a sponsored person is met;</li> <li>to pay all medical or hospital expenses for a sponsored person arising from treatment administered in a public hospital (other than expenses that are met by health insurance or reciprocal health care arrangements): <ul style="list-style-type: none"> <li>this undertaking continues until all expenses are paid;</li> </ul> </li> <li>to pay to the Commonwealth an amount equal to all costs incurred by the Commonwealth in relation to a sponsored person: <ul style="list-style-type: none"> <li>these costs may include those relating to removing the sponsored person from Australia and processing any application for a protection visa made by a sponsored person;</li> <li>this undertaking continues until all costs are paid.</li> </ul> </li> </ul>
<b>Must comply with the terms of the nomination</b>	<ul style="list-style-type: none"> <li>to ensure that, if it is a term of the approval of the nomination of a position that a sponsored person must be employed in a particular location, the applicant will notify the department of any change in the location which would affect the nomination approval.</li> </ul>

Penalties may be imposed if the business does not comply with these undertakings.

## Other obligations

The business must also comply with other applicable laws of the Commonwealth, states and territories. If the Minister believes that the business has breached a law of the Commonwealth, a state or territory, the Minister may take action to bar the business from accessing further overseas workers for a specified period.

Further information about sponsorship obligations is available from the department's website [www.immi.gov.au/skilled/](http://www.immi.gov.au/skilled/)

## Monitoring of business sponsors

Employers who are approved as Standard Business Sponsors will be monitored to ensure that they are honouring their sponsorship undertakings.

All sponsors are required to complete a monitoring form (form 1287) within 12 months of their sponsorship being approved. The form requires the sponsor to provide information about their temporary overseas employees, including evidence of the salary being paid as well as information to assess whether sponsorship undertakings, including training commitments, are being met. The department may also undertake site visits to ensure compliance with undertakings. Sponsors may be monitored or site visited more than once while they continue to employ temporary overseas employees.

### Results of non-compliance (sanctions)

If the business does not comply with these undertakings the department may:

- prevent the employer from sponsoring or nominating any employees under this program for a specified period of time;
- cancel the Standard Business Sponsorship agreement;
- cancel the visas of any employees and their secondary visa holders;
- consider previous non-compliance when assessing any future sponsorship applications made by the employer or by any other business operated by the same principals.

### When a sponsoring employer's undertakings cease

Responsibility for the undertakings will commence after the employee and their secondary applicants have been granted their visa and they have arrived in Australia.

A sponsoring employer's undertakings will cease upon the earlier of the following:

- 28 days after the employer notifies the department that the employee has ceased to be in their employment;
- when the employee leaves Australia and their visa ceases, or they are granted another substantive visa.

The liability to incur a debt to the Australian Government remains until one of the following occurs:

- the employee and their secondary visa holders have been granted another substantive visa (which is any visa other than a bridging visa, criminal justice visa or an enforcement visa);
- the employee and their secondary visa holders have left Australia and their visas have ceased.

Once a debt to the Australian Government is incurred, the employer remains liable until it is paid.

## Electronic lodgement of applications

Australian businesses and the foreign employees they are seeking to sponsor can lodge their sponsorship, nomination and visa applications electronically via the department's website [www.immi.gov.au/e\\_visa/](http://www.immi.gov.au/e_visa/)

Electronic lodgement is only available to visa applicants who are nominated by an Australian business under a Business Sponsorship or a Labour Agreement.

To electronically lodge a sponsorship or nomination application, the business must be legally established in Australia and have an Australian Business Number (ABN), an Australian Company Number (ACN), an Australian Registered Body Number (ARBN) or a Client Identification Number (available from the department's 457 processing centres in Australia).

To electronically lodge a visa application the primary person can be either in Australia or outside Australia. If in Australia, the primary person must be the holder of a valid visa other than a bridging visa. Secondary persons may also be included in the primary person's electronic visa application.

A facility is also available to enable high volume users to easily lodge multiple applications electronically. For more information about this facility please contact the department's 457 processing centres.

Further information about electronic lodgement is available from the department's website [www.immi.gov.au/e\\_visa/](http://www.immi.gov.au/e_visa/) or from the department's 457 processing centres in Australia.

## Step 1: Employer applies for Standard Business Sponsorship – form 1196 (internet) or 1196 (Part A)

### Sponsorship by an Australian Business

Standard Business Sponsorship allows employers to sponsor temporary business entrants. Employers must demonstrate to the department that they can satisfy the sponsorship criteria, including their ability to comply with sponsorship undertakings, in relation each sponsored person.

Standard Business Sponsorship is not available to employers that propose to supply the services of overseas workers to an unrelated business.

A Standard Business Sponsorship is valid for either 2 years or until the approved number of positions is filled, whichever happens earlier. The nomination and visa application must be lodged well before this period expires. If employers wish to sponsor additional overseas employees, they need to make a new sponsorship application.

Sponsored employees may stay in Australia for the length of the visa validity period – the visa does not expire when the sponsorship expires.

Australian businesses should lodge sponsorship and nomination applications at their nearest 457 processing centre or on the internet.

### Requirements for approval as a Standard Business Sponsor (Australian business)

To be approved as a sponsor, the employer must agree to abide by the sponsorship undertakings set out on form 1196 *Sponsoring temporary overseas employees to Australia* and demonstrate that the business:

- 1 is a lawfully and actively operating business;
- 2 will be the direct employer of the temporary business entrant;
- 3 has a good business record and complies with immigration laws;
- 4 will bring benefit to Australia through the employment of a temporary resident; and
- 5 will advance skills through technology or training.

#### 1. Lawfully and actively operating business

Applicants for sponsorship must be employers who are lawfully operating a business. The business must be actively engaged in business activities. A business that exists on paper only (eg. a shelf company) is not acceptable. New businesses or business proposals may be considered if there is clear evidence of intention to establish the business.

#### 2. Direct employer of the temporary business entrant

Applicants for sponsorship must be the direct employer of the temporary business entrant. This usually involves responsibility for payment of salaries, PAYG tax instalments, superannuation, the conditions of employment and day-to-day supervision of the employee.

For bodies corporate, migration legislation allows for the direct employer to be related to the approved sponsor. For example, the head company of a corporate group of companies in Australia may be approved as a sponsor, while a subsidiary company is the direct employer.

**Note:** Standard Business Sponsorship is not available to employers that propose to supply the services of overseas workers to an unrelated business.

### 3. Good business record and compliance with immigration laws

Where relevant, the department may check that the employer has a satisfactory record of compliance with immigration laws and that there is nothing adverse known about the business and its principals. Applications for sponsorship may be refused if the activities of the business are of a nature generally considered unacceptable in Australia.

### 4. Benefit to Australia

The employment of a temporary business entrant must benefit Australia. The application must show how the employment of a temporary business entrant in the business will contribute to either:

- creating or maintaining employment for citizens or permanent residents of Australia; **or**
- expanding Australian trade in goods or services; **or**
- improving Australian business links with international markets; **or**
- increasing competitiveness within sectors of the Australian economy.

### 5. Advancing skills through technology or training

The employer must also demonstrate that their Australian business operations:

- will introduce, use or create new or improved technology or new business skills; **or**
- have a satisfactory record of, or a demonstrated commitment towards, training Australian citizens and Australian permanent residents in their business operations.

The employer must provide a supporting statement and any relevant documentation addressing this requirement with their application.

#### *New technology or business skills*

Where sponsors are claiming that they will introduce, use or create new or improved technology, they must demonstrate that the business will be using 'leading edge' technology or business skills. Where possible, claims of utilising or introducing new or improved technology should also be supported by independent advice from a relevant government agency, industry representative or professional body.

#### *Training*

Employers addressing this requirement should provide detailed information in relation to their training record and/or commitment to training Australian residents. Some examples of detailed information which can be included in an application are the:

- number of employees in the business, including employees who have been sponsored from overseas;
- number, by category, of graduates/apprentices/trainees employed by the business in the last 2 years;
- recruitment plans for the next 2 years including the nature and duration of training provided for new recruits;
- number of Australian resident employees who have received employer-assisted training during the last 2 years and the nature of the training received;
- annual training expenditure as a percentage of gross payroll;
- business training plan;
- quantified investment in training Australians, such as evidence of scholarships or external training courses funded by the business.

## Sponsorship by an Overseas Business

Businesses which have no formal operating base or representation in Australia may apply to bring employees to Australia in order to:

- establish a branch, joint venture, or agency distributorship and subsidiary branches in Australia; or
- fulfil obligations for a contract or other business activity in Australia.

The employer, or a person with legal authority to act on their behalf, completes form 1196 and accepts the sponsorship undertakings. Forms are available from [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

Approval is valid for 2 years or until the available nominations are filled, whichever happens earlier.

Overseas employers should lodge sponsorship and nomination applications at their nearest Australian mission.

### Requirements for approval as a Standard Business Sponsor (overseas business)

To be approved as an overseas business sponsor, the employer must accept the sponsorship undertakings set out on form 1196 and demonstrate that the business:

- 1** is a lawfully and actively operating business;
- 2** will be the direct employer of the temporary business entrant;
- 3** has a good business record and complies with immigration laws; and
- 4** will bring benefit to Australia through the employment of a temporary resident.

#### 1. Lawfully and actively operating business

Applicants for sponsorship must be employers who are lawfully operating a business. The business must be actively engaged in business activities. A business that exists on paper only (eg. a shelf company) is not acceptable. New businesses or business proposals may be considered if there is clear evidence of intention to establish the business.

#### 2. Direct employer of the temporary business entrant

Applicants for sponsorship must be the direct employer of the temporary business entrant. This usually involves responsibility for payment of salaries, PAYG tax instalments, superannuation, control over conditions of employment and day-to-day supervision of the employee.

