

Business visas in Australia

June 2011

The following information provides an overview and general guide to business visas in Australia. Regulatory arrangements can change from time to time so potential investors should consult the websites of relevant Australian government agencies and, most importantly, should seek professional advice before entering any commitment based on this information.

This summary is a guide to the business visa options available for potential and current foreign investors in the Australian business market. Options cover temporary, short stay, permanent and sponsored entry to Australia.

Business (Short Stay) visa (subclass 456)

For business people who make a short business visit to Australia for up to three months. Business activities may include a conference, negotiation or exploratory business visit, but does not include acting, musical performances or commercial film making.

Sponsored Business Visitor (Short Stay) visa (subclass 459)

For business people who have an approved sponsor in Australia and are not eligible to apply for an Electronic Travel Authority (ETA). These apply to short business visits to Australia for up to three months.

ETA (Business Entrant) (subclass 956 and 977)

For business people who need to make business visits to Australia for up to three months. This is available to passport holders from a number of countries and regions. A Business Entrant ETA covers the same activities as a Subclass 456 visa.

ETA (Business Entrant – Short Validity) subclass 977

You can stay in Australia for up to three months on each visit within a 12 month period from the date of grant, or for the life of the passport if it is less than 12 months (single or multiple entry).

ETA (Business Entrant – Long Validity) subclass 956

You can stay in Australia for up to three months on each visit for the life of the passport (multiple entry).

eVisitor (Business Entrant) (Subclass 651 – business stream)

For business people who need to make business visits to Australia for up to three months. This is available to passport holders from a number of countries and regions. A Business Entrant eVisitor covers the same activities as a Subclass 456 visa.

APEC Business Travel Card

The APEC Business Travel Card streamlines travel for business people from participating economies in the Asia Pacific Economic Cooperation (APEC) region. Visit <http://www.immi.gov.au/skilled/business/business-visit-visa-options.htm>



Australian Government
Australian Trade Commission



Temporary (Long Stay) Business Visa (subclass 457)

This is the most commonly used program for employers to sponsor overseas workers to work in Australia on a temporary basis.

Employers can be either:

- Australian businesses.
- Overseas businesses.

1. Who is this visa for?

This visa is for employers who would like to employ overseas workers to fill nominated skilled positions in Australia.

2. What does this visa let me do?

As a holder of Subclass 457 visa, you can:

- Work in Australia for a period of between one (1) day and four (4) years.
- Bring any eligible secondary applicants with you to Australia – secondary applicants can work and study.
- After entering Australia, have no limit on the number of times you can travel in and out of Australia.

3. How can I apply for a Subclass 457 visa?

For this visa you will need to be approved as an eligible sponsor. You will also need:

- An eligible nominated occupation.
- An eligible nominated employee.

The process for obtaining a Subclass 457 visa is summarised in the table below.

Who	Responsibility
Employer	Apply to be a sponsor to recruit overseas workers Nominate the occupations you want to fill, and the employees you want to fill those positions Recruit the overseas workers to fill your nominated positions Act as a sponsor for your employees applying for a visa Cooperate with the Department's monitoring requirements Meet obligations as part of the program

Who	Responsibility
Employee	Accepts the offer of employment from the employer
	Applies for a visa
	Meets all conditions on their visa

4. What conditions will I be subject to as the holder of a Subclass 457 visa?

Work condition

If your application for a temporary visa is approved, the following visa condition, known as Condition 8107, will be applied to your visa. This visa condition relates to work conditions and stipulates that you must work:

- In the occupation you were nominated for; and
- For the sponsor, or an associated entity of the sponsor (except for exempt occupations). Further information is available on ComLaw. See: Subclass 457 – Exempt List of Occupations > FRLI > Compilations-Current > Search for IMMI 10/030.
- If you do cease employment, you must not cease for more than 28 consecutive days. You are considered to have ceased employment when either you, or your employer gives notice of intention to cease employment and the date of the notice of intention to cease employment has passed.

If more than 28 consecutive days have passed since the date in the notice of intention to cease employment, you may be in breach of Condition 8107 and may have your visa cancelled.

In the event that you abandon your employment, or are absent without leave (AWOL), you may be considered to have ceased employment.

If your visa is about to cease, and you want to apply for another Subclass 457 visa, you must lodge a new visa application.

Health insurance condition

Condition 8501 requires that all Subclass 457 visa holders are required, by law, to maintain adequate insurance for these health costs for the length of their visa.

Applicants for Subclass 457 visas will need to provide evidence that they have obtained adequate insurance before their visa can be granted.

