



Australian Government  
Department of Immigration  
and Citizenship

# Simpler visas

Creating a simpler framework for  
temporary and permanent entry to Australia

Discussion Paper – June 2010



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## Overview

The Australian Government has initiated a range of reforms aimed at improving productivity and international competitiveness. An ambitious regulatory reform agenda is an integral part of these reforms.

As part of its regulatory reform agenda, the Australian Government has agreed to rationalise the visa framework to make it simpler and more efficient.

Specifically, the Government has committed to reduce by 50 per cent the number of temporary working visa subclasses by 2012 and to target a 50 per cent reduction in the total number of visa subclasses by 2015. This reform is being taken forward as part of a Better Regulation Ministerial Partnership announced by the Minister for Immigration and Citizenship, Chris Evans, and the Minister for Finance and Deregulation, Lindsay Tanner, on 4 June 2010.

Simplification of the visa framework will be undertaken in stages over five years and will cover all visa groups, including:

- Temporary residence and visitor visas (the first visa group under review)
- Student visas
- Permanent Skilled and Business Entry visas
- Resident Return visas
- Bridging visas
- Family visas
- Refugee and Humanitarian visas.

An indicative timeline for the five year span of the project is provided at Appendix A.

The project will:

- ensure that border security and program integrity are maintained in the immigration program
- ensure that clients who currently are eligible for a visa will remain eligible for a visa within the simplified visa framework
- make it easier for clients to determine which visa option is most appropriate.

The project aims to achieve these objectives by delivering fewer and simpler visa products through a more streamlined and consistent application and assessment process. Reducing the number of application forms and providing a broader range of lodgement options will maintain Australia's competitiveness, reduce compliance costs for business and enhance processing efficiency.

The project will also identify and address inconsistencies in legislation which leave clients confused. These inconsistencies include redundant legislation and the use of the same word across visas but with a different meaning.

The project will not affect the broader policy settings and objectives that drive the immigration program. Instead the project seeks to significantly simplify the existing visa framework making it easier for clients to understand and engage with Australia's visa requirements.

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## Public Consultation

This discussion paper seeks your views on the visa simplification project overall as well as more specific views on possible changes to the first tranche of visas being reviewed – the temporary residence and visitor visa group.

The discussion paper:

- briefly examines how the current visa framework has evolved over time
- canvasses resulting issues
- examines ways these issues may be addressed through a simplified visa framework
- examines the advantages of a simplified visa framework
- examines how a simplification process may work.

The paper does not identify a single preferred solution. Instead it seeks comment from the public on how current arrangements can be improved, to assist the Government to make decisions in this area.

Comments received will inform both the broader development of a simplified visa framework and inform the initial development of a more specific temporary residence and visitor visa structure.

When commenting on this paper you may wish to structure your responses in terms of the following questions:

- Do you think the options put forward will meet client needs?
- What are the impacts of the specific options?
- What are the most important issues to you in looking to simplify visas?
- How would you simplify these processes whilst maintaining integrity?
- Are there any visas that may be easily consolidated into other visas?

Following consideration of responses, a final discussion paper will be released to stakeholders later in the year proposing initiatives to simplify present temporary residence and visitor visa arrangements, prior to the Government taking any decisions.

Stakeholders will be consulted throughout the span of the entire project and meetings may be organised with individual stakeholders as required.

With each new phase of the project, similar stakeholder consultation will be undertaken. This will involve discussion papers, meetings with stakeholders and other relevant parties as well as the use of other media such as the internet.

Please submit your suggestions or comments to the Director, Deregulation Strategy Section:  
at [deregulation@immi.gov.au](mailto:deregulation@immi.gov.au) or PO Box 25 BELCONNEN ACT 2615 by 16 July 2010.

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## The current visa framework

Prior to 1989, immigration officers had broad discretion to grant a visa or entry permit to a non-citizen. The attributes of desirable people were set out in approximately 14 policy manuals. The pre 1989 framework was criticised as containing wide discretionary powers that were obscure, arbitrarily changed and applied, and subject to day to day intervention in individual cases.

In response, this discretionary approach was fundamentally changed with the introduction of the *Migration Reform Act* in 1994, which required all applications to be assessed against detailed criteria set down in law.

This approach provided more clarity for:

- clients to understand what legal requirements needed to be met in order for them to be eligible for the grant of a visa
- decision makers—to be able to assess visa applications using legally binding requirements
- the Australian community—to better understand the legal requirements and values to be consistently applied when assessing applications from people seeking to come to Australia.