For bodies corporate, migration legislation allows for the direct employer to be related to the approved sponsor. For example, the head company of a corporate group of companies in Australia may be approved as a sponsor, while a subsidiary company is the direct employer. Standard Business Sponsorship is not available to employers that propose to supply the services of overseas workers to an unrelated business.

#### 3. Good business background and compliance with immigration laws

Where relevant, the department may check that the employer has a satisfactory record of compliance with immigration laws and that there is nothing adverse known about the business and its principals. Applications for sponsorship may be refused if the activities of the business are of a nature generally considered unacceptable in Australia.

#### 4. Benefit to Australia

The employment of a temporary business entrant must benefit Australia. The application must show how the employment of a temporary business entrant in the business will contribute to either:

- creating or maintaining employment for citizens or permanent residents of Australia; or
- expanding Australian trade in goods or services; or
- improving Australian business links with international markets; or
- increasing competitiveness within sectors of the Australian economy.

#### **Preparing a Standard Business Sponsorship application**

It is up to the business to show that the business satisfies the requirements for approval. For prompt processing, include all necessary information and documentation with the application. This includes payment of the sponsorship application charge. See page 26 for details.

**The department may make a decision without requesting further supporting material and if relevant information or documents are missing. This may affect the decision and the result of the application.**

## Checklist to use when preparing a *Business Sponsor application*

Requirements	Information to provide:
<b>Complete application form</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Complete all relevant parts of the online application form 1196 (Part A) see <a href="http://www.immi.gov.au/e_visa/">www.immi.gov.au/e_visa/</a>; or</li> <li><input type="checkbox"/> Complete all relevant parts of paper form 1196 (Part A).</li> </ul>
<b>Lawfully and actively operating business</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> ASX code; or</li> <li><input type="checkbox"/> All of the following: <ul style="list-style-type: none"> <li>• business registration certificate; and</li> <li>• ASIC Registration Certificate; and</li> <li>• company's publicity material.</li> </ul> </li> </ul>
<b>Direct employer of the employee</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> If sponsor and employer are separate companies, evidence that they are related (parent/subsidiary).</li> </ul>
<b>Benefit to Australia</b>	<p>Details of how sponsoring an employee from overseas will:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> create or maintain employment; or</li> <li><input type="checkbox"/> expand trade; or</li> <li><input type="checkbox"/> develop links with international markets; or</li> <li><input type="checkbox"/> improve competitiveness.</li> </ul>
<b>Advancing skills through technology or training</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> All of the following: <ul style="list-style-type: none"> <li>• details of number of employees in the business with breakdown of how many Australians, apprentices/graduates/trainees and sponsored employees;</li> <li>• details and evidence of training expenditure;</li> <li>• training plan and/or strategy;</li> <li>• other documents that support the application;</li> <li>• evidence of a quantifiable commitment to the future training of Australians within the next 2 years.</li> </ul> </li> </ul>
<b>Financial obligations</b>	<p><b>Note:</b> This information will not generally be required if the business:</p> <ul style="list-style-type: none"> <li>• operates in the Government Administration industry sector;</li> <li>• is listed on the Australian Stock Exchange and an ASX Code has been provided;</li> <li>• has more than 20 full-time employees, has satisfactorily sponsored 457 visa holders previously and is listed with the Australian Securities and Investment Commission (ASIC) and an ABN and ACN/ARBN have been provided.</li> </ul> <p>The following will need to be provided if the requirements above cannot be met:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> ASX code; or</li> <li><input type="checkbox"/> Details of Business Registration and statement prepared by a chartered accountant or certified practising accountant (CPA) which outlines the ability of the employer to meet its sponsorship undertakings.</li> </ul> <p>The following documents may also be requested:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Bank Statements;</li> <li><input type="checkbox"/> Balance Sheets;</li> <li><input type="checkbox"/> Profit and Loss Statements;</li> <li><input type="checkbox"/> Relevant extracts from your Business Plan including cash flow projections;</li> <li><input type="checkbox"/> Contracts;</li> <li><input type="checkbox"/> Lease agreements;</li> <li><input type="checkbox"/> Statements concerning the source of any funds.</li> </ul>

## Step 2: Employer nominates the position to be filled

This step is to identify the:

- position to be filled by the temporary business entrant(s);
- skills and experience required for the position;
- salary the position will attract.

The primary person who will fill the nominated position and any secondary persons who will accompany them, should be named in the nomination where they are known.

To allow prompt processing, nomination applications should be lodged at the same time as the sponsorship application.

The employer must agree to the sponsorship undertakings detailed in the nomination and on page 7 of this booklet.

Australian employers can apply to nominate online at [www.immi.gov.au/e\\_visa/](http://www.immi.gov.au/e_visa/) or at their nearest 457 processing centre using form 1196 (Part B). Overseas businesses should lodge form 1196 (Part B) at their nearest Australian mission. Forms are available from [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

### Requirements for a nomination to be approved

When making a decision on the nomination application, the department assesses whether:

- the employer is an approved Standard Business Sponsor;
- the position relates to an occupation which meets the minimum skills threshold; and
- the position is to be remunerated at or above the minimum salary level based on a 38-hour working week, and in line with Australian workplace laws and awards.

Positions must be for full-time employment.

#### Skill threshold

A minimum skill level applies to all positions to be filled by overseas employees. The position must be of an equivalent skill level and nature to a gazetted list of skilled occupations. These occupations are based upon those described in the Australian Standard Classification of Occupations (ASCO), major groups 1–4 inclusive. There may, however, be additions or deletions from ASCO 1–4 occupations. The most current approved list is specified in a Legislative Instrument, and is listed at [www.immi.gov.au/skilled/](http://www.immi.gov.au/skilled/)

When nominating the positions to be filled, sponsors must outline the duties, roles and responsibilities involved in the position they are seeking to fill. The nomination of positions which do not meet the minimum skill level cannot be approved.

#### Salary threshold

The nominated salary must be no lower than a minimum salary level specified in a Gazette Notice at the time the nomination application is lodged. In addition, the nominated salary and working conditions must be in line with Australian laws and meet any applicable award. The minimum salary level represents a gross annual salary based on a 38-hour working week and must not include:

- salary sacrificing/packaging (forego wages or salary in lieu of non-cash benefits);
- accommodation or rental assistance, board, upkeep, meals or entertainment;
- incentives, bonuses or commissions;
- shares or bonus shares;

- travel, holidays, health care/insurance;
- vehicles or vehicle allowances;
- communications packages;
- Living-Away-from-Home-Allowance;
- superannuation contributions (either voluntary employee or compulsory employer contributions);
- any other non-salary benefits not included in the above, with the exception of Medicare benefits received as a fee for service by medical practitioners.

The salary must be paid to the primary person as a regular periodic payment.

Applications offering less than the minimum salary can not be approved. Applicants should refer to the Legislative Instrument for the current minimum salary level at the time of lodging their application, available at [www.immi.gov.au/skilled/](http://www.immi.gov.au/skilled/)

### Regional employers

Businesses operating in defined regional areas of Australia, whose activities do not include the recruitment or hire of labour for supply to an unrelated business, can apply to a Regional Certifying Body to access a skill and/or salary concession. The employer must seek certification of the nomination by a Regional Certifying Body (RCB) before lodging the nomination with the department for assessment. RCBs are state/territory bodies based in regional Australia which, through their local knowledge, certify that:

- the tasks of the nominated position correspond to the tasks of an occupation in the Australian Standard Classification of Occupations (ASCO) major groups 1 to 7 as set out in a Gazette Notice (with certain exceptions);
- the position is a genuine, full-time position that is necessary to the operation of the business;
- the position cannot reasonably be filled locally;
- the wages or salary for the position are at least the level required under the relevant Australian laws and awards and at least the 'minimum salary level' that applied at the time of nomination (whichever is higher);
- the working conditions are at least equal to those provided for under relevant Australian laws and awards.

Approved occupations and minimum salary levels under regional arrangements are specified in a Legislative Instrument at [www.immi.gov.au/skilled/](http://www.immi.gov.au/skilled/)

The regional sponsored temporary entry arrangements are available to all Australia-based sponsors, except those whose business activities include recruitment or labour hire activities or businesses operating in Brisbane, the Gold Coast, Newcastle, Sydney, Wollongong, Melbourne or Perth.

Visas granted on the basis of a nomination approved under the regional sponsored temporary entry arrangements may be cancelled where the visa holder is found to be living and/or working in a non-regional location. These locations are specified in a Gazette Notice, made under the Migration Regulations. The Gazette Notice is available at [www.immi.gov.au/legislation/](http://www.immi.gov.au/legislation/)

A list of Regional Certifying Bodies is available at [www.immi.gov.au/skills/](http://www.immi.gov.au/skills/)

### Other special circumstances

Where positions are not sufficiently skilled to meet the skill and salary threshold, and where there is a special identified or emerging skill shortage in the Australian labour market, a Labour Agreement may be used by the employer to recruit a specified number of workers from overseas. Further information on Labour Agreements is on page 21.

A special case must be made where skill threshold and salary threshold requirements do not apply to positions which are proposed to be a part of a Labour Agreement.

## Preparing the nomination section of an application

It is up to the employer to show that the nomination satisfies the requirements for approval. For prompt processing, employers should include all necessary information and documentation with every application.

Regional employers seeking exemption from the minimum skill and salary levels should submit (in person, post or fax) their completed form 1196 to a Regional Certifying Body in their state/territory. The Regional Certifying Body will liaise with the employer directly if they need further information. The certifying body will return the certified nomination to the employer for forwarding to the relevant state/territory 457 processing centre of the department for assessment.

The department may make a decision on the nomination without requesting further supporting material and if relevant information or documents are missing, this may affect the decision and the result. The applicant will be notified by the department of the decision after their assessment has been completed.

