



VISA ALERT

18 March 2008

KATIE MALYON
& Associates, Lawyers

NEW IMMIGRATION POLICY

BUSINESS VISITOR VISAS FOR AUSTRALIA

:: TIP

If your business requires foreign workers for less than 3 months on a regular basis consider applying for approval as a Gazetted Sponsor of 459 visas

:: REMINDER

Since August 2007 employers who knowingly or recklessly employ foreign workers may face significant criminal charges and administrative sanctions

The Australian Department of Immigration and Citizenship (DIAC) has recently advised of changes to immigration policy on Business Visitor visas. These include subclasses 456, 459 and Business ETAs.

Under the new policy, Business Visitor visa holders may now perform work in Australia that is urgent, highly specialised and not ongoing for "generally no more than 6 weeks" - an increase from 21 days under the former policy.

Business Visitor visas are subject to condition 8112 which permits the holder to engage in skilled work that might not otherwise be carried out by an Australia citizen or permanent resident.

The revised policy also provides that work in Australia for a period of up to 3 months *may* be considered. However, if employment will exceed 6 weeks the employer needs to *substantially* demonstrate that the position is "urgent, highly specialised and not ongoing".

DIAC policy also encourages visa applicants to apply overseas for a 456 Business Visitor visas or apply in Australia for a 459 Sponsored Business Visitor visa - even if eligible for a Business ETA.

For enquiries regarding 456 Business Visitor visas, 459 Sponsored Business Visitor visas and related immigration law and procedures, please contact us.

The changes to Business Visitor visas do not affect the employer sponsored 457 visa which is still the appropriate visa to sponsor overseas workers undertaking ongoing skilled work in Australia for periods of 3 months - 4 years.

Enquiries: Katie Malyon (+612) 8247 8247
kmalyon@malyonlaw.com
RMA: 9589358