There are broad categories under which non-citizens seek to enter and stay in Australia:

- visitors
- temporary entry (business, cultural, social, family, work or study)
- permanent migration (skilled, business, family or humanitarian).

Each of these broad categories of entry is broken down according to the specific reasons why entry is being sought. The Government currently uses 149 visa subclasses to define these variations.

Many of these visa subclasses have similar purposes and entitlements that could be collapsed and combined to create a more simplified structure. There are also many similar (but not identical) legal requirements. It may be appropriate to create standardised legal requirements in some cases.

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## Difficulties in selecting the most appropriate visa

Over the past two decades, the number of visa subclasses has increased incrementally and this has increased the level of complexity in both using and administering the framework. There are currently 149 visa subclasses and 90 visa classes in the *Migration Regulations 1994* which are set out across more than 1800 pages. Despite the large number of visa subclasses, 25 subclasses account for more than 97 per cent of visa finalisations. The remaining 124 low volume visa subclasses potentially create unnecessary confusion for clients.

Depending on a client's profile and purpose for entering Australia a wide range of visas may be suitable for their consideration. However, sometimes the most appropriate visa to apply for may not be clear. There may be several different visas that allow the same or similar activities to be undertaken.

For example, a person may be seeking to come to Australia for three months to undertake professional training through a university with a work experience element. This person may consider applying for:

- a visitor visa including:
  - Business Short Stay (subclass 456) visa
  - Tourist visa (subclass 676)
  - Electronic Travel Authority
  - eVisitor.
- a temporary residence visa:
  - Professional Development (subclass 470)
  - Occupational Trainee (subclass 442)
  - Student visas.

Depending on the client's circumstances, the person may not be eligible for all or any of the above visas. This abundance of subclasses which may appear to suit similar circumstances creates confusion for clients, employers and Government employees. Another example can be seen in diagram 1.1 which demonstrates the numerous subclasses a religious worker might consider before applying for a visa.

The creation of both generic visa types, for example the Business Short Stay visa, and specialist visa types, for example the Religious Worker visa, has made it more difficult for clients to choose the most appropriate visa. Fewer visas with clearer requirements should reduce client confusion.

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## Why simplify?

The *Migration Regulations 1994* have been amended over time, and consequently there are many similar provisions that have been written in different ways from visa to visa. As a result, clients can find that requirements for lodging visa applications may vary and this can lead to confusion, particularly for clients who may have more than one interaction with the Government. The Government can reduce this unnecessary complexity by identifying and standardising similar requirements across visas.

Simplification of the visa framework will:

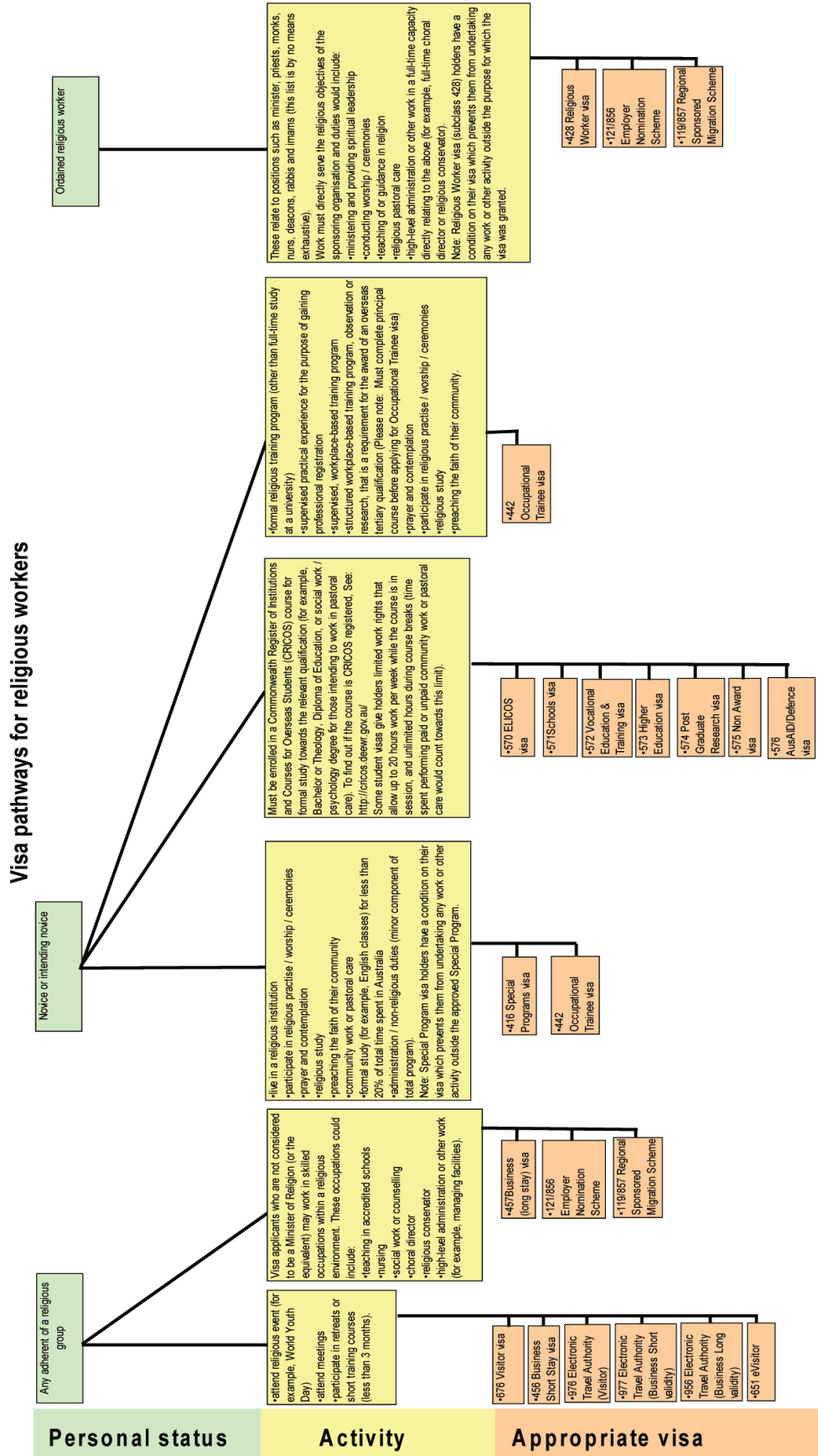
- reduce confusion for clients when choosing a visa
- reduce the level of complexity for clients during the applications process
- standardise legal requirements where appropriate
- reduce compliance costs to business
- enhance program integrity and program design in such a way as to allow for better analysis and management of risk, fraud and intent
- maintain Australia's competitiveness in attracting quality migrants.

Broadly, simplification will be achieved by:

- identifying visas with similar features, for example purpose and length of stay which can be combined into single visa products
- identifying similar requirements across different types of visas and applying a single definition to them
- modifying or removing regulations that have become less relevant over time
- changing legislation to reflect technological changes, for example expanding lodgement opportunities for clients.

Diagram 1.1.

Diagram 1.1



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## How do we make the boundaries between visas clearer?

There are currently 149 visa subclasses, the majority of which are highly specialised in nature. The purpose of many of these visas is very similar. For example:

- **Temporary residence and visitor visas.** There are currently 18 temporary residence and visitor visas which allow for people to enter Australia for up to four years for economic, social or cultural purposes. The differences in these visas often occur because they are designed around different industry or social sectors. The simplification exercise will focus on similar purposes and entitlements bringing together different variations into single visa products.
- **Family visas.** There are currently 27 family visas, but only eight different types of family relationships, for example parent, child, partner, eligible under this visa group. The number of family visas could be reduced to reflect more succinctly the number of family relationships.

Simplification of the visa framework could be addressed at the complexity within visas without reducing the number of visa subclasses. However, for a client who has little experience in navigating the visa subclass structure, this would not reduce the level of initial complexity that they face in selecting an appropriate visa.

By concurrently reducing the number of visa subclasses to better reflect a client's purpose of entry to Australia, clients will have a simpler and more intuitive choice when choosing the most appropriate visa to apply for. This is why a reduction in the number of visa subclasses is a central focus of the deregulation and simplification process and a primary objective.

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## Phase one - temporary residence and visitor visas

The first phase of the project will focus on the deregulation and simplification of the temporary residence and visitor visa group, which will be completed by 2012.

The temporary residence and visitor visa group allows for people to enter Australia for up to four years for economic, social or cultural purposes. Visa holders are permitted to work for their sponsor in their area of expertise. There are currently 20 visas under review that share these common attributes and these visas are listed in Appendix B.