**Note:** If a sponsor's nominee is refused a subclass 457 visa, it is possible to use the same nomination to recruit a different nominee. If this happens, please contact the office where the nomination was lodged.

A letter is sent to the employer to notify approval of the nomination application.

### Checklist to use when applying for nomination

Requirements	Information to provide:
<b>Complete application form</b>	<input type="checkbox"/> Complete all relevant parts of the online application form 1196 (Part B) see <a href="http://www.immi.gov.au/e_visa/">www.immi.gov.au/e_visa/</a> ; or <input type="checkbox"/> Complete all relevant parts of paper form 1196 (Part B).
<b>Employer is an approved Standard Business Sponsor or is applying to become one</b>	<input type="checkbox"/> Sponsorship Approval Number; or <input type="checkbox"/> Sponsorship and Nomination applications lodged together at the same time.
<b>Meets minimum skills threshold</b>	<input type="checkbox"/> Job title and position as written in agreement. <input type="checkbox"/> ASCO code (if known). <input type="checkbox"/> Details of the position including responsibilities, duties, qualifications, skills and experience required. <input type="checkbox"/> Registration or licensing (if required).
<b>Meets minimum salary level</b>	<input type="checkbox"/> Details of remuneration package (including base annual salary and hourly rate of pay).
<b>Position must be full-time and comply with Australian workplace laws</b>	<input type="checkbox"/> Weekly work hours and period of employment.
<b>Sponsorship undertakings</b>	<input type="checkbox"/> Details of the employee to fill position (if known, including details of any secondary applicants, dates of birth and current address and contact details).
<b>Applications seeking regional concession</b>	<input type="checkbox"/> Form 1196 endorsed by Regional Certifying Body.

## Step 3: Prospective employee applies for a Subclass 457 – Business (Long Stay) visa

The primary person and any secondary persons must apply for, and be granted, a visa in order to travel to, or remain temporarily in, Australia under this program.

### Lodging a visa application



If the primary person is sponsored by an Australian business, they must lodge their application online at [www.immi.gov.au/e\\_visa/](http://www.immi.gov.au/e_visa/), or on form 1066 *Application for a Temporary Business (Long Stay) visa (subclass 457)* at the same 457 processing centre that processed the sponsorship and nomination. Visa applicants do not need to be in Australia to lodge in Australia. If the primary person is sponsored by an overseas business, they must lodge their application on form 1066 at the nearest Australian mission and be outside Australia when they lodge their application.

A visa application cannot be lodged before the sponsorship and nomination have been lodged.

All relevant charges must be paid with the application – see ‘Visa Application Charge’ on page 26. Secondary persons may be included in the primary person’s application for no additional charge, if they apply at the same time and place. If they apply separately, a separate fee applies.

### Assessment criteria for visa application

#### Assessment for primary person

The main criteria are that the:

- employer has an approved and current business sponsorship;
- nominated position is approved; and
- position was not created solely in order to gain a visa for the applicant.

In addition, the primary person must satisfy the department that they:

- have skills and experience which match those required for the vacancy for which they have been nominated;
- the nominated occupation continues to be specified on the Legislative Instrument;
- will be paid the salary indicated in the nomination, or higher, and at least the minimum salary level in force at time of visa decision;
- have personal attributes consistent with their proposed employment in Australia;
- have the English language skills that are required for the position under the English language requirement;
- if sponsored by an overseas business, either are genuinely and realistically committed to establishing a business activity in Australia on behalf of their overseas employer **or** will be fulfilling contractual obligations for the overseas business;
- meet health and character requirements – explained on page 25; and
- meet all other requirements in the legislation.

## Skills assessment

If there are doubts about the primary person's skills and/or experience to fulfil the duties of the position, a skills assessment may be requested. Where Australian registration or licensing is required to undertake the nominated position, the primary person may be asked to provide evidence that they are eligible for the relevant registration or license.

The primary person may be asked to prove their English language ability by undertaking a formal test.

Medical practitioners are required to provide evidence of registration to practise in the state or territory in which they will be working or a letter from a state or territory medical registration board that they are eligible for registration after arrival in Australia.

## Assessment for secondary persons

The secondary person(s) of a primary person must:

- be assessed by the department as being a secondary person of the primary person (see 'Secondary persons' on page 5);
- meet the health and character requirements outlined on page 25;
- be included in the sponsorship undertakings relating to the primary person; and
- meet all other requirements in the legislation.

If a secondary person either applies on a separate form to the primary person, or was not included in the nomination application, the primary person must provide a letter from their employer stating that secondary persons are covered by the sponsor's undertakings (set out in form 1196). To facilitate quick processing, this letter should be submitted with their application form.

## Applicants sponsored by an Australian business

E-lodged applications will be processed where the sponsorship applications are lodged. Paper applications should be lodged in Australia at the department's 457 processing centre that processed the sponsorship and nomination.

## Applicants sponsored by an overseas business

The primary person must be outside Australia and lodge their application through an Australian mission overseas. Secondary persons may be either overseas or in Australia when the application is lodged.

## Checklist for visa application

This checklist details documents that applicants nominated under this stream should attach to their application.

It is up to the applicant to show that they satisfy the requirements for approval. For prompt processing, visa applicants should include all necessary information and documentation with their application.

**The department may make a decision without requesting further supporting material and if relevant information or documents are missing. This may affect the decision and the result of the application.**

For all visa applicants a general checklist is at page 27.

### Checklist to use when preparing an *application for a Subclass 457 – Business (Long Stay) visa*

Requirements	Information to provide:
<b>Complete application form</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Complete all relevant parts of the online application form 1066 see <a href="http://www.immi.gov.au/e_visa/">www.immi.gov.au/e_visa/</a>; or</li> <li><input type="checkbox"/> Complete all relevant parts of paper form 1066.</li> </ul>
<b>Details of the visa applicant's relevant qualifications, skills and experience</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Certified copies of educational qualifications.</li> <li><input type="checkbox"/> Certified copies of employment references.</li> <li><input type="checkbox"/> Curriculum Vitae.</li> <li><input type="checkbox"/> Evidence from a relevant Australian registration or licensing authority that the applicant holds or will be able to meet necessary registration or licensing requirements (if applicable).</li> <li><input type="checkbox"/> Evidence of English language competency (if needed).</li> </ul>
<b>Provide the identifying number for the nomination (if known)</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Provide one of the following (if known): <ul style="list-style-type: none"> <li>• Nomination permission request identifier; or</li> <li>• Nomination approval number.</li> </ul> </li> </ul>
<b>Confirmation of employment</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Employment Contract or Offer of Employment setting out the salary arrangements.</li> </ul> <p><b>Note:</b> This must include terms and conditions of employment and period of employment.</p>
<b>All applicants are covered by the sponsorship undertakings</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Written statement from employer that they agree to sponsor any secondary persons not included in the nomination application; or</li> <li><input type="checkbox"/> Details of secondary persons provided on the nomination application form.</li> </ul>

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## B. About Labour Agreements relating to temporary entry

Labour Agreements cover both permanent and temporary entry visa subclasses. This booklet provides information relating to temporary entry only.

Labour Agreements are formal arrangements negotiated between the Australian Government (represented by the department and DEEWR) and an employer. They are negotiated to meet special circumstances that cannot be covered by standard sponsorship arrangements. A Labour Agreement is the only migration pathway available for some industries, for example meat processing and on-hire.

Labour Agreements enable Australian employers to recruit a specified number of skilled workers from overseas where there is a demonstrated need in the Australian labour market. Labour Agreements are usually valid for 2–3 years.

There is no charge for negotiating a Labour Agreement. There is a charge for all nominations lodged under Labour Agreements, see 'Visa Application Charge' on page 26.

Labour Agreements are designed to ensure that overseas recruitment supports the long-term improvement of employment and training opportunities for Australians. Accordingly, a requirement to commit to the employment, education, training and career opportunities of Australians form part of a Labour Agreement.

### **The process of recruiting an overseas worker under a Labour Agreement consists of 3 steps:**

**STEP 1:** Employer seeks access to a Labour Agreement;

**STEP 2:** Employer nominates the position to be filled;

**STEP 3:** Prospective employee applies for a Subclass 457 – Business (Long Stay) visa.

### **Step 1: Employer seeks access to a Labour Agreement**

Employers must provide information to the Australian Government evidencing the need for a Labour Agreement.

For information on this process, contact [labour.agreement.section@immi.gov.au](mailto:labour.agreement.section@immi.gov.au)

## Step 2: Employer nominates the position to be filled

After a Labour Agreement is in place, Australian employers can apply to nominate online at [www.immi.gov.au/e\\_visa/](http://www.immi.gov.au/e_visa/), or complete Part B of form I196 and submit it, to the department's 457 processing centre managing the Labour Agreement.

Employers agree to meet the requirements stipulated in the Labour Agreement.

The department assesses the nomination against the Labour Agreement to determine that the nomination is valid.

### Preparing the nomination section of an application

It is up to the employer to show that the nomination satisfies the requirements of the Labour Agreement for approval. For prompt processing, employers should include all necessary information and documentation with every application.

Regional employers seeking exemption from the minimum skill and salary levels should submit (in person, post or fax) their completed form I196 to a Regional Certifying Body in their state/territory. The Regional Certifying Body will liaise with the employer directly if they need further information. The certifying body will return the certified nomination to the employer for forwarding to the state/territory 457 processing centre of the department managing the Labour Agreement for assessment.

The department may make a decision on the nomination without requesting further supporting material and if relevant information or documents are missing. This may affect the decision and the result. The applicant will be notified by the department of the decision after their assessment has been completed.

**Note:** If a sponsor's nominee is refused a subclass 457 visa, it is possible to use the same nomination to recruit a different nominee. If this happens, please contact the office where the nomination was lodged.

A letter is sent to the employer to notify approval of the nomination application.

