



## **Business Visas August 19, 2008**

This summary is a guide to the business visa options available for potential and current investor clients of Austrade (The Australian Trade Commission). Options cover temporary, short stay, permanent and sponsored entry to Australia. Refer to the 'Frequently Asked Questions' section for the most popular Business Visa Subclass 457. Please note the legal disclaimer at the bottom of each page. Contact details for Australian department and agencies are listed throughout and at the end of this document.

It is not an exhaustive guide but based on Austrade's experience it provides the most relevant information to investors. Some of the Headings below also act as links so press 'Ctrl & Click' if you would like further information.

### [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.

Both 456 and 459 visas allow 6 weeks work if it is highly skilled work, for example senior managers, professionals, associate professionals and trades people.

### [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. An ETA covers:

- attending educational or business related meetings, seminars, conventions, conferences, or networking
- informal studies or training

#### **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).

Both 956 and 977 visas also allow 6 weeks work if it is highly skilled work, for example senior managers, professionals, associate professionals and trades people.

### [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>

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## 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. There are also special arrangements for employers in regional areas across Australia. For a list of those occupations eligible and minimum salary requirements, see [http://www.immi.gov.au/skilled/whats\\_new\\_457.htm](http://www.immi.gov.au/skilled/whats_new_457.htm).

Employers can be either:

- Australian businesses
- Overseas businesses

### Frequently Asked Questions – for visa subclass 457

#### 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?

With this visa employers can sponsor overseas workers for a period of between three months and four years. Overseas workers can bring any eligible secondary applicants with them to Australia – secondary applicants can work and study and after entering Australia and have no limit on the number of times they travel in and out of Australia.

#### 3. Can my sponsor cancel my visa?

No. Your sponsor cannot cancel your visa but they can terminate your employment. If you stop working for your current sponsor, you have 28 days to find a new sponsor and apply for a new 457 visa. You must phone the Australian Department of Immigration and Citizenship (DIAC) in Australia on 131 881 or approach a DIAC business centre for advice within the 28-day period to ensure your visa remains valid. You may also have the option of applying for another visa subclass. If you do not apply for another visa, you must leave Australia before the end of the 28 days, unless you have received approval from DIAC for an extension.

If your employment has been terminated by your sponsor, DIAC must be notified. Your sponsor may be required to continue paying you for a period of 28 days.

#### 4. I signed an employment contract when I was overseas. Is it valid in Australia?

Any contract you have signed with your sponsor or employment agency is legal in Australia if it meets all Australian laws. When working in Australia on a subclass 457 visa, you are entitled to the same working conditions as Australian permanent residents and citizens. Telephone the Workplace Infoline in Australia on 1300 363 264 for advice about pay and conditions of employment in Australia.

#### 5. Can I move to a new sponsor?

Yes. You can move to a new sponsor if you wish to. The new sponsor must agree to sponsor you and be approved by DIAC. You cannot work for a new sponsor unless you have been granted a work visa that allows you to work for them.

#### 6. Can I bring my family dependants to Australia with me? Are they allowed to work?

You are able to bring members of your immediate family to Australia with you, providing they satisfy the requirements for the visa and your sponsor agrees to sponsor them. Your dependants are eligible to both work and study (as an international student) in Australia without restrictions. For further information, telephone DIAC in Australia on 131 881.

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**7. Who should pay for my medical costs if I or a family member gets sick while in Australia?**

You and any family dependants should have health insurance for the whole time you are in Australia. If your sponsor has arranged the health insurance, they should be able to give you the details of the health insurance policy. Health insurance payments should not be deducted from your salary without your agreement and must not reduce your salary below the Minimum Salary Level (MSL). If you do not have health insurance and you or your family require treatment in a public hospital, your sponsor is responsible for paying these costs.

**8. What do I need to know about Australian tax and superannuation?**

Everyone employed in Australia is subject to Australian tax law. Australian tax law requires employers to withhold amounts from employees' salary and send the withheld money to the Australian Taxation Office (ATO). The employer is also required to give each employee a statement called a payment summary soon after 30 June each year. The payment summary sets out the gross payments made to the employee during the year and the total tax withheld. This information is used by the employee to complete their Australian income tax return. The total tax withheld, as shown on the payment summary, is offset against the employee's Australian income tax. Telephone the ATO in Australia on 13 28 61 for more information about the tax you should pay.

In most cases, your sponsor must pay your superannuation (pension) contributions. These are in addition to your salary and are not deducted from your salary. In most cases, you have the right to choose which superannuation scheme you would like your superannuation paid into. To find out more about superannuation, telephone the ATO in Australia on 13 10 20 or visit their website at <http://www.ato.gov.au/super>.

