
VISA OPTION SUMMARY

Skill Shortage visa (subclass 482 -previously subclass 457)

What does this visa let you do?

The Temporary Skill Shortage (TSS) visa allows employers to sponsor overseas workers to live and work in Australia on a temporary basis. This visa is designed to assist employers who are unable to meet their skilled Australian workforce needs from the local labour market.

Who can apply for this visa?

Applicants can apply through one of the following streams;

- Short-term stream;
- Medium-term stream or;
- Labour agreement stream.

Short-term stream

The applicants can apply if their nominated occupation is on the Short-Term Occupation List (STSOL). Under this stream the visa will be granted up to two years and can be renewed for a further 2 years.

Medium-term stream

The applicants can apply if their nominated occupation is on the Medium and Long Term Strategic Skills List (MLTSSL). Under this stream the visa will be granted up to four years with the eligibility for permanent residency after three years.

Labour Agreement Stream

The applicant can apply if their nomination occupation is in the Labour Agreement which the employer has entered into with the Department of Immigration.

Phillip Silver is a solicitor and registered Migration Agent (**MARN 0957 6339**)

Level 1,126 Bankstown City Plaza
Bankstown NSW 2200
T: 02 9708 5954 **F:** 02 8215 1600

14- 18 Lee Street
Sydney NSW 2000
T: 02 8215 1597

www.phillipsilver.com.au
phillipsilveroz@gmail.com

General eligibility for this visa

The nominated occupation that the employer wants to fill must appear as an occupation on the Combined List of Eligible Skilled Occupations.

Meet any required skills and qualifications requirements.

All applicants are required to have a minimum of two years' relevant work experience.

Meet English language requirements at the time of application.

Employer Nomination Scheme (186 Visa)

What does this visa let you do?

This visa is a permanent residence visa for skilled workers. It allows the applicant and the applicant's family to work and live in Australia indefinitely.

Who can apply for this visa?

Applicants can apply through one of the following streams:

- Temporary Residence Transition stream
- Direct Entry stream
- Labour Agreement stream.

Temporary Residence Transition Stream (TRT)

Under this stream the applicant may be eligible if the applicant holds either of the following:

- Temporary Skill Shortage (TSS) visa (subclass 482) in the medium-term stream.
- Temporary Work (Skilled) visa (subclass 457)

The applicant must have worked for an employer full-time in Australia for three out of the previous four years in the same position that they have nominated the applicant for, or two out of the previous three years if the applicant is holding a 457 visa.

Direct Entry Stream

If the applicant does not meet the requirements under the TRT stream (for example, because the applicant has never, or only briefly worked in Australia), this stream may then be available.

General eligibility for this visa

The applicant must have been nominated by an Australian employer and this nomination has been approved within the six months before you apply.

The applicant is under the age of 45 at the time of application

Meet any required skills and qualifications requirements.

Meet English language requirements at the time of application.

Regional Sponsored Migration Scheme Visa (Subclass 187)

What does this visa let you do?

This visa is a permanent residence visa for skilled workers who want to work in regional Australia. It allows the applicant and the applicant's family to work and live in Australia indefinitely.

Who can apply for this visa?

Applicants can apply through one of the following streams:

- Temporary Residence Transition stream
- Direct Entry stream.

Temporary Residence Transition Stream

This stream is available for Temporary Skill Shortage (TSS) visa (subclass 482) or Temporary Work (Skilled) visa (subclass 457) holders.

The applicant must have worked for an employer full-time in Australia for three out of the previous four years in the same position that they have nominated the applicant for, or two out of the previous three years if the applicant is holding a 457 visa.

Direct Entry Stream

If the applicant does not meet the requirements under the TRT stream (for example, because you have never, or only briefly worked in Australia), this stream may then be available.

General eligibility for this visa

The applicant must have been nominated by an Australian employer in regional Australia and this nomination has been approved within six months before you apply.

The applicant must be under the age of 45 at the time of application.

Meet any required skills and qualifications requirements.

Meet English language requirements at the time of application.

Skilled Independent Visa (Subclass 189) (Points- tested) Stream

What does this visa let you do?

This is a permanent resident visa, which allows highly skilled workers who are not sponsored by an employer, State or Territory of Australia, or family member to live and work permanently in Australia.

Who can apply for this visa?

The applicant must first obtain a positive skills assessment for your nominated occupation, and then lodge an Expression of Interest. If this is successful, the applicant will be invited to lodge a visa application.

General eligibility for this visa

The applicant must be invited to apply for the visa.

The applicant's occupation must be on the relevant list of eligible skilled occupations.

The applicant must be under the age of 45 at the time of application.

Meet any required skills and qualifications requirements.

Meet English language requirements at the time of application.

The applicant must meet the points test pass mark of 65 points.

Skilled Nominated Visa (Subclass 190)

What does this visa let you do?

This is a permanent resident visa which allows highly skilled workers who are nominated by an Australian State or Territory to live and work permanently in Australia.

Who can apply for this visa?

The applicant must first obtain a positive skills assessment for your nominated occupation, and then lodge an Expression of Interest. If this is successful, and the applicant is nominated by a State or Territory, the applicant will be invited to lodge an application for this visa.

General eligibility for this visa

The applicant must be nominated by a state or territory government agency.