## Checklist to use when applying for nomination

Requirements	Information to provide:
<b>Complete application form</b>	<input type="checkbox"/> Complete all relevant parts of the online application form 1196 (Part B) see <a href="http://www.immi.gov.au/e_visa/">www.immi.gov.au/e_visa/</a> ; or <input type="checkbox"/> Complete all relevant parts of paper form 1196 (Part B).
<b>Employer has an approved Labour Agreement</b>	<input type="checkbox"/> Labour Agreement Approval Number.
<b>Meets minimum skills threshold</b>	<input type="checkbox"/> Job title and position as written in Labour Agreement. <input type="checkbox"/> ASCO code. <input type="checkbox"/> Details of the position including responsibilities, duties, qualifications, skills and experience required. <input type="checkbox"/> Registration or licensing (if required).
<b>Meets minimum salary level</b>	<input type="checkbox"/> Details of remuneration package (including base annual salary and hourly rate of pay).
<b>Position must be full-time and comply with Australian workplace laws</b>	<input type="checkbox"/> Weekly work hours and period of employment.
<b>Sponsorship undertakings</b>	<input type="checkbox"/> Details of the employee to fill position (if known, including details of any secondary applicants, dates of birth and current address and contact details).
<b>Applications seeking regional concession</b>	<input type="checkbox"/> Form 1196 endorsed by Regional Certifying Body.

### Step 3: Prospective employee applies for a Subclass 457 – Business (Long Stay) visa

The primary person and any secondary persons must apply for, and be granted, a visa in order to travel to, or remain temporarily in, Australia under this program.

#### Lodging a visa application



The primary person managing the Labour Agreement must lodge their application online at [www.immi.gov.au/e\\_visa/](http://www.immi.gov.au/e_visa/), or on form 1066 *Application for a Temporary Business (Long Stay) visa (subclass 457)* at the same 457 processing centre. Visa applicants do not need to be in Australia to lodge in Australia.

All relevant charges must be paid with the application – see ‘Visa Application Charge’ on page 26. Secondary persons may be included in the primary person’s application for no additional charge, if they apply at the same time and place. If they apply separately, a separate fee applies.

For further information about the visa application process, see pages 18–20. See also Part 3 *Information for employees*.

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## C. About Service Sellers

This visa stream was introduced as part of Australia's participation in the General Agreement on Trade in Services (GATS). It allows representatives of overseas suppliers of services seeking to negotiate, or enter into, agreements for the sale of services to apply for a temporary business visa which is valid for a period of initial stay of 6 months and up to a maximum of 12 months.

No sponsorship or nomination is required for this visa.

Applicants apply by completing form 1066 and by paying the application charge.

Applications for this visa cannot be made electronically.

The secondary persons of the main visa applicant may apply together or separately. If they apply separately, a separate form must be completed and a separate charge or fee paid.

Applications may be made either in Australia or overseas.

**Applicants must provide the following information in their application and the supporting information and documentation listed on page 27.**

### Checklist to use when preparing visa application as a Service Seller

Include:

- Evidence that they are a representative of an overseas service supplier;
- Details of their relevant skills and experience;
- Evidence that their supplier is actively engaged in business, eg. Business Registration, statements of annual financial reports audited by a recognised accountant and/or tax returns;
- A statement describing the business activities of the supplier and their plans to expand their trade in Australia;
- A statement or proposal with details of how the applicant proposes to represent the supplier in Australia.

**Note:** The Service Seller visa stream does not cover people actually supplying or directly selling services in Australia as a vendor. A person wishing to supply services for an employer requires sponsorship from either an Australian or overseas business.

# Part 3

## Information for employees

### Employee applies for a Subclass 457 – Business (Long Stay) visa

The primary person and any secondary persons must apply for, and be granted, a visa in order to travel to, or remain in, Australia.

### Health and character requirements

#### Health requirements for visa applicants entering Australia

This requirement is designed to protect Australia from high health risks and costs and overuse of scarce health resources. All primary persons and their secondary persons must meet the current health standards. This requirement does not apply to those applying under the Privileges and Immunities visa. All applicants must declare their health status on the visa application form, with parents or guardians declaring for minors.

Information on a country's risk classification and the health requirements is available on form 1163i *Health requirement for temporary entry to Australia* from [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

In some cases, health requirements may be waived if the Australian employer gives a written undertaking to the department that they will meet all costs relating to the disease or condition. There is no option of a waiver if the condition may result in a public health risk.

For applicants in Australia, please call the department's enquiry line on **131 881** to obtain relevant forms and information on health examination procedures. Applicants who lodge electronically can obtain relevant forms and information on health examination procedures from the department's website [www.immi.gov.au](http://www.immi.gov.au). Applicants outside Australia who do not lodge electronically will be forwarded relevant forms and information on health examination procedures, by the office processing their application.

#### Character requirements for visa applicants entering Australia

All applicants must be of good character and both primary persons and secondary persons aged 18 years and older must complete character questions on the visa application form.

Police certificates are not normally required. Where requested, primary persons and each secondary person over the age of 16 years should provide:

- police certificates for each country in which they have resided for more than 12 months during the past 10 years;
- personal details to enable character checks to be undertaken.

# Part 4

## Preparing applications

### Visa Application Charge

Payment must accompany your application and is generally not refunded if the application is unsuccessful. To check the Visa Application Charge, see form 990i *Charges* available from the forms section of the department's website [www.immi.gov.au/allforms/990i.htm](http://www.immi.gov.au/allforms/990i.htm)

### Method of payment

#### In Australia

To make a payment, please pay by credit card, debit card, bank cheque or money order made payable to the Department of Immigration and Citizenship. Debit card and credit card are the preferred methods of payment.

#### Outside Australia

Before making a payment outside Australia, please check with the Australian Government office where you intend to lodge your application as to what methods of payment and currencies they can accept and to whom the payment should be made payable.

### Certified copies of original documents

Applicants should not provide original documents with their application, but should provide certified copies as defined on page 3 of this booklet. If required, the department may ask to sight original documents.

### Electronic lodgement of documents

Applicants can submit electronic documents to the department's processing office responsible for assessing their application at any time after applying. Applicants can attach electronic documents to an internet-lodged application at any time after applying.

### English translations of documents

Documents not in English must have an English version prepared by a translator accredited by the National Accreditation Authority for Translators and Interpreters (NAATI).

For further information about having documents translated, visit [www.immi.gov.au/living-in-australia/help-with-english/](http://www.immi.gov.au/living-in-australia/help-with-english/)

**The department may make a decision without requesting further supporting material and if relevant information or documents are missing. This may affect the decision and the result of the application.**

## General checklist of documents that all visa applicants must attach

- Certified documents that prove the applicant's identity—preferably a certified copy of their birth registration showing both parents' names.  
If a birth certificate is not available, applicants must provide a certified copy of at least one of the following documents:
  - a passport identification page;
  - family book showing both the applicant's parents' names;
  - identification document issued by the applicant's government;
  - document issued by a court that verifies the applicant's identity.If unable to provide any of these documents, other evidence that proves the applicant's identity and is acceptable to the department must be provided.
- For any applicant who is, or has been, married – certified copies of all marriage certificates.
- For applicants who are in a de facto relationship – evidence that the relationship is genuine and continuing, such as evidence to demonstrate shared financial commitments, shared living/household arrangements.
- For any applicant who has been divorced or widowed – a certified copy of either divorce decree absolute or death certificate of the deceased spouse.
- For any applicant who has changed his or her name, for example by marriage or deed poll – a certified copy of evidence of the name change.
- For any child included in the application – certified copies of birth certificate or the family book, showing names of both parents.
- Unless both parents are in the application, for any child under 18 years of age – certified copies of documents that verify custody and access arrangements, such as a court order or statutory declaration by persons with the right to determine where the child can live.
- For an adopted child in the application – certified copies of all adoption papers.
- Completed medical and/or x-ray examinations for all applicants where applicable – see Part 3 – *Health and character requirements*.

**Department of Immigration and Citizenship  
Business Centres in Australia**

	<b>Street and postal address</b>	<b>Telephone</b>	<b>E-mail</b>
ACT	ACT Regional Office Business Centre 3 Lonsdale Street BRADDON ACT 2612 GPO Box 717 CANBERRA ACT 2601	131 881	ACT.businesscentre @immi.gov.au
SA	Adelaide Business Centre 4th Floor, 55 Currie Street ADELAIDE SA 5000 GPO Box 2399 ADELAIDE SA 5001	131 881	SA.businesscentre @immi.gov.au
QLD	Brisbane Business Centre 299 Adelaide Street BRISBANE QLD 4000 GPO Box 9984 BRISBANE QLD 4001	131 881	QLD.businesscentre @immi.gov.au
NT	Darwin Business Centre Pella House, 40 Cavenagh Street DARWIN NT 0801 GPO Box 864 DARWIN NT 0800	131 881	NT.businesscentre @immi.gov.au
TAS	Hobart Business Centre 14th Floor, 188 Collins Street HOBART TAS 7000 GPO Box 794 HOBART TAS 7001	131 881	TAS.businesscentre @immi.gov.au
VIC	Melbourne Business Centre Level 25, Casselden Place 2 Lonsdale Street MELBOURNE VIC 3000 GPO Box 241 MELBOURNE VIC 3001	131 881	VIC.businesscentre @immi.gov.au
NSW	Parramatta Business Centre 9 Wentworth Street PARRAMATTA NSW 2150 GPO Box 9984 SYDNEY NSW 2001	131 881	NSW.businesscentre @immi.gov.au
	Sydney Business Centre Level 2, Gateway House 26 Lee Street SYDNEY NSW 2000 GPO Box 9984 SYDNEY NSW 2001	131 881	NSW.businesscentre @immi.gov.au
WA	Perth Business Centre Level 3, Wellington Central 836 Wellington Street WEST PERTH WA 6005  Locked Bag 7 NORTHBRIDGE WA 6865	131 881	WA.businesscentre @immi.gov.au

# Part 5

## Processing visa applications

### All non-Australians must have a visa to travel to, and stay in, Australia

All applications will be decided on the basis of the information provided by the applicant against the relevant migration legislation requirements.