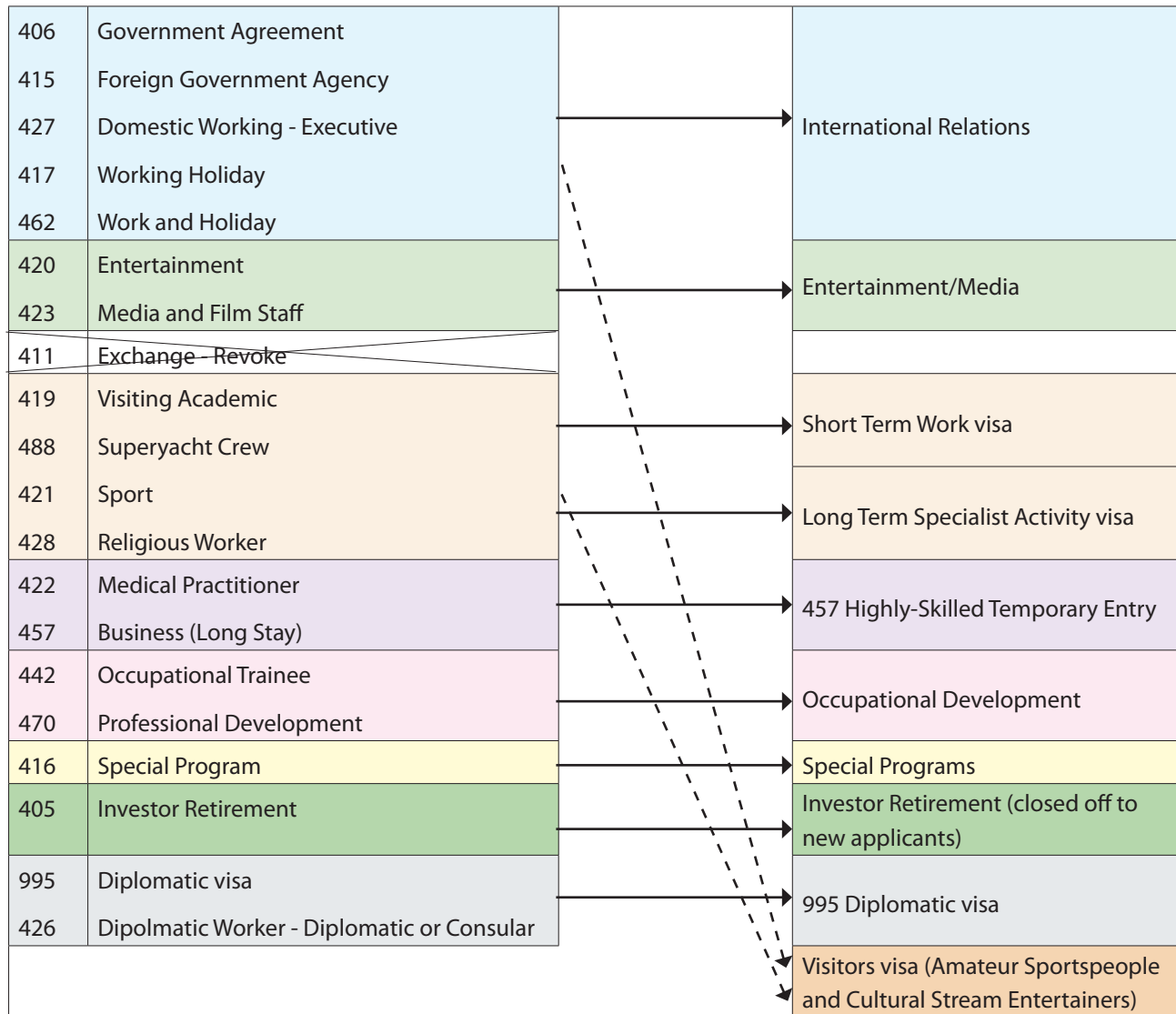
Clients entering Australia for a few days or weeks can experience difficulty in determining whether they should nominate to come as a visitor, or to apply for formal permission to work under the temporary visa stream.

In cases where the stay is longer than four months there may be benefit in consolidating some specialist visas into a Long Term Specialist visa for up to four years. The three examples form the starting point for developing a long term solution to these issues.