People who have entered Australia on a 457 visa which has since expired or been cancelled and who have left Australia since 1 July 2002, may claim any superannuation they have accumulated during their stay in Australia. For more information, visit the DIAC website <http://www.immi.gov.au/allforms/superannuation>.

**9. Do I have to pay the Medicare Levy?**

The Medicare Levy is the scheme that gives Australian residents access to health care. To help fund the scheme, resident taxpayers are subject to a Medicare levy. Normally, this is calculated at the rate of 1.5 per cent of **taxable income**. A variation to this calculation may occur in certain circumstances.

You are eligible to apply for an exemption of payment of the Medicare Levy. You will need to obtain a certificate from the Medicare Levy Exemption Certification Unit of Medicare Australia. When you lodge your tax return, you will be exempt from paying the Medicare Levy if you have the certificate. For more information contact Medicare Australia in Australia on 13 20 11 or visit their website at <http://www.medicareaustralia.gov.au/>

**Skilled Workers Permanent Visa Options**

Employer Nomination Scheme (subclass 121/856)

For lawfully operating Australian employers 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)

For employers in regional Australia to employ skilled people in positions unable to be filled from the local labour market.

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## Labour Agreements

Labour Agreements are formal arrangements to recruit a number of overseas skilled workers. Both temporary and permanent visas can be granted under the agreement. Agreements are generally effective for two to three years and could cover:

- An industry association that has negotiated a wide agreement for the supply of needed skills in the Temporary Business (Long Stay) Subclass 457 visa and permanent entry Labour Agreement visa (Subclass 120 and 855) programs;
- Occupations that are not on the list of approved occupations for the Temporary Business (Long Stay) Subclass 457 visa, permanent Employer Nomination Scheme (ENS) or Regional Sponsored Migration Scheme yet a genuine skills shortage exists or occupations are not covered under the Australian Standard Classification of Occupations (ASCO);
- A large number of workers are needed for relatively short term projects with tight timeframes where the local supply of professional and tradespersons are not sufficiently locally available;
- Entry of overseas workers for a specific industry is best addressed under the provisions of a Labour Agreement; and,
- Where a business recruits labour for the supply to an unrelated business and/or the hiring of labour to unrelated businesses.

**Note:** Migration Regulations were amended on 15 October 2007 to exclude this group from the Standard Business Sponsorship program.

## 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. Sales representative who sell 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.

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**Australian Government**  
**Australian Trade Commission**

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;
- ensure they meet all visa criteria for grant of their sponsored Business Skills visa.

**See:** <http://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 (AUD). 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.

### Temporary Business Long Stay - Standard Business Sponsorship (subclass 457)

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

<b>Charge Type</b>	<b>Charge Amount July 2008</b>
Visa Application Charge	A\$250
Nomination Charge	A\$60
Sponsorship Charge	A\$285

**See:** [Temporary Business Long Stay - Standard Business Sponsorship \(subclass 457\)](#)

### Medical Practitioner visa (subclass 422) - Educational visa (subclass 418)

<b>Charge Type</b>	<b>Charge Amount July 2008</b>
Visa Application Charge	A\$250
Sponsorship Charge	A\$275
Bulk Sponsorship Charge (11 or more applicants applying together)	A\$2750

**See:** [Medical Practitioner visa \(subclass 422\)](#); [Educational visa \(subclass 418\)](#)

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**Service Sellers**

<b>Charge Type</b>	<b>Charge Amount July 2008</b>
Visa Application Charge	A\$250
Nomination Charge	N/A
Sponsorship Charge	N/A

See: [Service Sellers](#)

**Labour Agreements**

<b>Charge Type</b>	<b>Charge Amount July 2008</b>
Visa Application Charge	A\$250
Nomination Charge	A\$60
Sponsorship Charge	N/A

See: [Labour Agreements](#)

**Regional Headquarters Agreement**

<b>Charge Type</b>	<b>Charge Amount July 2008</b>
Visa Application Charge	A\$195
Nomination Charge	Nil
Sponsorship Charge	N/A

See: [Employer Sponsored Temporary Visa Charges](#)



**Australian Government**  
**Australian Trade Commission**

**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](#)

**Contact:**

The closest Australian Embassy, High Commission or Consulate Immigration Section located near you. Address details may be found at:

<http://www.diac.gov.au/contacts/overseas/index.htm>

**Migration booklets:**

Free on the Internet: <http://www.immi.gov.au/allforms/booklets/booklets.htm> or available for purchase at the Australian Embassy, High Commission or Consulate.

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