This part explains how to make visa applications and how they are processed.

It is important to read this information – it may affect the grant or cancellation of a visa.

Any visa charge paid will not be refunded.

### Where to get information

Information about visas, charges and forms is available from [www.immi.gov.au/skilled/](http://www.immi.gov.au/skilled/) or the department's offices or call **131 881** (for the cost of a local call).

### How to apply for a visa

To make a valid application:

- indicate the class of visa wanted;
- use the correct form and lodge at the applicable office of the department, or lodge an application electronically via the department's website [www.immi.gov.au/e\\_visa/](http://www.immi.gov.au/e_visa/);
- provide a residential address;
- pay the required charge;
- satisfy any other requirements.

Please also:

- complete the application in English;
- answer all questions truthfully – if incorrect information or documents are provided, the visa may not be granted or may be later cancelled;
- provide certified copies of any required documents unless the department advises otherwise.

### Secondary persons

For most visas, secondary persons (family members) who apply at the same time can apply on the same form and pay only one charge. A child who is born after an application is made (but before it is decided) will be automatically included in the parent's application, where the department is notified of the details of the newborn child.

## Limitations on applications

People in Australia may be prevented from making further applications if, for example:

- they do not hold a substantive visa (which is any visa other than a bridging visa, a criminal justice visa or an enforcement visa) and have had a visa cancelled or refused since last arriving in Australia;
- the last visa was granted on the condition that they would not be granted a substantive visa while in Australia;
- they hold a sponsored visitor visa;
- they are in immigration detention;
- they have previously applied for a protection visa.

In these cases, the department can provide information about which visas, if any, can be applied for.

## More than one application

If more than one visa is applied for, the visa granted last will generally be the visa held (and the visa granted first will no longer be valid).

## Communicating with the department

Communication with the department about an application should generally be in writing. Communication should be directed to the office where the application was lodged.

## Authorisation of a person to act and receive communication

Applicants may authorise another person to act on their behalf in relation to their application with the department.

Nominating a person to act on their behalf includes authorising the department to send to that person any communication relating to the application that would otherwise have been sent to the applicant. Applicants will be taken to have received any communication about their application, sent to that person.

## Consent to communicate electronically

The department can use a range of methods to communicate. Please note that using electronic communications such as e-mail is optional and that an e-mail address is not necessary. The department may contact people by mail, telephone or in person. An e-mail address may, however, speed up communication.

The department may need to convey sensitive information about an application to the applicant (or nominated person). Electronic communications, unless adequately encrypted, are not secure and could be viewed or interfered with by others. Should e-mail be used, the department will only use the e-mail address for the purpose for which it was provided. It will not be added to any mailing list and will not be disclosed without consent.

If another person is authorised to receive documents on an applicant's behalf and they wish to be contacted electronically, their signature is required to indicate their consent to this form of communication.

## Withdrawal of applications

An application can be withdrawn by advising the department in writing at any time before a decision is made. Any charges paid at time of application are usually not refunded.

## Applicants must correctly identify themselves

If applicants communicate with the department about their application, they must include:

- their name (as it appears in their application);
- their date of birth;
- the department client number if it has been given to them, or, if they do not have a client number, the department file number or the application receipt number, or the application Transaction Reference Number (TRN);
- the name of the office where the application was made, if it was lodged outside Australia.

## Let the department know of any change of address

If applicants change their residential address for more than 14 days while their application is being processed, they must tell the department their new address and how long they will be there. The department will send communication about the application to the latest address provided.

## Extra information about an application

Additional information can be provided (in writing) at any time, until a decision is made on an application. All relevant information is taken into account.

If applicants are invited to give additional information or comment on information, they will be given a date by which to do so. After that date, the department can continue processing the application. Applicants cannot delay a decision by saying that they may or will give more information later.

## Interviews

If applicants are invited to attend an interview, they must attend on the date and time agreed with the department. If they do not, the department can process the application and make a decision on the basis of the information it already has.

## Invitation to comment

If another person gives the department information that could result in a visa being refused, the department will generally give applicants an opportunity to comment on the information.

## Advise the department if circumstances change

If any circumstances change, such that any answer in an application or information given to the department is no longer correct, applicants must inform the department (in writing) as soon as practicable.

Applicants must continue to do this until a decision is made on their application (or, in the case of a visa granted outside Australia, until travel to Australia and clearance by immigration). A visa may be cancelled if applicants give incorrect information or fail to advise the department that some information is no longer correct.

## Visa decisions

Processing times vary between offices. Applicants will be notified by the department when a decision has been made on their application.

If a visa is refused, they will be notified why and, if applicable, where they can apply for merits review of the decision. Applicants will be notified of their time to seek review or to depart Australia.

When the department notifies an applicant of the decision on their visa application, they will be taken to have received the notification:

- 7 working days after the date of the letter (if sent in Australia);
- 21 days after the date of the letter (if sent outside Australia);
- that moment (if the notification is handed to an applicant); or
- at the end of that day (if the notification is faxed or e-mailed).

## Visa holders must abide by all conditions on their visa

If a visa is granted subject to conditions (for example, restrictions on work or study) the holder must abide by those conditions or their visa may be cancelled. If visa holders wish to change those conditions or stay longer than the visa allows, they should contact the department.

## If leaving Australia while an application is being processed, check with the department prior to departure

Applicants should inform the department if they travel (either to or from Australia) during processing of their application.

If applicants have applied in Australia they must ensure before leaving Australia that they have a visa to return. Otherwise they may not be able to return to Australia and, if their application is refused, may not have a right of review.

## Bridging visas

If applying for a visa in Australia, applicants will usually be granted a bridging visa to maintain their lawful status, where their previous visa ceases before a decision is made on their application. It will also maintain lawful status if their visa is refused and they seek merits review of that decision.

However, if travelling overseas, applicants will need to apply for a specific bridging visa to allow them to return to Australia (unless they already have another visa which allows them to return to Australia).

## Label-free travel

Applicants who are granted a subclass 457 visa who:

- have an Australian employer; and
- are outside Australia; and
- hold a passport from certain designated countries;

may be able to travel to Australia without the need to first obtain a visa label in their passport.

The department's 457 processing centre which grants the visa will advise applicants of their eligibility for label-free travel.

All label-free visa holders must obtain a visa label after initial arrival in Australia.

## Review rights

Sponsorship, nomination and visa applicants will be advised in their decision notification of any review rights they may have.

## About the information you give

The department is authorised to collect information you give under Part 2 of the *Migration Act 1958* 'Control of Arrival and Presence of Non-Citizens'. Information provided will be used for assessing your visa application, and for other purposes relating to the administration of the Migration Act.

The information you provide, including any information on your health, will be used to assess your health for an Australian visa and may be disclosed to the relevant Commonwealth, state and territory health agencies and examining doctor(s).

Form 1163i *Health Requirement for temporary entry to Australia* provides additional information on Australia's visa health requirements. This form is available at offices of the department or from the department's website [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

To ensure the integrity of the subclass 457 visa, the department has a thorough monitoring process to assist in ensuring compliance with all program requirements and all relevant Australian laws.

The department will disclose your information to other Commonwealth, state and territory government departments and agencies in relation to sponsorships, nominations and for 457 visa monitoring and compliance purposes. These departments and agencies include the Workplace Ombudsman, Department of Education, Employment and Workplace Relations, Australian Taxation Office, Department of Innovation, Industry, Science and Research and Commonwealth, state and territory departments and agencies responsible for health, workplace safety, public safety, industrial relations, law enforcement, fair trading and trade practices legislation.

The department has authority under the *Migration Act 1958* to collect a range of personal identifiers from non-citizens, including visa applicants, in certain circumstances. For more detailed information you should read information form 1243i *Your personal identifying information*, which is available from the department's website [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

The collection, access, storage, use and disclosure by the department of the information you provide in this form is governed by the *Privacy Act 1988* and, in particular, by the 11 Information Privacy Principles. The information form 993i *Safeguarding your personal information*, available from the offices of the department, gives details of agencies to which your personal information will be disclosed. Form 993i is also available from the department's website [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

## Part 6

# Post arrival information for visa holders

A *Frequently Asked Questions – Information for subclass 457 visa holders* pamphlet providing information about visa holder rights and responsibilities is available from the department's website [www.immi.gov.au/skilled/](http://www.immi.gov.au/skilled/)

### Superannuation

Australian employers should generally be making superannuation contributions for all employees into a complying superannuation fund or Retirement Savings Account (RSA).

The amount of superannuation support received from an employer is based on a percentage of each employee's earnings.

Generally, employee superannuation must be held in a complying superannuation fund or RSA until retirement age. Eligible temporary residents can generally access their superannuation upon permanent departure from Australia, subject to withholding tax.

While employed in Australia it is important that temporary residents:

- are aware of the superannuation fund their employer is contributing to on their behalf;
- keep a record of the amount of superannuation they have; and
- contact their superannuation fund before leaving Australia to find out if they are eligible to access their superannuation contributions.

For more information on superannuation and accessing superannuation when permanently departing Australia, visit the Tax Office website [www.ato.gov.au/super](http://www.ato.gov.au/super) or call the Tax Office Superannuation Infoline on **13 10 20**. This number is only available within Australia.

### Social Security

Australian social security payments are not available for temporary residents.

Visa holders under the Temporary Business (Long Stay) stream should ensure they have enough resources to support themselves and any secondary visa holders during their stay in Australia.