## Example 1

One way to include a short term work product in a simplified structure is outlined in diagram 2.1

Diagram 2.1



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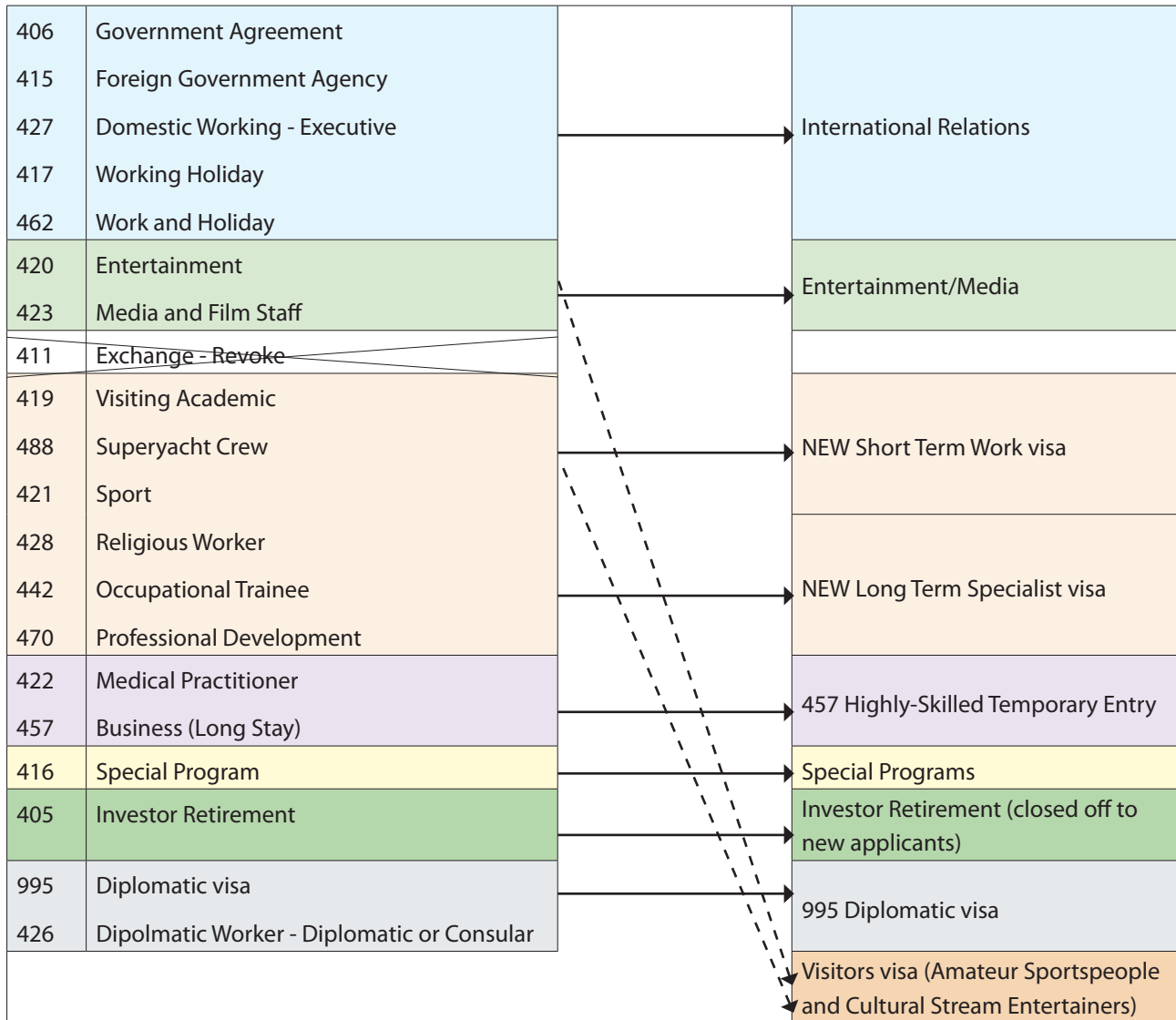
Example one includes:

- Government Agreement, Foreign Government Agency, Working Holiday and Work and Holiday visas could be combined into a single International Relations visa
- Entertainment and Media and Film Staff visas could be combined into a single Entertainment visa with amateur sportspeople and cultural stream entertainers seeking entry on a visitor visa
- The Exchange visa could be revoked. Clients would have the ability to apply for a visa relevant to their skills
- Visiting Academic, Superyacht Crew, Sport and Religious Worker visas could be revoked and a new Short Term Work visa (if stay is under four months) and Long Term Specialist visa could be created for these purposes
- The Occupational Trainee and Professional Development visa could be combined into a Occupational Development visa
- The Special Program visa could remain the same
- Investor Retirement visa could be closed to new applicants who do not already hold this visa
- The Diplomatic and Domestic Worker Diplomatic or Consular visas could be combined into one Diplomatic visa.

## Example 2

A variant could involve using the same framework as with Example 1 but moving the Occupational Trainee and the Professional Development visa into the new short term and long-term visas. This possible framework is outlined in diagram 2.2.