5. What is the English language requirement for Subclass 457 (Business (Long Stay)) visa applicants?

All primary Subclass 457 visa applicants who are sponsored by a Standard Business Sponsor must demonstrate that they have English language proficiency that is equivalent to an International English Language Testing System (IELTS) test score of at least 5 in each of the four test components of speaking, reading, writing and listening.

Where the nominated occupation requires a higher level of English (equivalent to IELTS test score of more than 5 in each of the four test components) because it forms part of that occupation's registration, licensing or membership requirement, the visa applicant must have at least the standard of English language proficiency required for the grant of that registration, licence or membership.

Further information is available on ComLaw. See: Subclass 457 – Exemptions to the English Language Requirement > FRLI > Compilations-Current > Search for IMMI 10/086.

6. Am I required to have my skills assessed prior to lodging my application with the Department of Immigration and Citizenship?

Australia requires visa applicants to have the skills required for their nominated positions. Where necessary for safety or to prevent fraud, Australia will undertake more extensive skills assessments to confirm skills claimed by applicants.

Trade Occupations Only

Australia requires formal skills assessments of some trade occupations. This arrangement commenced on 1 July 2009 and will be extended as capacities are increased.

More information on this new skills assessment process is available on the Trades Recognition Australia website. See: www.deewr.gov.au/TRA

7. Am I able to change employers/occupations whilst I am the holder of a valid Subclass 457 visa?

Yes. Whilst you are the holder of a valid Subclass 457 visa, you need only have your new employer obtain standard business sponsorship approval (where required) and lodge a nomination form with the Department of Immigration and Citizenship for decision.

8. What are market salary rates?

All sponsors of Subclass 457 visa holders (457 sponsors) are required to adhere to a series of sponsorship obligations, including the obligation to ensure equivalent terms and conditions of employment are afforded to overseas skilled workers employed in their workforce. This therefore means that the 457 sponsor is required to pay market salary rates to their overseas workers.

Further information regarding the Market Salary rate requirement can be found on the Department of Immigration and Citizenship website. See: www.immi.gov.au/skilled/457-market-salary-rates.htm

9. Will my employer be subject to any sponsorship obligations whilst I am working for them?

Yes. There are nine sponsorship obligations that 457 sponsors must comply with for the duration of your employment with them. A full list of the sponsorship obligations can be found on the Department of Immigration and Citizenship website. See: www.immi.gov.au/skilled/skilled-workers/sbs/obligations-employer.htm

10. Am I eligible for a Medicare Levy exemption?

The Medicare Levy is a tax paid through the personal tax system in Australia. People granted temporary residence visas may be subject to the Medicare Levy. The Medicare Levy is based on the taxable income of the individual for each income tax year.

If you are from a country that has no reciprocal health care arrangements with Australia, you and your dependents, who have not been entitled to Medicare benefits can seek an exemption from the Medicare levy in your end of financial year income tax return. Your lack of entitlement to Medicare benefits must be certified by the Minister for Health.

If you are from a country with reciprocal health care arrangements with Australia, Medicare assistance is available for immediately necessary treatment. Nationals from reciprocal countries are therefore not exempt from the Medicare levy.

11. Where can I find further information about the Subclass 457 visa program?

Further information can be found on the Department of Immigration and Citizenship website. See: www.immi.gov.au/skilled/skilled-workers/sbs/

Skilled Workers Permanent Visa Options

Employer Nomination Scheme (subclass 121/856)

This program facilitates businesses actively and lawfully operating in Australia, to recruit workers on permanent visas, to fill full-time highly skilled positions which cannot be filled from the Australian labour market.

Regional Sponsored Migration Scheme (subclass 119/857)

This program facilitates businesses actively and lawfully operating in regional Australia to recruit skilled people to fill positions unable to be filled from the local labour market.

Work (Labour) Agreements

Work agreements are formal agreements between the Commonwealth and employers to recruit overseas skilled workers to fill genuine skill shortages in Australia's labour market.

Both temporary and permanent visas can be granted under a work agreement. These agreements are generally valid for a three (3) year period and cover the following:

- Occupations that are not available for nomination through the Subclass 457 (Business (Long Stay)) visa program.
- Occupations that are not available for nomination via the permanent Employer Nomination Scheme.
- A large number of workers are needed for large resource projects where the local supply of professionals and tradespersons are not available.
- Entry of overseas workers for a specific industry best addressed under the provisions of a work agreement.
- Where a business recruits labour for the supply to an unrelated business and/or the hiring of labour to an unrelated business.

Business Development visits

Business Development – Provisional

These visas, known as Business Skills visas, are for business people to establish a business in Australia, manage a new or existing business or invest in Australia. All, except the Investor Retirement visa, offers a pathway to permanent residence.

