



## Frequently Asked Questions



# Information for Overseas Doctors Who Do Not Currently Hold A Subclass 422 Medical Practitioner Visa

### 1. I am a medical practitioner. How do I apply for temporary entry into Australia under the Subclass 457 (Business (Long Stay)) visa program?

Applying for the Subclass 457 Business (Long Stay) visa program is a three step process consisting of sponsorship, nomination and visa application. The first step is for an employer who is prepared to employ you in a skilled occupation to make and application to be an approved business sponsor.

The second requirement is for the employer to nominate the skilled position in which you would work. Once the sponsorship and nomination applications have been approved, you can lodge your visa application. You will need to demonstrate that you have the skills and experience required for the position.

See: [www.immi.gov.au/skilled/skilled-workers/sbs/index.htm](http://www.immi.gov.au/skilled/skilled-workers/sbs/index.htm)

The full list of approved occupations for the Subclass 457 visa program is available,

See: <http://www.immi.gov.au/skilled/skilled-workers/sbs/457occupations.pdf>

The sponsorship, nomination and visa applications can be submitted to the department at the same time however, applicants must note that the visa application cannot be finalised until such time as the sponsorship and nomination have been approved.

### 2. Can I lodge an application for a Subclass 457 Business (Long Stay) visa online?

Yes. Electronic visa application lodgement facilities are available to persons seeking to lodge an application for a Subclass 457 visa.

See: <http://www.immi.gov.au/skilled/skilled-workers/sbs/step-3-completing.htm>

### 3. How long is a Subclass 457 Business (Long Stay) visa valid for?

A Subclass 457 visa can be valid for any period ranging from one day to four years.

The period for which your visa will be granted depends on the period of your employment as stipulated by your proposed sponsor at the nomination application stage.

#### 4. Will I be subject to any conditions as the holder of a Subclass 457 Business (Long Stay) visa?

Yes, as a medical practitioner, visa condition 8107 and 8501 will apply to you.

##### Visa condition 8107

Visa condition 8107 provides that:

- you can only work in the occupation for which you were nominated in Australia and
- you must not cease employment for a period of more than 28 days.

Most Subclass 457 visa holders can only work for the employer, or an associated entity of their employer, who nominated them for their visa. If you are in the following occupations, however, you are exempt from this requirement to only work for your sponsoring employer:

##### Pre 1 July 2010 applications (to be lodged with an ASCO occupational code):

|  |  |
|--|--|
| 2311-11 General Medical Practitioner     | 2312-21 Paediatrician                          |
| 2311-81 Medical Practitioner in Training | 2312-23 Pathologist                            |
| 2312-11 Anaesthetist                     | 2312-25 Specialist Physician                   |
| 2312-13 Dermatologist                    | 2312-27 Psychiatrist                           |
| 2312-15 Emergency Medicine Specialist    | 2312-29 Radiologist                            |
| 2312-17 Obstetrician and Gynaecologist   | 2312-31 Surgeon                                |
| 2312-19 Ophthalmologist                  | 2312-79 Specialist Medical Practitioners (nec) |

##### Post 1 July 2010 applications (to be lodged with an ANZSCO occupational code):

|  |  |
|--|--|
| 111111 Chief Executive or Managing Director    | 253411 Psychiatrist                              |
| 111211 Corporate General Manager               | 253511 Surgeon (General)                         |
| 253111 General Medical Practitioner            | 253512 Cardiothoracic Surgeon                    |
| 253112 Resident Medical Officer                | 253513 Neurosurgeon                              |
| 253211 Anaesthetist                            | 253514 Orthopaedic Surgeon                       |
| 253311 Specialist Physician (General Medicine) | 253515 Otorhinolaryngologist                     |
| 253312 Cardiologist                            | 253516 Paediatric Surgeon                        |
| 253313 Clinical Haematologist                  | 253517 Plastic and Reconstructive Surgeon        |
| 253314 Medical Oncologist                      | 253518 Urologist                                 |
| 253315 Endocrinologist                         | 253521 Vascular Surgeon                          |
| 253316 Gastroenterologist                      | 253911 Dermatologist                             |
| 253317 Intensive Care Specialist               | 253912 Emergency Medicine Specialist             |
| 253318 Neurologist                             | 253913 Obstetrician and Gynaecologist            |
| 253321 Paediatrician                           | 253914 Ophthalmologist                           |
| 253322 Renal Medicine Specialist               | 253915 Pathologist                               |
| 253323 Rheumatologist                          | 253917 Diagnostic and Interventional Radiologist |
| 253324 Thoracic Medicine Specialist            | 253918 Radiation Oncologist                      |
| 253399 Specialist Physician (nec)              | 253999 Medical Practitioners (nec)               |

This means that if you have the above nominated occupations you can work for multiple employers, either simultaneously or consecutively, or you can be engaged as an independent contractor by the sponsor or an associated entity of the sponsor.