Diagram 2.2



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Example two includes:

- Government Agreement, Foreign Government Agency, Working Holiday and Work and Holiday visas could be combined into a single International Relations visa
- Entertainment and Media and Film Staff visas could be combined into a single Entertainment visa with amateur sportspeople and Cultural Stream Entertainers seeking entry on a visitor visa
- Exchange visa could be revoked. Clients would have the ability to apply for a visa relevant to their skills
- Visiting Academic, Superyacht Crew, Sport, Occupational Trainee, Professional Development and Religious Worker visas could be revoked and a new Short Term Work visa (if stay is under four months) and a Long Term Specialist visa could be created for these purposes
- The Special Program visa could remain the same
- Investor Retirement visa could be closed to new applicants who do not already hold this visa
- Diplomatic and Domestic Worker Diplomatic or Consular visas could be combined into one Diplomatic visa.

### Example 3

A further example is outlined in diagram 2.3

Diagram 2.3

406	Government Agreement	→	International Relations
415	Foreign Government Agency		
417	Working Holiday	→	Working Holiday
462	Work and Holiday		
420	Entertainment	→	Entertainment/Media
423	Media and Film Staff		
411	Exchange	→	NEW Specialist Activity visa
427	Domestic Worker -Executive		
421	Sport		
428	Religious Worker		
422	Medical Practitioner	→	457 (Temporary) Long Stay
419	Visiting Academic		
457	Business (Long Stay)		
442	Occupational Trainee	→	Occupational Development
470	Professional Development		
416	Special Program	→	Special Programs
488	Superyacht Crew	→	Superyacht Crew
405	Investor Retirement	→	Investor Retirement (closed off to new applicants)
995	Diplomatic visa	→	995 Diplomatic visa
426	Dipolmatic Worker - Diplomatic or Consular		
676	Tourist	→	Visitor
456	Business Short Stay		

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Example three includes:

- Government Agreement and Foreign Government Agency visas could be combined into a single International Relations visa
- Working Holiday and Work and Holiday visas could be combined into a single Working Holiday visa which could allow clients to access to all government agreements through the one visa
- Entertainment and Media and Film Staff visas could be combined into a single Entertainment visa
- Exchange, Domestic Worker, Sport and Religious Worker visas could be combined into a single Specialist Activity visa (which would cater for both long (over 4 months) and short stays)
- Business (Long Stay) and Visiting Academic visas could be combined into a single Business (Long Stay) visa
- Occupational Trainee and Professional Development visas could be combined into a single Occupational Development visa
- The Special Program visa could remain the same
- The Superyacht Crew visa could remain the same
- The Investor Retirement visa could be closed to all new applicants
- Diplomatic and Domestic Worker Diplomatic or Consular visas could be combined into one Diplomatic visa
- Tourist and Business Short Stay visas could be combined into a single Visitor visa.

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## Benefits

All examples have similar benefits including:

- simplified visa options with more intuitive names
- simpler visa choices.

