



**Special Interest Articles:**

- *The Government has a number of programs which allow employers to sponsor workers to Australia on a temporary basis ranging from three months to four years*
- *Australian businesses can benefit from having a diverse workforce that can target global markets*

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## Sponsoring Employees from Overseas

With the growing demand for skilled workers, employers are increasingly looking overseas for staff. The *Subclass 457 Temporary Business (Long Stay) Visa* is one of the ways in which Australian or overseas businesses are able to sponsor employees from overseas to fill full-time positions in Australia. The visa can be granted for up to 4 years.

The application consists of 3 parts:

**1. Sponsorship**

In order to be approved as a sponsoring business by the Department of Immigration (DIMIA) employers are required to demonstrate their business:

- is a lawfully and actively operating business;
- will be the direct employer of the temporary business entrant;
- has a good business

record and abides by immigration laws;

- will bring benefit to Australia through the employment of the temporary resident
- will advance skills through technology or training.

**2. Nomination**

The employer must then apply for permission to sponsor an overseas resident to fill certain nominated position(s).  
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## Immigration and Your Business

Australia is part of a global trading environment and the importance of trade, investment and shared knowledge is vital to the economy.

Exports as a share of Australia's GDP have increased in the last two decades from 14 % in 1982-83 to 20% in 2002-03. One in five jobs is export related.\*

With the ever increasing global competition, companies are forced to interact, negotiate, form global partnerships and

manage cross culturally.

Significant growth trends have increased in the areas of IT, entertainment, health, hospitality and trades. Australia has benefited from various countries, relying on some of their skilled knowledge and technology.

To continue to compete successfully in these industries, understanding and effective communication is vital in these markets. Hence, tailored market research, sophisticated market

testing and a more extensive sales service is required.

Australian businesses can benefit from having a diverse workforce that can target global markets. It will increase cross-cultural communication across organizations, assist in reaching target markets with a different language and overall create a better understanding of cultural diversity.

(\* [www.immi.gov.au](http://www.immi.gov.au))



*“There is a large demand for Australian visas, which means that all legal requirements in the application need to be met.”*

## IMMIGRATION LAWYERS vs. MIGRATION AGENTS

Australian Immigration law is a complex and ever changing. The Migration Act has over 500 separate sections and is subject to constant amendments. There is a large demand for Australian visas, which means that all legal requirements in the application need to be met.

With such a complex system it is best to employ the skills of someone who

knows the complexity of Australian laws as well as the migration process. Immigration Lawyers are governed by both the Migration Agents Registration Authority (MARA) and the various Australian Law Societies.

### **Why you should have a Migration Lawyer:**

-Lawyers deal with all legal matter in a holistic way

-Lawyers offer legal advice on other subject matter

-Your matter is fully understood and you are kept up to date with the latest migration changes

-Lawyers offer full client-attorney privilege.

## Increasing productivity in the Workplace

Businesses can maximize the productivity and efficiency of their diverse workforce through:

- Recognising the full range of skills and talents of employees, including language and cultural skills, and removing impediments to allow effective participation and contribution in the workplace.

- Building cohesive teams, by improving cross-cultural communication and understanding across the organisation.

- Providing opportunities and encouraging participation in training.

- Capitalising on employees' language skills and cultural knowledge to reach and provide improved quality service to diverse consumers.

- Low cost intelligence about overseas markets, including intimate knowledge of consumer tastes and preferences.

([www.immi.gov.au](http://www.immi.gov.au))



## Business Migration Law- *The Fundamentals*

The Business Skilled Visa class of Australia's migration program encourages successful business people to settle permanently in Australia and develop new or existing businesses.

The visa is open to business owners, senior executives and investors. It is a two stage process under which initially a provisional visa is granted for 4 years and after establishing the requisite level of business or

maintaining the eligible investment, you are then able to make an application for a Business Skills Resident Visa.

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## Business Migration Law... *continued*

The business skills program is divided into four categories:

- 1) Business owner category for owners or part owners of a business;
- 2) Senior executive category for senior executive employees of major businesses.
- 3) Investor categories for investors/business people willing to invest in Australia
- 4) Business talent category for higher caliber business people with sponsorship from State/Territory

Government.

As well, Australia's immigration laws allow employers to satisfy their business needs by recruiting temporary workers from overseas. (See article "sponsoring Employees from Overseas").

The Commonwealth Government has a number of programs which allow employers to sponsor workers to Australia on a temporary basis ranging from three months to four years.

Other temporary and permanent visa arrangements are available to assist Australian employers and business people in satisfying their workforce needs, including business visitor visas, independent executive further application onshore visas, the employer nomination scheme, the regional sponsored migration scheme, and business-sponsored migration.

([www.immi.gov.au](http://www.immi.gov.au))

## Recent Changes to Legislation

On 1 November 2005 a number of changes to the Migration Regulations affecting employers and visa applicants were introduced.

Under the changes Australian businesses will now be able to sponsor eligible individuals who are in Australia as a subclass 461 New Zealand Citizen (Family Relationship) (Temporary) visa-holders, and who are not themselves New Zealand citizens; under either temporary or permanent employer sponsored visas.

In addition, a new employer sponsored Trade Skills Training Visa which enables non-citizens to undertake Australian trade apprenticeships in regional areas, has been introduced. This will enable regional employers who have been unable to fill positions locally to recruit non-citizens to undertake apprenticeships in Australia.

Furthermore, upon completion of their Australian studies, overseas students will now be able to apply for

an Occupational Trainee Visa to undertake supervised on the job training for up to 12 months.

This may also broaden the skilled independent regional (permanent residency) options open to such students by enabling them to meet the practical employment experience requirements of their profession/ trade.



*"Australia's immigration laws allow employers to satisfy their business needs by recruiting temporary workers from overseas."*

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## Sponsoring Employees from Overseas...continued

This requires that:

- The position is in an occupation on the DIMIA's list of approved occupations.
- The applicant is to be paid a base salary of at least A\$39,100 per year for most occupations or A\$50,775 for IT professional positions, plus superannuation.

### 3. Visa Application

This involves providing evidence that:

- The employee has the required skills and qualifications to fill the position.
- The employee meets the health requirements for the visa.

Sponsoring an employee

from overseas is a relatively straightforward way of helping your business grow and develop. *Advocate Immigration Lawyers & Agents* has successfully lodged many applications on behalf varied businesses and companies of different sizes.

## Frequently Asked Questions

### 1) How long does the Business Visa application process take?

The current processing time is approx. 4-6 months. This may vary depending on individual circumstance.

### 2) Can the applicant apply onshore?

Depends on the visa class and conditions.

### 3) Can family members accompany the applicant?

For most visas, family members (spouses,

dependent children or dependent relatives), who apply at the same time as the applicant, can apply on the same form and pay the one charge.

### *Who we are...*

Advocate Immigration Lawyers and Agents is an Australian owned and operated law firm specializing in immigration law.

Advocate Immigration is committed to establishing a new approach in migration services for those seeking to live, work or stay in Australia.

Our lawyers and support staff have extensive experience in the business and community sectors, giving us a unique and dynamic approach to migration law.

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