

LONG STAY TEMPORARY BUSINESS VISA SUBCLASS 457

MIGRATE TO AUSTRALIA****

Ferguson Cannon are Migration Lawyers and Registered Migration Agents (Registered Number 0105779) located on the Sunshine Coast and Brisbane in Queensland, Australia. We specialise in complex and difficult applications.

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

Employers can be either:

- Australian businesses
- overseas businesses.

With this visa you can employ overseas workers for a period of between three (3) months and four (4) years.

With this visa those people you employ from overseas can:

- work in Australia for a period of between three (3) months and four (4) years
- bring any eligible secondary applicants with them to Australia – secondary applicants can work and study
- after entering Australia, have no limit on the number of times they travel in and out of Australia.

The validity period of the visa:

- sponsorship is 2 years
- nomination is 12 months
- visa is between 3 months and 4 years.

EMPLOYER ELIGIBILITY

For an employer to be eligible to sponsor an overseas worker, the following requirements must be met.

Lawfully and actively operating business

The employer must be lawfully operating a business that is actually and actively engaged in business activities. New businesses or business proposals may be considered if there is clear evidence of intention to establish the business.

Direct employer of the employee

The sponsor must be the direct employer of the employee. The direct employer is usually responsible for such things as:

- payment of salaries
- PAYG tax instalments
- superannuation
- conditions of employment
- day-to-day supervision of the employee.

For groups of related companies, the direct employer can be related to the approved sponsor. For example, the head company of a corporate group of companies in Australia may be approved as a sponsor while a subsidiary company is the direct employer.

Good business record and abide by immigration laws

To meet this requirement:

- there must be nothing adverse known about the business
- if the employer has previously sponsored employees to Australia, they must have a satisfactory record of complying with immigration laws
- the activities of the business must not be illegal in Australia.

Benefit to Australia

The employment of skilled workers from overseas must benefit Australia. For example, the arrangement could:

- provide employment for Australian citizens or Australian permanent residents
- expand Australian trade in goods or services
- improve business links with international markets
- improve competitiveness within the sectors of the Australian economy.

Advance skills of existing workforce

The employer must also demonstrate that their Australian business operations will meet one of the following requirements:

- introduce, use or create new business skills
- introduce, use or create new or improved technology
- have a satisfactory record of, or a demonstrated commitment towards training Australian citizens and Australian permanent residents.

Overseas business sponsors

If you are an employer with a business that has no formal operating base or representation in Australia, you may apply to bring employees to Australia to do one of the following:

- establish a branch or other business activity such as joint ventures, agency distributorships or subsidiary branches in Australia
- fulfil obligations for a contract or other business activity in Australia.

Note: Overseas Business Sponsors do not need to be operating in Australia but must meet all other employer eligibility requirements.

Regional employer concessions

If you are an employer in a regional area in Australia you may be eligible for concessions in meeting the minimum salary and skill level requirements for your nominated position.

EMPLOYEE ELIGIBILITY

As an employee, you must meet all the following requirements:

- be sponsored by an employer to fill a nominated position
- have skills, qualifications, experience and an employment background which match those required for the position
- have English language skills equivalent to an average band score of 5 across the four test components in an International English Language Testing System (IELTS) test, or higher where required for licensing/registration/membership. You may also be required to demonstrate these skills through a formal test, unless you have been exempted under the regulations
- be eligible for any relevant licences or registration required for the nominated position
- demonstrate that you are to be paid at least the minimum salary level that applies at the time a decision is made on your visa.
- you can apply for this visa while you are in Australia, only if the last visa you held is on the prequalifying list.

Health requirements

There are a number of health requirements that must be met by Medical Practitioners and their accompanying family members. Health examinations for visa applicants outside Australia must be conducted by an approved overseas doctor.

Character requirements

You must meet all character requirements.

Limitation of applications

If you are in Australia, your current visa may have restrictions which will prevent you from applying for this visa.

Australian Values Statement

If you are aged 18 years or over, you are required to sign an Australian values statement. The statement is included in your visa application form and all applicants aged 18 years and over will need to sign it to confirm that they will respect the Australian way of life and obey Australian laws. Before signing this statement you are required to have read, or had explained to you, material made available by the government on life in Australia which is contained in the Life in Australia book.

For a detailed look at the obligations of both the employer sponsor and the employee please visit the department of immigration website at <http://www.immi.gov.au>

APPLYING FOR THE VISA

There is a three step process involved in applying for this Visa

Step 1 - Employer Applies to be a Sponsor

The employer must complete an application to become a sponsor.

Step 2 - Employer Nominates a Position

The employer must nominate the position to be filled.

Step 3 - Employee Applies for a Visa

The employee must apply for a visa to be allowed to work in Australia.