Provided you are working in, and continue to work in, the occupation for which you were nominated, you do not need to obtain a new approved nomination each time you work for a different employer. As a medical practitioner, you should note that your registration may only allow you to work in the state/territory in which you are registered.

The Australian Health Practitioner Regulation Agency (AHPRA) for more information regarding licensing and registration requirements.

**See:** <http://www.ahpra.gov.au/index.php>

### **Visa condition 8105**

Visa condition 8501 also applies to you as a Subclass 457 visa holder, requiring that you maintain adequate arrangement for health insurance for you and your accompanying family members for the duration of your stay in Australia.

## **5. Am I required to undertake a police clearance in conjunction with my Subclass 457 visa application?**

From 1 July 2010 the AHPRA is responsible for requesting your penal clearance to facilitate licensing and registration in your nominated occupation. More information is available on the AHPRA website

**See:** <http://www.ahpra.gov.au/index.php>

**Note:** Your case officer may also request that a police/penal clearance be submitted at the visa application stage to assist with further processing of your Subclass 457 visa application. You will be advised, in writing, should this documentation be required.

## **6. Can I bring members of my family to Australia with me on a Subclass 457 visa?**

Yes, you can bring your partner, your or your partner's dependent children and other dependent relatives. Family members who are granted a Subclass 457 visa are able to work and study in Australia for the validity of their visa.

## **7. What if there is a change in my employment status, such as my salary. Do I need to advise the department?**

When your sponsor nominates you, they must propose a guaranteed salary. If you are being paid less than this guaranteed salary, your sponsor will have failed to comply with their sponsorship obligations.

If you are intending on doing locum work with various other institutions, and this locum work will result in a reduction of the hours you work, a new nomination will need to be lodged by your current employer to reflect the reduction in hours and subsequent salary.

**8. My contract states that I will be on a 'retainer', with additional earnings based on a percentage of patient billings. Can estimated billing percentages be included in my 'guaranteed annual earnings' for the purposes of immigration requirements?**

For a nomination for the Subclass 457 visa program to be approved, the department must be satisfied that your terms and conditions of employment, including salary, will be no less favourable than those provided to an Australian medical practitioner at the same location. That is, you must be paid the market salary rate for your occupation.

At the nomination stage, your sponsor must advise the department:

- what your guaranteed earnings will be
- what an equivalent Australian worker is being paid.

This enables the case officer to assess whether you will be paid the market salary rate.

Only payments that are guaranteed can be considered as part of the assessment of your nominated salary. Your sponsor should specify in your nomination the earnings they are prepared to guarantee that you will be paid. Your sponsor should advise the Department what the 'retainer', or 'guaranteed annual earnings' you will receive will be and how this is comparable to an equivalent Australian worker.

When you are working in Australia, your sponsor will need to ensure that you are paid no less than the salary specified in your nomination.

**9. Do I need to be employed on a full time basis with my sponsoring organisation to be granted a Subclass 457 visa?**

The Subclass 457 visa program is designed to enable employers to meet genuine skill needs where there is no Australian worker available. As such, it is expected that occupations nominated for the program are performed on a full time basis.

What is considered full-time can vary for different occupations and there is no specification of a minimum number of hours that a medical practitioner should work. You must, however, be paid no less than the salary that was approved by the department at nomination stage.

**10. Am I required to keep any records to assist my sponsor with meeting their sponsorship obligations?**

To enable your sponsor to comply with the sponsorship obligations, you should ensure your sponsor is informed of the following information on a regular basis:

- details of people you are currently working for (other than your sponsoring employer)
- hours you are working on a weekly/fortnightly/monthly basis
- payments you are receiving from other employers on a weekly/fortnightly/monthly basis

Your sponsor is required to keep records and provide information to the department regarding certain events, including any changes to the work duties carried out by yourself.

Providing this information to your sponsoring employer will assist them in complying with the sponsorship obligations.

**11. I completed my medical examination for a Subclass 422 visa prior to 1 July 2010 and I now want to apply for a Subclass 457 visa. Do I need to undergo further health checks or is my medical examination still valid?**

If your medical examination is still valid, then you should not need to complete a further medical examination. Your case officer will advise you if you need to complete a further examination.

**12. How do I obtain registration as a Doctor in Australia, in the state or territory in which I want to reside?**

From 1 July 2010 AHPRA issue registration for all states and territories other than Western Australia and South Australia. It is expected that Western Australia and South Australia will issue the registration within the forthcoming months.

More information regarding the registration process is available on the AHPRA website  
**See:** <http://www.ahpra.gov.au/index.php>

Information on registration requirements for Western Australia and South Australia, is available on the Australian Skills Recognition Index (ASRI).

**See:** [www.immi.gov.au/asri/a-z.htm](http://www.immi.gov.au/asri/a-z.htm)