### Purchasing Property

Persons other than:

- Australian citizens, residing in Australia or abroad;
- holders of Australian permanent resident visas;
- persons entitled to hold a special category visa, for example, New Zealand citizens; and
- Australian citizens and their foreign spouse when purchasing residential real estate in joint names as joint tenants;

require foreign investment approval to purchase Australian residential real estate. This can be obtained through the Foreign Investment Review Board. For further information visit the Foreign Investment Review Board website [www.firb.gov.au](http://www.firb.gov.au)

## Taxation

For information on taxation requirements refer to the Australian Taxation Office website [www.ato.gov.au](http://www.ato.gov.au)

## Changing Employer or Occupation in Australia

Primary persons holding 457 visas are subject to visa condition 8107. This condition means that, after arriving in Australia, the visa holder must not:

- cease to be employed by the employer who sponsored them (ie. become unemployed or change employer); or
- work in a lower skilled position inconsistent with the nominated position or occupation for this visa subclass; or
- work for another person or for themselves while working for the sponsoring employer.

If a visa holder wishes to change employer, then, before commencing new employment, the visa holder must apply for, and be granted, a new visa with an employer who is an approved sponsor and has nominated a position that the visa holder will work in.

If a visa holder moves to a new position with the original sponsoring employer, the new position must be consistent with the original nominated position, or must be an equivalent or higher skilled occupation approvable under the 457 nomination regulations. Otherwise, they must apply for a new visa.

Voluntary unpaid work for non-profit charity or community organisations where the work would not ordinarily attract remuneration in Australia, is not considered to be a breach of condition 8107. However, the visa holder must obtain agreement of their sponsor in view of the liabilities and undertakings of the sponsor. Any work performed outside of the nominated position that would ordinarily attract remuneration is a breach of condition 8107.

Normal paid recreation leave arrangements can apply. However, for Leave Without Pay (LWOP) arrangements you should contact the nearest 457 processing centre of the department to discuss the proposed LWOP arrangement. Generally only very short periods of LWOP may be accepted.

If a primary person is found to have breached condition 8107, their visa and the visas of secondary persons may be cancelled.

Visas granted on the basis of a nomination approved under the regional subclass 457 arrangements may be cancelled where the visa holder is found to be living and/or working in a non-regional location. These locations are specified in a Gazette Notice. See [www.immi.gov.au/legislation/](http://www.immi.gov.au/legislation/)

Secondary persons holding 457 visas do not have this condition and they may work and study in Australia.

## Extension of Stay in Australia: Temporary Business (Long Stay)

Visa holders may wish to extend their stay in Australia, either to continue working for the sponsoring employer, to take up different employment or for another purpose. To extend their stay, they must:

- find an employer approved as a sponsor who is willing to nominate them; and
- apply for a new subclass 457 visa before their current visa expires; or
- apply for a different visa that is suitable to their continued stay in Australia.

# Part 7

## Eligible occupations

A minimum skill level applies to all positions to be filled by overseas employees. The occupations that can be nominated under the Standard Business Sponsorship program are listed on the Legislative Instrument in force at the time a decision is made on the nomination and visa respectively. This list may change from time to time.

The Legislative Instrument list of occupations is described on the following pages. This information is correct at time of printing. The following list describes each occupation in accordance with the Australian Standard Classification of Occupations (ASCO) number (denoted by 6 digit codes) and their title under each of the major group headings of:

- managers and administrators;
- professionals;
- associate professionals; and
- tradespersons and related workers.

You should check the current list of occupations available from [www.immi.gov.au/skilled/](http://www.immi.gov.au/skilled/) before you lodge your application.

Regional employers may seek waiver of the minimum skill level and nominate skilled occupations not on the following list of occupations. More information is available from the department's website [www.immi.gov.au/skilled/](http://www.immi.gov.au/skilled/)

The ASCO dictionary is available from the Australian Bureau of Statistics website [www.abs.gov.au](http://www.abs.gov.au)

### Summary of occupations

Major group 1	Managers and administrators	page 37
Major group 2	Professionals	page 37
Major group 3	Associate professionals	page 41
Major group 4	Tradespersons and related workers	page 43

**1 MANAGERS AND ADMINISTRATORS****Generalist Managers**

1112-11 General Manager  
 1191-11 Construction Project Manager  
 1191-13 Project Builder  
 1192-11 Importer or Exporter  
 1192-13 Wholesaler  
 1193-11 Manufacturer

**Specialist Managers**

1211-11 Finance Manager  
 1212-11 Company Secretary  
 1213-11 Human Resource Manager  
 1221-11 Engineering Manager  
 1222-11 Production Manager (Manufacturing)  
 1222-13 Production Manager (Mining)  
 1223-11 Supply and Distribution Manager  
 1224-11 Information Technology Manager  
 1231-11 Sales and Marketing Manager  
 1291-11 Policy and Planning Manager  
 1292-11 Director of Nursing  
 1292-13 Medical Administrator  
 1293-11 School Principal  
 1293-13 Faculty Head  
 1293-15 Regional Education Manager  
 1293-79 Education Managers nec  
 1294-13 Commissioned Fire Officer  
 1294-15 Commissioned Police Officer  
 1295-11 Child Care Co-ordinator  
 1296-11 Media Producer  
 1296-13 Artistic Director  
 1299-11 Research and Development Manager  
 1299-13 Laboratory Manager  
 1299-15 Welfare Centre Manager  
 1299-17 Environment, Parks and Land Care Manager  
 1299-19 Sports Administrator  
 1299-79 Specialist Managers not elsewhere classified nec

**2 PROFESSIONALS****Science, Building and Engineering Professionals**

2111-11 Chemist  
 2112-11 Geologist  
 2112-13 Geophysicist  
 2113-11 Anatomist or Physiologist  
 2113-13 Botanist  
 2113-15 Zoologist  
 2113-17 Biochemist  
 2113-19 Marine Biologist  
 2113-79 Life Scientists nec  
 2114-11 Environmental Research Scientist  
 2114-13 Forester  
 2114-15 Park Ranger  
 2114-17 Soil Scientist  
 2114-19 Agricultural Scientist  
 2114-21 Agricultural Adviser  
 2114-79 Environment and Agricultural Science Professionals nec  
 2115-11 Medical Scientist  
 2119-11 Physicist  
 2119-13 Meteorologist  
 2119-15 Extractive Metallurgist  
 2119-17 Physical Metallurgist

	<p>2119-19 Materials Scientist  2119-79 Natural and Physical Science Professionals nec  2121-11 Architect  2121-13 Landscape Architect  2122-11 Quantity Surveyor  2123-11 Cartographer  2123-13 Surveyor  2124-11 Civil Engineer  2125-11 Electrical Engineer  2125-13 Electronics Engineer  2126-11 Mechanical Engineer  2126-13 Production or Plant Engineer  2127-11 Mining Engineer (excluding Petroleum)  2127-13 Petroleum Engineer  2127-15 Materials Engineer  2128-11 Civil Engineering Technologist  2128-13 Mechanical Engineering Technologist  2128-15 Electrical or Electronics Engineering Technologist  2128-79 Engineering Technologists nec  2129-11 Aeronautical Engineer  2129-13 Agricultural Engineer  2129-15 Biomedical Engineer  2129-17 Chemical Engineer  2129-19 Industrial Engineer  2129-21 Naval Architect  2129-79 Building and Engineering Professionals nec</p>
<b>Business and Information Professionals</b>	<p>2211-11 Accountant  2212-11 External Auditor  2212-13 Internal Auditor  2213-11 Corporate Treasurer  2221-11 Public Relations Officer  2221-13 Marketing Specialist  2221-15 Market Research Analyst  2221-17 Advertising Specialist  2222-11 Sales Representative (Industrial Products)  2222-13 Sales Representative (Information and Commun. Products)  2222-15 Sales Representative (Medical and Pharmaceutical Products)  2222-79 Technical Sales Representatives nec  2231-11 Systems Manager  2231-13 Systems Designer  2231-15 Software Designer  2231-17 Applications and Analyst Programmer  2231-19 Systems Programmer  2231-21 Computer Systems Auditor  2231-79 Computing Professionals nec  2291-11 Personnel Officer  2291-13 Personnel Consultant  2291-15 Industrial Relations Officer  2291-17 Training Officer  2292-11 Librarian  2293-11 Mathematician  2293-13 Statistician  2293-15 Actuary  2294-11 Management Consultant  2294-13 Organisation and Methods Analyst  2294-15 Quality Assurance Manager  2295-11 Valuer  2295-13 Land Economist  2299-11 Health Information Manager  2299-13 Records Manager</p>

	2299-15 Archivist 2299-17 Policy Analyst 2299-19 Intelligence Officer 2299-79 Business and Information Professionals nec
<b>Health Professionals</b>	2311-11 General Medical Practitioner 2312-11 Anaesthetist 2312-13 Dermatologist 2312-15 Emergency Medicine Specialist 2312-17 Obstetrician and Gynaecologist 2312-19 Ophthalmologist 2312-21 Paediatrician 2312-23 Pathologist 2312-25 Specialist Physician 2312-27 Psychiatrist 2312-29 Radiologist 2312-31 Surgeon 2312-79 Specialist Medical Practitioners nec 2321-11 Nurse Manager 2322-11 Nurse Educator 2322-13 Nurse Researcher 2323-11 Registered Nurse 2324-11 Registered Midwife 2325-11 Registered Mental Health Nurse 2326-11 Registered Developmental Disability Nurse 2381-11 Dentist 2381-13 Dental Specialist 2382-11 Hospital Pharmacist 2382-13 Industrial Pharmacist 2382-15 Retail Pharmacist 2383-11 Occupational Therapist 2384-11 Optometrist 2385-11 Physiotherapist 2386-11 Speech Pathologist 2387-11 Chiropractor 2387-13 Osteopath 2388-11 Podiatrist 2391-11 Medical Diagnostic Radiographer 2391-13 Radiation Therapist 2391-15 Nuclear Medicine Technologist 2391-17 Sonographer 2392-11 Veterinarian 2393-11 Dietitian 2394-11 Naturopath 2394-13 Acupuncturist 2394-79 Natural Therapy Professionals nec 2399-11 Audiologist 2399-13 Orthoptist 2399-15 Orthotist 2399-79 Health Professionals nec
<b>Education Professionals</b>	2411-11 Pre-Primary School Teacher 2412-11 Primary School Teacher 2413-11 Secondary School Teacher 2414-11 Special Needs Teacher 2414-13 Teacher of the Hearing Impaired 2414-15 Teacher of the Sight Impaired 2414-79 Special Education Teachers nec 2421-11 University Lecturer 2421-13 University Tutor 2422-11 Vocational Education Teacher

