

**APPENDIX J: PROPOSED WORK RIGHTS FOR FAMILY MEMBERS**

It is proposed that existing unrestricted permission to work be retained for family members accompanying temporary residents to Australia in cases where:

- the visa is part of the economic stream;
- the visa is diplomatic in nature or contributes to Australia’s international relations objectives;
- the ‘main’ visa holder is approved for an intended period of stay longer than 12 months or
- the applicant has been granted a Supported Dependant (subclass 430) visa.

This new approach would lead to the following changes in the work rights for family members:

VISA	CURRENT WORK RIGHTS	IMPACT OF PROPOSED APPROACH	COMMENT
Exchange (411)	Full permission to work	Family members will have permission to work	Visa to be abolished and persons to use 457 visa and retain full work rights
Foreign Government Agency (415)	Full permission to work	Family members will have permission to work with DFAT support	Visa to be abolished and provisions incorporated into new visa that will allow full work rights with DFAT support
Special Program (416)	Full permission to work	Family members retain work rights where period of stay more than 12 months	Will minimise potential impact of family members on unskilled labour market
Educational (418)	Full permission to work	Family members will have permission to work	Visa to be abolished – clients to use 457 (full work rights) or 456 (limited work rights – applicants remain less than 3 months so impact should be minimal)
Visiting Academic (419)	Full permission to work	Family members retain work rights where period of stay more than 12 months	Will minimise potential impact of family members on unskilled labour market
Entertainment (420)	Full permission to work	Family members retain work rights where period of stay more than 12 months	Most applicants stay less than 3 months so impact should be minimal
Sport (421)	Full permission to work	Family members retain work rights where period of stay more than 12 months	Most applicants stay less than 3 months so impact should be minimal
Medical Practitioner (422)	Full permission to work	Nil	Will retain permission to work
Media & Film Staff (423)	Full permission to work	Some family members will be unaffected and some retain work rights where period of stay more than 12 months	Visa to be abolished – applicants to use 457 (full work rights), 456 (limited work rights) or 420 (no work rights). All applicants for 456 and most for 420 stay less than 3 months so impact should be minimal

VISA	CURRENT WORK RIGHTS	IMPACT OF PROPOSED APPROACH	COMMENT
Public Lecturer (424)	Full permission to work	Family members will have permission to work	Visa to be abolished - applicants to use 457 (full work rights) or 456 (limited work rights - applicants remain less than 3 months so impact should be minimal)
Family Relationship (425)	No work allowed	Nil	To be abolished - clients to use visitor visas
Domestic Worker - Diplomatic or Consular (426)	Only permitted to work in the same household as the 'main' applicant	Nil	Will retain same work rights (and restrictions)
Domestic Worker - Executive (427)	Full permission to work	Family members retain work rights where period of stay more than 12 months	Will minimise potential impact of family members on unskilled labour market
Religious Worker (428)	Full permission to work	Family members retain work rights where period of stay more than 12 months	Will allow family members to enter the labour market in order to supplement family income
Supported Dependant (430)	Full permission to work	Nil	Will retain permission to work
Expatriate (432)	No work allowed	Nil	To be abolished - clients to use long stay visitor visa - will continue not to have access to permission to work
Occupational Trainee (442)	No work allowed	Family members obtain work rights where period of stay more than 12 months	Will standardised approach while minimising potential impact of family members on unskilled labour market
Confirmatory (446)	Depands on visa applied for - 446 reflects whatever conditions would have applied	Nil	To be abolished and clients will get the visa they applied for originally
Business (short stay) (456)	Permission to do work that could not otherwise be done by Australians	Nil	Will retain current work rights (and restrictions)
Business (long stay) (457)	Full permission to work	Nil	Will retain full permission to work

Where the proposed approach would have an impact on the work rights for family members, this is discussed in the visa-specific chapters.



**SPONSORSHIP FEES**

Sponsorship fees vary across the visa classes or according to the type of sponsorship:

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|--|-----------------|
| • Pre Qualified Business Sponsor status (subclass 457)<br>(this is valid for an unlimited number of sponsorships within the period of validity.) | \$3,250 (total) |
| • Standard Business Sponsorship status (subclass 457)  | \$Nil           |
| • for all temporary resident visa sponsorships (except for 457)  | \$225 (each)    |
| • if there are more than 10 applications lodged together by a sponsor  | \$2,230 (total) |
| • if there was/will be no visa application charge  | \$Nil           |

**Exemptions:**

- where the application is for a Domestic Worker (Diplomatic of Consular) visa. [Since there is currently no requirement for sponsorship for these visa applicants, this exemption provision is currently redundant.]; and
- where there was no visa application charge payable, ie where there is an exemption from charge for the visa application on some ground.