Business Development – Permanent

These visas, known as Business Skills visas, are for people who have established the required level of business in Australia while holding a provisional visa. A direct permanent residence visa is also available for high-calibre business people.

Service Sellers

The purpose of this visa is to allow representatives of overseas suppliers of services to stay in Australia for between six and 12 months. The reason for the stay must be to negotiate, or enter into, agreements to supply services in Australia. You can only be selling or negotiating the sale of services – not products. For example: A sales representative of a company who is negotiating the supply of training services in Australia would be considered a service seller.

A sales representative who sells products, or trainers who deliver training courses, would not be considered a service seller.

Service sellers can bring any eligible secondary applicants with them to Australia – secondary applicants can work and study and after entering Australia, have no limit on the number of times they travel in and out of Australia.

State/Territory government sponsorship

If an Australian State or Territory government business agency wants to encourage a particular business or business person to Australia, it can offer to sponsor a visa applicant.

You may obtain sponsorship in the Business Owner, Senior Executive and Investor categories. You must obtain sponsorship in the Business Talent and Regional Established Business in Australia (REBA) categories. State and Territory governments have their own criteria for deciding whom they will sponsor. The State or Territory government business development agency can provide information on sponsorship.

If an applicant is sponsored by a State or Territory government, they must:

- Submit form 949 with their application for the Business Skills visa; and
- Ensure they meet all visa criteria for grant of their sponsored Business Skills visa. See: www.immi.gov.au/allforms/pdf/949.pdf

Concessional visa criteria apply to sponsored applicants. For information on visa requirements, please read the information about the visa category you are considering: [Visa Options for Business People](#)

Visa costs

The applicant must pay a non-refundable application charge. All fees and charges are listed in Australian dollars A\$. If you are lodging outside Australia, payment must be in the currency accepted by the Australian High Commission, Embassy or Consulate, where the application is being lodged.

Fees may be subject to adjustment at any time. Visa Application Charges may be subject to adjustment on 1 July each year. This may increase the cost of a visa.

Business visits visa charges – Charge type	Charge Amount (July 2010)
ETA (Business Entrant – Short Validity) (subclass 997) <small>Note: A service charge of \$20 applies</small>	Nil
ETA (Business Entrant - Short Validity) (subclass 956)	A\$90
eVisitor (subclass 651)	Nil
Business (Short Stay) visa (subclass 456)	A\$105
Business (Short Stay) – Foreign Government Representative	Nil
Business (Short Stay) – Nationals of EU Member States	Nil

Business visits visa charges – Charge type	Charge Amount (July 2010)
Sponsored Business Visitor (Short Stay) visa (subclass 459)	A\$105
APEC Business Travel Card	A\$200

Temporary Business Long Stay – Standard Business Sponsorship (subclass 457)

Note: If you are a pre-qualified business sponsor you will not have to pay the nomination and sponsorship charge.

Charge Type	Charge Amount
Visa Application Charge	A\$265
Nomination Charge	A\$70
Sponsorship Charge	A\$350

Labour Agreements

Charge Type	Charge Amount
Visa Application Charge	A\$265
Nomination Charge	A\$70
Sponsorship Charge	N/A

State/Territory agencies

Use the following link to obtain contact details for State/Territory agencies that can help you with information about sponsorship, business and lifestyle in that State or Territory: [Business Skills Sponsorship – State/Territory Government Agencies](#)

Use the following link to obtain contact details of all participating State/Territory Treasury Corporations offering Designated Investments: [Business Skills Sponsorship – State/Territory Treasury Corporations](#)

Alternatively, you can use links listed below to access individual State/Territory agency websites:

- [Australian Capital Territory](#)
- [New South Wales](#)

- Northern Territory
- Queensland
- South Australia
- Tasmania
- Victoria
- Western Australia

Further information

Migration booklets are available free of charge at the Department of Immigration website at <http://www.immi.gov.au/allforms/booklets/booklets.htm>. These are also available for purchase at the Australian Embassy.

Australian Embassies, High Commissions or Consulate Immigration Sections can assist with enquiries. Address details may be found at: <http://www.diac.gov.au/contacts/overseas/index.htm>

About Austrade

The Australian Trade Commission – Austrade – is the Australian Government’s trade and investment development agency.

Through Austrade’s global network, we assist Australian companies to succeed in international business and attract productive foreign direct investment into Australia.

Austrade is the first national point-of-contact for all investment inquiries. Working in partnership with business and government, Austrade can provide your company with the information needed to establish or expand a business in Australia.

Austrade can also help by connecting you with the right industry and government contacts as well as providing information on investment regulations and government assistance programs.

For more information email info@austrade.gov.au or visit austrade.gov.au

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