



Visitor Visas and the Subclass 457 Visa

Visitor visas for people who have applied for a subclass 457 visa

Visitor visas are not appropriate for people wanting to travel to Australia for the purpose of waiting for their Subclass 457 visa to be processed.

Visitor visas include:

- Tourist (Subclass 676)
- Sponsored Family Visitor (Subclass 679)
- Business (Short Stay) (Subclass 456)
- Sponsored Business Visitor (Short Stay) (Subclass 459)
- ETA (Business Entrant — Short Validity) (Subclass 977)
- ETA (Business Entrant — Long Validity) (Subclass 956)
- ETA (Visitor) (Subclass 976)
- eVisitor (Subclass 651).

Applicants for a 457 visa, as with any visa applicant, should await the outcome of their application before booking airfares to come to Australia unless they are planning to travel to Australia for a short visit for tourism or business purposes. All Visitor visa applicants must satisfy the decision maker that they intend a genuine visit, among other things, as set out in Australian Migration Law.

Visa processing officers must take into account relevant considerations such as the applicant's:

- personal circumstances
- incentive to return home
- financial situation
- ability to support themselves while in Australia.

An applicant seeking to overstay their visitor visa or to remain in Australia on a subsequent visa is not considered a genuine visitor.

Working in Australia on a Short Stay Business visa while a Subclass 457 visa is being processed

A Short Stay Business visa is not appropriate for people intending to work for their sponsor while their Subclass 457 visa is being processed. This activity would be in breach of condition 8112, a condition that is mandatory on these visas.

Short Stay Business visitor visas include:

- Business (Short stay) (Subclass 456)
- Sponsored Business Visitor (Short Stay) (Subclass 459)
- ETA (Business Entrant — Short Validity) (Subclass 977)
- ETA (Business Entrant — Long Validity) (Subclass 956)
- eVisitor — Business Stream (Subclass 651).

Meeting Condition 8112

Condition 8112 requires that the visa holder must **not** engage in work in Australia that might otherwise be carried out by an Australian citizen or an Australian permanent resident.

Under policy, this means that visa holders must not undertake work, unless it is **not** ongoing (six weeks or less) and either highly skilled (ASCO 1-4) or in an emergency situation. Commencing work with a 457 sponsor is considered ongoing work and is contrary to condition 8112.