

FRAGOMEN

GLOBAL

Visa Requirements & Constraints

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During this session we will discuss

- 457 Visa – The Requirements
- 457 Visa – The Constraints
- Business Visitor Visa – The Requirements
- Business Visitor Visa – The Constraints
- Immigration Compliance



The 457 Visa - The Requirements

1. Business Sponsorship Application

2. Nomination

- Position
- Salary

3. Visa Application

- Skills and experience – main applicant
- English language ability – main applicant
- Health and character – main applicant and dependent family



457 Visa – The Constraints

1. The Nomination
 - Salary requirements
 - Position requirements
2. The Personal Visa Application
 - Qualifications and experience
 - English language requirements
 - Health and character
3. Sponsorship Obligations
4. The Processing Time



Business Visitor Visa - The Requirements

1. Application made via the Internet or Australian Diplomatic Mission
2. Allows the holder to undertake business activities in Australia
 - Meetings, conferences, short term training, etc.



Business Visitor Visa – The Constraints

1. Who is ETA eligible?
2. Limited Work
 - Highly specialised and not ongoing; or
 - An emergency or urgent situation and not ongoing; or
 - In Australia's interest.



Compliance and Employer Sanctions

- All Business Sponsors undergo monitoring
- Migration Amendment (Employer Sanctions)
Bill 2006
- Act contains 8 fault-based criminal offences relating to employers
- Offences apply if the employer knows or is reckless about whether the worker is unlawfully in Australia or in breach of their visa

Compliance and Employer Sanctions Cont'd

- Intended to capture the range of non-traditional work relationships found in many industries (e.g. construction and taxi industries)



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