	2491-11 Art Teacher (Private) 2491-13 Music Teacher (Private) 2491-15 Dance Teacher (Private) 2491-17 Drama Teacher (Private) 2491-79 Extra-Systemic Teachers nec 2492-11 English as a Second Language Teacher 2493-11 Education Officer
<b>Social, Arts and Miscellaneous Professionals</b>	2511-11 Social Worker 2512-11 Welfare Worker 2512-13 Community Worker 2513-11 Rehabilitation Counsellor 2513-13 Drug and Alcohol Counsellor 2513-15 Family Counsellor 2513-17 Careers Counsellor 2513-19 Student Counsellor 2513-79 Counsellors nec 2514-11 Clinical Psychologist 2514-13 Educational Psychologist 2514-15 Organisational Psychologist 2514-79 Psychologists nec 2521-11 Barrister 2521-13 Solicitor 2521-79 Legal Professionals nec 2522-11 Economist 2523-11 Urban and Regional Planner 2529-11 Historian 2529-13 Interpreter 2529-15 Translator 2529-79 Social Professionals nec 2531-11 Painter (Visual Arts) 2531-13 Sculptor 2531-15 Potter or Ceramic Artist 2531-79 Visual Arts and Crafts Professionals nec 2532-11 Photographer 2533-11 Fashion Designer 2533-13 Graphic Designer 2533-15 Industrial Designer 2533-17 Interior Designer 2533-19 Illustrator 2534-11 Editor 2534-13 Print Journalist 2534-15 Television Journalist 2534-17 Radio Journalist 2534-19 Copywriter 2534-21 Technical Writer 2534-79 Journalists and Related Professionals nec 2535-11 Author 2535-13 Book Editor 2535-15 Script Editor 2536-11 Art Director (Film, Television or Stage) 2536-13 Director (Film, Television, Radio or Stage) 2536-15 Director of Photography 2536-17 Film and Video Editor 2536-19 Stage Manager 2536-21 Program Director (Radio or Television) 2536-23 Technical Director 2536-79 Film, Television, Radio and Stage Directors nec 2537-15 Instrumental Musician 2537-11 Music Director 2537-13 Singer

2537-17 Composer  
 2537-79 Musicians and Related Professionals nec  
 2538-11 Actor  
 2538-13 Dancer or Choreographer  
 2538-79 Actors, Dancers and Related Professionals nec  
 2539-11 Radio Presenter  
 2539-13 Television Presenter  
 2541-11 Aircraft Pilot  
 2541-13 Air Traffic Controller  
 2541-15 Flight Service Officer  
 2541-17 Flight Engineer  
 2541-19 Flying Instructor  
 2541-79 Air Transport Professionals nec  
 2542-11 Ship's Master  
 2542-13 Master Fisher  
 2542-15 Ship's Engineer  
 2542-17 Ship's Surveyor  
 2542-19 Ship's Officer  
 2542-79 Sea Transport Professionals nec  
 2543-11 Occupational Health and Safety Officer  
 2543-13 Environmental Health Officer  
 2549-11 Conservator  
 2549-13 Electorate Officer  
 2549-15 Patents Examiner  
 2549-17 Oenologist  
 2549-19 Recreation Officer  
 2549-21 Museum or Gallery Curator

### 3 ASSOCIATE PROFESSIONALS

#### Science, Engineering and Related Associate Professionals

3111-11 Medical Laboratory Technical Officer  
 3111-79 Medical Technical Officers nec  
 3112-11 Chemistry Technical Officer  
 3112-13 Earth Science Technical Officer  
 3112-15 Life Science Technical Officer  
 3112-17 Agricultural Technical Officer  
 3112-79 Science Technical Officers nec  
 3121-11 Building Associate  
 3121-13 Architectural Associate  
 3121-15 Surveying and Cartographic Associate  
 3121-17 Building Inspector  
 3121-19 Plumbing Inspector  
 3121-21 Plumbing Engineering Associate  
 3122-11 Civil Engineering Associate  
 3122-13 Civil Engineering Technician  
 3123-11 Electrical Engineering Associate  
 3123-13 Electrical Engineering Technician  
 3124-11 Electronic Engineering Associate  
 3124-13 Electronic Engineering Technician  
 3125-11 Mechanical Engineering Associate  
 3125-13 Mechanical Engineering Technician  
 3129-11 Biomedical Engineering Associate  
 3129-13 Metallurgical and Materials Technician  
 3129-15 Mine Deputy  
 3129-79 Building and Engineering Associate Professionals nec

#### Business and Administration Associate Professionals

3211-11 Branch Accountant (Financial Institution)  
 3211-13 Financial Institution Branch Manager  
 3212-11 Stockbroking Dealer  
 3212-13 Futures Trader  
 3212-15 Financial Market Dealer

	<p>3212-17 Commodities Trader  3212-19 Insurance Broker  3212-21 Bookmaker  3212-79 Financial Dealers and Brokers nec  3213-11 Financial Investment Adviser  3292-11 Project or Program Administrator  3294-11 Computing Support Technician</p>
<b>Managing Supervisors (Sales and Service)</b>	<p>3321-11 Restaurant and Catering Manager  3322-01 Head Chef  3322-11 Chef  3323-11 Hotel or Motel Manager  3324-11 Club Manager (Licensed Premises)  3325-11 Caravan Park and Camping Ground Manager  3329-11 Other Hospitality and Accommodation Managers  3391-11 Fitness Centre Manager  3391-13 Other Sports Centre Manager  3391-15 Amusement Centre Manager  3391-79 Sport and Recreation Managers nec  3392-11 Customer Service Manager  3393-11 Transport Company Manager  3399-11 Post Office Manager  3399-13 Railway Station Manager  3399-15 Betting Agency Branch Manager  3399-17 Hair and Beauty Salon Manager  3399-19 Car Rental Agency Manager  3399-21 Fleet Manager  3399-23 Stock and Station Agent  3399-25 Travel Agency Manager  3399-27 Theatre or Cinema Manager  3399-29 Funeral Director</p>
<b>Health and Welfare Associate Professionals</b>	<p>3411-11 Enrolled Nurse  3421-11 Parole or Probation Officer  3421-13 Youth Worker  3421-15 Residential Care Officer  3421-17 Disabilities Services Officer  3421-19 Family Support Worker  3491-11 Ambulance Officer  3491-13 Intensive Care Ambulance Paramedic  3492-11 Dental Therapist  3492-13 Dental Hygienist  3492-15 Dental Technician  3493-11 Aboriginal and Torres Strait Islander Health Worker  3494-11 Massage Therapist</p>
<b>Other Associate Professionals</b>	<p>3911-01 Supervisor, Police Officers  3911-11 Police Officer  3991-11 Primary Products Inspector  3992-11 Safety Inspector  3993-11 Jockey  3993-13 Golfer  3993-15 Footballer  3993-17 Other Sportsperson  3993-19 Gymnastics Coach  3993-21 Tennis Coach  3993-23 Swimming Coach  3993-25 Horseriding Coach  3993-27 Other Sports Coach  3993-29 Sports Development Officer  3993-31 Sports Umpire</p>

3993-33 Horse or Dog Racing Official  
 3993-35 Other Sports Official  
 3995-11 Senior Fire Fighter  
 3996-11 Retail Buyer  
 3997-11 Library Technician  
 3999-11 Interior Decorator  
 3999-13 Museum or Art Gallery Technician  
 3999-15 Radio Operator  
 3999-17 Private Investigator  
 3999-19 Security Adviser

#### 4 TRADESPERSONS AND RELATED WORKERS

##### Mechanical and Fabrication Engineering Tradespersons

4111-01 Supervisor, General Mechanical Engineering Tradespersons  
 4111-11 General Mechanical Engineering Tradesperson  
 4112-01 Supervisor, Metal Fitters and Machinists  
 4112-11 Fitter  
 4112-13 Metal Machinist (First Class)  
 4112-15 Textile, Clothing or Footwear Mechanic  
 4113-01 Supervisor, Toolmakers  
 4113-11 Toolmaker  
 4114-01 Supervisor, Aircraft Maintenance Engineers  
 4114-11 Aircraft Maintenance Engineer (Mechanical)  
 4114-13 Aircraft Maintenance Engineer (Structures)  
 4114-15 Aircraft Maintenance Engineer (Avionics)  
 4115-01 Supervisor, Precision Metal Tradespersons  
 4115-11 Precision Instrument Maker and Repairer  
 4115-13 Watch and Clock Maker and Repairer  
 4115-15 Locksmith  
 4115-17 Saw Maker and Repairer  
 4115-19 Gunsmith  
 4115-21 Engraver  
 4121-01 Supervisor, General Fabrication Engineering Tradespersons  
 4121-11 General Fabrication Engineering Tradesperson  
 4122-01 Supervisor, Structural Steel and Welding Tradespersons  
 4122-11 Metal Fabricator  
 4122-13 Pressure Welder  
 4122-15 Welder (First Class)  
 4123-01 Supervisor, Forging Tradespersons  
 4123-11 Blacksmith  
 4123-13 Farrier  
 4124-01 Supervisor, Sheetmetal Tradespersons  
 4124-11 Sheetmetal Worker (First Class)  
 4125-01 Supervisor, Metal Casting Tradespersons  
 4125-11 Metal Casting Tradesperson  
 4126-01 Supervisor, Metal Finishing Tradespersons  
 4126-11 Metal Polisher  
 4126-13 Electroplater (First Class)