## Risks

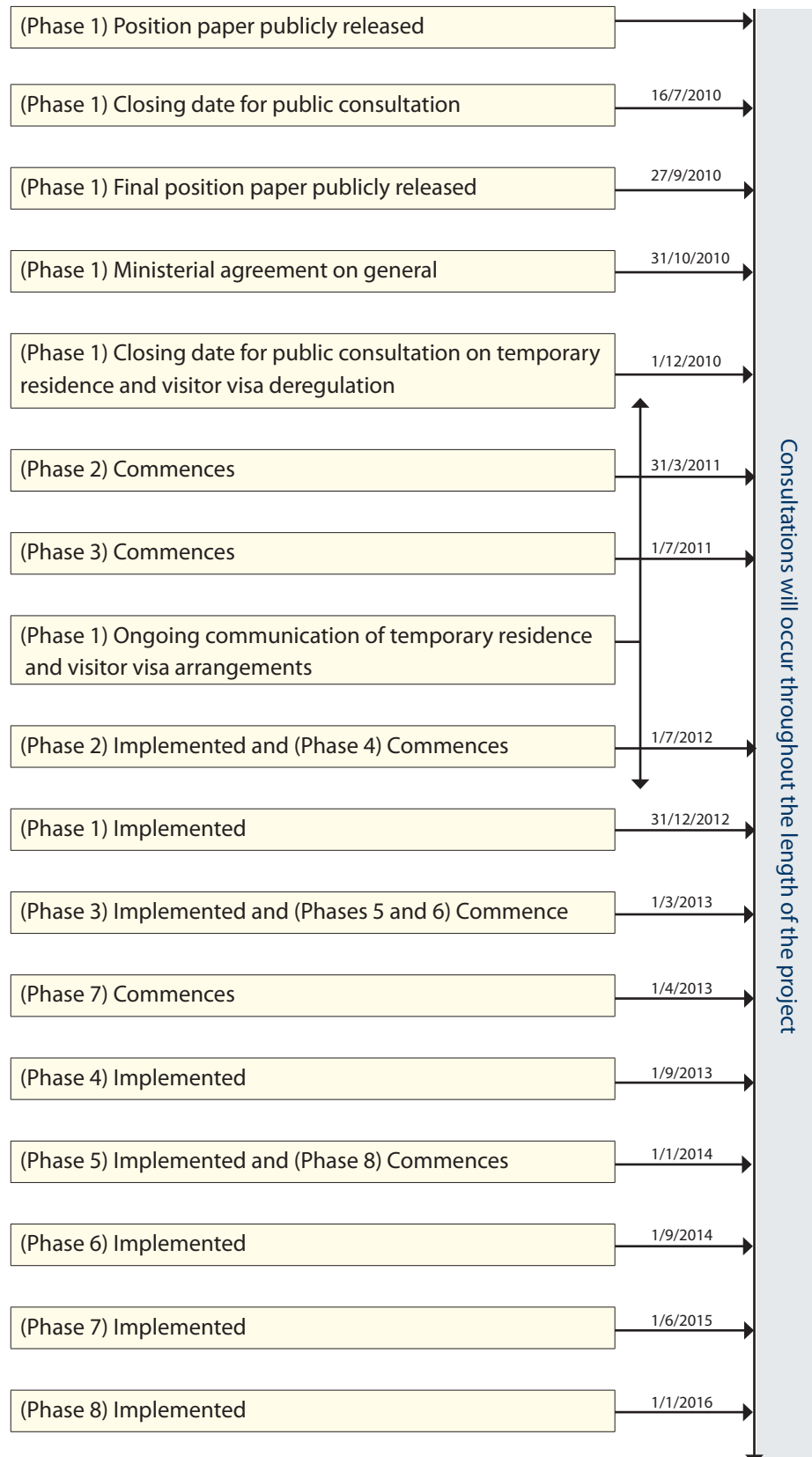
Risks could include the following:

- Application forms and booklets about visa products may be required to contain more information than in the current visa framework to address the increased reasons for stay contained within each visa. This can be mitigated by carefully redesigning forms so that all questions are common except where the criterion differs.
- The initial transition to the new visas may create uncertainty. This can be mitigated by maintaining close contact with stakeholders throughout the reform process, including at the implementation stage.
- Visas applied for but not granted prior to any change may not be able to be granted. This could be mitigated by grandfathering visa applications so that they can be granted for a period of time after the new visas are implemented.

Your views on these examples can be provided to the Director, Deregulation Strategy Section:  
email: [deregulation@immi.gov.au](mailto:deregulation@immi.gov.au) or PO Box 25 BELCONNEN ACT 2615 by 16 July 2010.

# Appendix A

## Indicative Timeline for Temporary Residence and Visitor Visa Deregulation



In no particular order, phases will comprise individual visa subclasses:

- Temporary residence and visitor visas (the first visa group under review)
- Student visas
- Permanent Skilled and Business Entry visas
- Resident Return visas
- Bridging visas
- Family visas
- Refugee and Humanitarian visas.

## Appendix B

Temporary residence and visitor visas		
405	Investor Retirement	<p>This visa is intended for people who:</p> <ul style="list-style-type: none"> <li>• are of retirement age</li> <li>• have no dependants (other than a spouse, if any)</li> <li>• can be of benefit to Australia through significant investments in State/Territory government bonds</li> <li>• whose presence in Australia will be without cost to Australia's social and welfare services and,</li> <li>• are sponsored by a State/Territory government.</li> </ul> <p>It is a temporary visa with a visa period of 4 years.</p>
406	Government Agreement	This visa is intended to facilitate the entry of people under the terms of bilateral agreements between Australia and other countries.
411	Exchange	This visa is intended to facilitate the entry of skilled people under exchange arrangements giving Australian residents reciprocal opportunities to work with overseas organisations.
415	Foreign Government Agency	<p>This visa is intended to facilitate the entry of:</p> <ul style="list-style-type: none"> <li>• representatives of foreign governments and foreign government agencies who do not have Department of Foreign Affairs and Trade accreditation and,</li> <li>• certain foreign language teachers who are to be employed in Australia by their government or a government agency.</li> </ul>
416	Special Program	This visa aims to enhance international relations and cultural exchange by allowing people to share cultural and social experiences and knowledge in the Australian community by taking part in programs that provide opportunities for youth exchange, cultural enrichment and community benefit.
417	Working Holiday	This visa is to encourage cultural exchange and closer ties between arrangement countries by allowing young people to have an extended holiday supplemented by short term employment, with special focus on regional Australia.
419	Visiting Academic	<p>This visa is intended for people:</p> <ul style="list-style-type: none"> <li>• who are, or have been, employed as academics in tertiary or research institutions overseas</li> <li>• whose primary purpose is to observe or participate in an established research project in collaboration with other academics at an Australian tertiary or research institution and,</li> <li>• who will not receive any form of payment from the inviting institution, other than an allowance towards living expenses.</li> </ul>