**Group discounts:**

For sponsorships (other than those for the temporary business (long stay)(457) visas) - there is a group discount, as there is a 'capped' fee equivalent to the cost of 10 sponsorships which applies where more than 10 applications are lodged together.

**NOMINATION FEES**

- |                                   |              |
|-----------------------------------|--------------|
| • Pre Qualified Business Sponsor  | \$Nil        |
| • Standard Business Sponsor       | \$225 (each) |
| • Occupational trainee nomination | \$Nil        |

**Exemptions:**

For occupational trainee (442) visa applicants - there is no fee for any nominations.

**APPENDIX L: SPONSORSHIP REQUIREMENTS - SUMMARY**

<b>SPONSORSHIP REQUIRED</b>	<b>SPONSORSHIP <u>NOT</u> REQUIRED</b>
	<b>Exchange (subclass 411) - all applicants</b>
<b>Foreign Government Agency (415) (see exceptions⇒)</b>	No sponsorship where: <ul style="list-style-type: none"> <li>• intended stay less than 3 months</li> <li>• enter under country-to-country agreement</li> <li>• applicant to be the director of certain bodies (British Council, Alliance Française, Goethe Institute, Italian Cultural Centre)</li> </ul>
	<b>Special Program (416) – all applicants</b> Note: does require nomination by an organisation unless applying on basis of a Churchill Fellowship or youth exchange program
<b>Educational (418) (see exceptions⇒)</b>	No sponsorship where: <ul style="list-style-type: none"> <li>• intended stay less than 3 months</li> </ul>
	<b>Visiting Academic (419) - all applicants</b>
<b>Entertainment (420) (see exceptions⇒)</b> If applicant intends to participate in cultural and non-commercial activities, some of sponsorship requirements do not apply	No sponsorship where: <ul style="list-style-type: none"> <li>• enter under country-to-country agreement</li> </ul>
<b>Sports (421) including:</b> <ul style="list-style-type: none"> <li>• coach, player or instructor entering under arrangement with organisation in Australia</li> <li>• sports instructor with business arrangement with Australian organisation</li> </ul>	No sponsorship where: <ul style="list-style-type: none"> <li>• competitor (or assistant) to stay less than 3 months</li> <li>• competitor staying for more than 3 months if internationally known individual competitor</li> <li>• judge/judicator staying less than 3 months</li> <li>• enter under country-to-country agreement</li> </ul>
<b>Medical Practitioner (422) - all applicants</b>	
<b>Media and Film Staff (423) - (see exceptions⇒)</b>	No sponsorship where: <ul style="list-style-type: none"> <li>• intended stay less than 3 months</li> <li>• enter under country-to-country agreement</li> </ul>
<b>Public Lecturer (424) (see exceptions⇒)</b>	No sponsorship where: <ul style="list-style-type: none"> <li>• intended stay less than 3 months</li> <li>• enter under country-to-country agreement</li> </ul>
	<b>Family Relationship (425) - all applicants</b> Note: Australian relative has financial and accommodation obligations
	<b>Domestic Worker – Diplomatic or Consular (426) - all applicants</b>
<b>Domestic Worker – Executive (427)</b> Note: If executive was not sponsored, then executive must take on certain obligations	No sponsorship where: <ul style="list-style-type: none"> <li>• the Executive was not sponsored</li> </ul>
<b>Religious Worker (428) – sponsorship plus obligations re travel &amp; other costs</b>	
	<b>Supported Dependant (430) - all applicants</b>
	<b>Expatriate (432) - all applicants</b> Note: company must be responsible for departure arrangements and costs
	<b>Occupational trainee (442) - all applicants</b> Note: nomination rather than sponsorship (no fee and no undertakings) unless training provided by the Commonwealth
	<b>Business (short stay) (456) - all applicants</b>
<b>Business (long stay) (457) (see exceptions⇒)</b>	No sponsorship where: <ul style="list-style-type: none"> <li>• labour/regional headquarters agreement</li> <li>• independent executive</li> <li>• service seller</li> <li>• person accorded status under Privileges and Immunities Acts</li> </ul>