##### Automotive Tradespersons

4211-01 Supervisor, Motor Mechanics  
 4211-11 Motor Mechanic  
 4212-01 Supervisor, Automotive Electricians  
 4212-11 Automotive Electrician  
 4213-01 Supervisor, Panel Beaters  
 4213-11 Panel Beater  
 4214-01 Supervisor, Vehicle Painters  
 4214-11 Vehicle Painter  
 4215-01 Supervisor, Vehicle Body Makers  
 4215-11 Vehicle Body Maker  
 4216-01 Supervisor, Vehicle Trimmers  
 4216-11 Vehicle Trimmer

<b>Electrical and Electronics Tradespersons</b>	<ul style="list-style-type: none"> <li>4311-01 Supervisor, Electricians</li> <li>4311-11 General Electrician</li> <li>4311-13 Electrician (Special Class)</li> <li>4311-15 Lift Mechanic</li> <li>4312-01 Supervisor, Refrigeration and Airconditioning Mechanics</li> <li>4312-11 Refrigeration and Airconditioning Mechanic</li> <li>4313-01 Supervisor, Electrical Distribution Tradespersons</li> <li>4313-11 Electrical Powerline Tradesperson</li> <li>4313-13 Cable Joiner</li> <li>4314-01 Supervisor, Electronic Instrument Tradespersons</li> <li>4314-11 General Electronic Instrument Tradesperson</li> <li>4314-13 Electronic Instrument Tradesperson (Special Class)</li> <li>4315-01 Supervisor, Electronic and Office Equipment Tradespersons</li> <li>4315-11 Electronic Equipment Tradesperson</li> <li>4315-13 Business Machine Mechanic</li> <li>4316-01 Supervisor, Communications Tradespersons</li> <li>4316-11 General Communications Tradesperson</li> <li>4316-13 Communications Linesperson</li> </ul>
<b>Construction Tradespersons</b>	<ul style="list-style-type: none"> <li>4411-01 Supervisor, Carpentry and Joinery Tradespersons</li> <li>4411-11 Carpenter and Joiner</li> <li>4411-13 Carpenter</li> <li>4411-15 Joiner</li> <li>4412-01 Supervisor, Fibrous Plasterers</li> <li>4412-11 Fibrous Plasterer</li> <li>4413-01 Supervisor, Roof Slaters and Tilers</li> <li>4413-11 Roof Slater and Tiler</li> <li>4414-01 Supervisor, Bricklayers</li> <li>4414-11 Bricklayer</li> <li>4415-01 Supervisor, Solid Plasterers</li> <li>4415-11 Solid Plasterer</li> <li>4416-01 Supervisor, Wall and Floor Tilers and Stonemasons</li> <li>4416-11 Wall and Floor Tiler</li> <li>4416-13 Stonemason</li> <li>4421-01 Supervisor, Painters and Decorators</li> <li>4421-11 Painter and Decorator</li> <li>4422-01 Supervisor, Signwriters</li> <li>4422-11 Signwriter</li> <li>4423-01 Supervisor, Floor Finishers</li> <li>4423-11 Floor Finisher</li> <li>4431-01 Supervisor, Plumbers</li> <li>4431-11 General Plumber</li> <li>4431-13 Gasfitter</li> <li>4431-15 Drainer</li> <li>4431-17 Roof Plumber</li> <li>4431-19 Mechanical Services and Airconditioning Plumber</li> </ul>
<b>Food Tradespersons</b>	<ul style="list-style-type: none"> <li>4512-01 Supervisor, Bakers and Pastrycooks</li> <li>4512-11 Baker</li> <li>4512-13 Pastrycook</li> <li>4513-11 Cook</li> <li>4519-11 Miller</li> <li>4519-13 Buttermaker or Cheesemaker</li> <li>4519-15 Confectioner</li> </ul>

<b>Skilled Agricultural and Horticultural Workers</b>	4612-11 Shearer 4613-11 Wool Classer 4613-13 Hide and Skin Classer 4614-11 Horse Trainer 4614-79 Animal Trainers nec 4621-11 Nurseryperson 4622-11 Greenkeeper 4623-01 Head Gardener 4623-11 General Gardener 4623-13 Landscape Gardener 4623-15 Tree Surgeon
<b>Other Tradespersons and Related Workers</b>	4911-11 Graphic Pre-Press Tradesperson 4912-11 Printing Machinist 4912-13 Small Offset Printer 4913-11 Binder and Finisher 4914-11 Screen Printer 4921-11 Wood Machinist (A-Grade) 4921-13 Wood Turner 4922-01 Supervisor, Cabinetmakers 4922-11 Cabinetmaker 4929-11 Picture Framer 4929-13 Furniture Finisher 4929-79 Wood Tradespersons nec 4931-01 Supervisor, Hairdressers 4931-11 Hairdresser 4941-11 General Clothing Tradesperson 4941-13 Tailor 4941-15 Dressmaker 4941-17 Apparel Cutter 4941-19 Patternmaker-Grader (Clothing) 4941-79 Clothing Tradespersons nec 4942-11 Furniture Upholsterer 4942-79 Upholsterers and Bedding Tradespersons nec 4943-11 Shoemaker 4943-13 Medical Grade Shoemaker 4944-11 Leather Goods Maker 4944-13 Canvas Goods Maker 4944-15 Sail Maker 4981-11 Shipwright 4981-13 Boat Builder and Repairer 4982-11 Flat Glass Tradesperson 4982-13 Glass Blower 4983-11 Jeweller 4983-13 Gem Cutter and Polisher 4984-11 Florist 4985-11 Fire Fighter 4986-01 Supervisor, Drillers 4986-11 Driller 4987-01 Supervisor, Chemical, Petroleum and Gas Plant Operators 4987-11 Chemical Plant Operator 4987-13 Petroleum and Gas Plant Operator 4988-01 Supervisor, Power Generation Plant Operators 4988-11 Power Generation Plant Operator 4992-11 Sound Technician 4992-13 Camera Operator (Film, Television or Video) 4992-15 Television Equipment Operator 4992-17 Broadcast Transmitter Operator 4992-19 Motion Picture Projectionist 4992-21 Light Technician 4992-23 Production Assistant (Film, Television or Radio)

	<p>4992-25 Production Assistant (Theatre)  4992-27 Make Up Artist  4992-79 Performing Arts Support Workers nec  4999-11 Optical Mechanic  4999-13 Diver  4999-15 Aircraft Safety Equipment Worker  4999-17 Piano Tuner</p>
<p><b>Other – Retail Butcher</b></p>	<p>Meaning an activity completed in a retail outlet that sells directly to the consumer, that does not include the slaughtering of animals and requires the following qualification or equivalent experience and involves a significant majority of the following tasks:</p> <ul style="list-style-type: none"> <li>• advises customers on the suitability and uses of cuts of meat;</li> <li>• operates machinery to grind, mix, mince or tenderise meat;</li> <li>• prepares meat for sale by removing bones, trimming fat and cutting meat to shape and size for display or as ordered;</li> <li>• prepares crumbed cuts of meat and marinates and seasons special cuts;</li> <li>• selects and prepares meat to produce smallgoods;</li> <li>• may assist in menu planning and scheduling, and in estimating food production costs;</li> <li>• may operate cash registers, accept payments and prepare sales invoices.</li> </ul> <p>The entry requirement for this occupation is an AQF Certificate III or higher qualification, or at least 3 years' skilled experience.</p>
<p><b>Other – Specialty Small Goods Maker</b></p>	<p>Meaning an activity which does not include the slaughtering of animals and requires the following qualification or equivalent experience and involves a significant majority of the following tasks:</p> <ul style="list-style-type: none"> <li>• prepares meat by removing bones and trimming fat;</li> <li>• cuts, minces and grinds meat and fat;</li> <li>• makes seasonings and pickles by mixing spices, salt and other ingredients;</li> <li>• adds seasonings to ground meat;</li> <li>• operates filling machines, smoking chambers and cooking kettles and vats;</li> <li>• cures meat.</li> </ul> <p>The entry requirement for this occupation is an AQF Certificate III or higher qualification, or at least 3 years' skilled experience.</p>

## **Using a migration agent**

Using a migration agent is not necessary to lodge a visa application. However, if an applicant chooses to use an agent, the department recommends that a registered migration agent is used.

Under Australian law, anyone who uses knowledge of migration procedures to offer immigration assistance to a person wishing to obtain a visa to enter or remain in Australia must be registered or exempt from registration.

All registered migration agents are bound by the Migration Agents Code of Conduct, which requires agents to act professionally in their clients' lawful best interests. A list of registered migration agents is available from the Migration Agents Registration Authority (MARA) website [www.themara.com.au](http://www.themara.com.au)

The MARA can be contacted at:

E-mail: [themara@themara.com.au](mailto:themara@themara.com.au)

PO Box Q1551  
QVB NSW 1230  
AUSTRALIA

Telephone: 61 2 9299 5446

Fax: 61 2 9299 8448

The MARA investigates complaints against registered migration agents and may take disciplinary action against them. If there is a concern about a registered migration agent, please contact the MARA. The Code of Conduct and complaint form are available from the MARA website.

# temporary entry – sponsoring a temporary overseas employee to Australia