Temporary residence and visitor visas		
420	Entertainment	<p>This visa is for certain people involved in the entertainment industry, including:</p> <ul style="list-style-type: none"> <li>performers for film, television, opera, ballet, circuses etc and entertainers whether intending to perform commercially or non-commercially, as well as</li> <li>support personnel to the above</li> <li>non-performing production/technical personnel for productions to be shown in, or concerts or recordings to be performed in Australia.</li> </ul>
421	Sport	<p>This visa provides for the temporary entry of sports people to engage in competition with Australian residents. The Sport visa is to improve the quality of a sport in Australia through participation in high-level competition and training with Australian residents.</p>
422	Medical Practitioner	<p>This visa is intended to provide for the entry of temporary resident doctors to help overcome the difficulties experienced in attracting and retaining doctors who can maintain the standard of health care in Australia. Temporary resident doctors must be sponsored by Australian employers to fill positions that cannot be filled by suitably qualified Australian citizens or permanent residents.</p>
423	Media and Film Staff	<p>This visa is intended for persons seeking temporary stay as:</p> <ul style="list-style-type: none"> <li>professional media staff members of overseas news organisations (print, radio, TV or film media) assigned to Australia as accredited representatives of that organisation for example, as their foreign correspondent)</li> <li>television or film crew, including actors, production and support staff and still-photographers (for all advertisements, including travel or food photography), involved in the production of documentary programs (or commercials) exclusively for use outside Australia.</li> </ul>
426	Domestic Worker - Diplomatic or Consular	<p>This visa provides for the entry of domestic workers or domestic staff to Australia for strictly defined circumstances only. It is intended for adult domestic workers employed in a private capacity by diplomatic or consular representatives or certain representatives of international organisations posted to Australia who have been officially accredited by Department of Foreign Affairs and Trade.</p>
427	Domestic Worker (Temporary) - Executive	<p>This visa provides for the temporary entry of people to be employed as domestic workers by certain holders of Temporary Business Entry visa.</p>
428	Religious Worker	<p>This is an occupational visa intended for people who will be full-time religious workers in Australia. Religious work is work of a religious nature for which the client has had relevant religious training. The visa is intended for people seeking to undertake work directly serving the religious objectives of a religious institution in Australia. It recognises circumstances where a religious institution may need to access specific religious skills not readily available within the Australian community.</p>
442	Occupational Trainee	<p>This visa aims to promote international goodwill through Australian employers providing workplace-based training opportunities in Australia.</p>

Temporary residence and visitor visas		
457	Business (Long Stay)	This visa is for employers to sponsor approved skilled workers to work in Australia on a temporary visa.
462	Work and Holiday	This visa enables young people to holiday and work in Australia and to improve cultural understanding. The visa is only available to citizens of countries that Australia has a work and holiday arrangement with.
470	Professional Development	This visa caters for groups of professionals, managers and government officials from overseas who wish to come to Australia to enhance their professional or managerial skills by undertaking professional development training.
488	Superyacht Crew	This visa has been implemented in response to the Superyacht industry's calls for a crew visa that addresses the specific needs of that niche industry.
995	Diplomatic	<p>The Diplomatic visa allows for the temporary entry of those who seek to travel to Australia in a diplomatic or official capacity. The visa is granted by the department on advice from the Department of Foreign Affairs and Trade (DFAT). Such persons include:</p> <ul style="list-style-type: none"> <li>• Diplomats</li> <li>• Consular officials</li> <li>• Certain international representatives</li> <li>• Consular employees or employees of accredited international representatives (administrative/technical staff)</li> <li>• Example: security guards, service staff (drivers, cooks, cleaners) employed by the diplomatic or consular mission or the office of the international representative</li> <li>• Executive heads of the specialised agencies of the United Nations.</li> </ul>