The applicant must be under the age of 45 at the time of application.

Meet any required skills and qualifications requirements.

Meet English language requirements at the time of application.

The applicant must be invited to apply for the visa.

The applicant must meet the points test pass mark of 65 points.

Skilled Regional (Provisional) Visa (Subclass 489)

What does this visa let you do?

The Skilled Regional (Provisional) visa allows skilled workers live and work in specified regional areas of Australia for up to four years.

Who can apply for this visa?

Applicants can apply through one of the following streams:

- Extended stay pathway
- Invited pathway
- Subsequent entry pathway

Extended stay pathway

The applicant must meet the general eligibility criteria.

Invited pathway

The invited pathway is for applicants who do not meet the general criteria for the extended pathway.

The applicant wants to be nominated by an Australian State or Territory government agency or will be sponsored by an eligible relative living in a designated area of Australia.

The applicant must be prepared to live, work and study in only certain areas of Australia.

Subsequent entry pathway

The subsequent entry pathway is for applicants who are a member of the family unit of someone who already holds a Skilled Regional (Provisional) visa (subclass 489) or a subclass 475, 487, 495 or 496 Visa.

General eligibility for this visa

The applicant must be under the age of 45 at the time of application.

Meet English language requirements at the time of application.

The applicant must meet the points test pass mark of 65 points.

Meet any required skills and qualifications requirements.

Business Innovation and Investment (Provisional) visa (subclass 188)

What does this visa let you do?

This visa allows you to conduct a business, investment activity and undertake entrepreneurial activity in Australia.

Who can apply for this visa?

The applicant can apply through any of the following streams:

Business Innovation stream

For people with business skills who want to establish, develop and manage a new or existing business in Australia. Applicants must be nominated by a state or territory government.

Investor stream

For people who want to make a designated investment of at least AUD1.5million in an Australian state or territory and maintain business and investment activity in Australia. Applicants must be nominated by a state or territory government.

Significant Investor stream

For people who are willing to invest at least AUD5million into complying significant investments in Australia and want to maintain business and investment activity in Australia. Applicants can be nominated by a state or territory government or Austrade on behalf of the Australian government.

Premium Investor stream

For people who are willing to invest at least AUD15million into complying premium investments in Australia and want to maintain business and investment activity in Australia. Austrade will make the initial contact with suitable candidates for nomination on behalf of the Australian government.

Entrepreneur stream

For people who have a funding agreement from a third party for at least AUD200 000 to undertake a complying entrepreneur activity that is proposed to lead to either the commercialisation of a product or service in Australia or the development of a business in Australia. Applicants must be nominated by a state or territory government.

General eligibility for this visa

The applicant must be nominated by an eligible government organisation.

The applicant must be invited to apply.

Holding this visa is the first stage before becoming eligible to qualify for a Business Innovation and Investment (Permanent) visa (subclass 888).

Business Innovation and Investment (Permanent) visa (subclass 888)

What does this visa let you do?

This visa allows you to continue to conduct a business, investment activity and undertake entrepreneurial activity in Australia.

Who can apply for this visa?

The applicant is a primary visa holder of a provisional Business Innovation and Investment visa (subclass 188).

The applicant is the secondary visa holder who is the spouse or de facto partner of a provisional Business Innovation and Investment visa (subclass 188).

The applicant holds a Special Category visa (subclass 444) and have met the requirements of the business innovation stream.

General eligibility for this visa

The applicant must have been nominated by an Australian state or territory or by Austrade on behalf of the Australian government.

The applicant must have a realistic commitment to maintain business or investment activities in Australia

Business Talent (Permanent) visa (Subclass 132)

What does this visa let you do?

This is a permanent residency visa which allows you to establish a new or develop an existing business in Australia.

Who can apply for this visa?

The applicant can apply for this visa through one of the following streams:

Significant Business History stream

This stream is for high-calibre business owners or part-owners who want to do business in Australia.

The applicant must have assets of AUD 1.5 million and business turnover of AUD 3 million per year.

Venture Capital Entrepreneur stream

This stream is for people who have sourced venture capital funding from a member of the Australian Venture Capital Association Limited (AVCAL). The applicant must have funding of at least AUD 1 million from an Australian venture capital firm.

General eligibility for this visa

The applicant must be nominated by a state or territory government agency.

The applicant must be invited to apply for the visa.

Training Visa (subclass 407)

What does this visa let you do?

This visa allows you to take part in workplace-based training to enhance your skills in your current occupation, area of tertiary study or field of expertise, and participate in a professional development training program in Australia.

This visa allows you to stay up to 2 years.

Who can apply for this visa?

This visa is not appropriate for persons whose sole intention is to work.

The applicant must be sponsored by an approved sponsor of a relevant class to participate in workplace-based occupational training activities or classroom-based professional development activities. The applicant must be identified in an approved nomination by an Australian organisation (other than a Commonwealth agency). The applicant must also be invited (if the sponsor is a Commonwealth agency).

General eligibility for this visa

The applicant must have a genuine intention to stay temporarily in Australia.

The applicant must have adequate financial support for yourself and accompanying family members while in Australia.

The applicant must have adequate arrangements for health insurance while in Australia

The applicant must at least be 18 years of age.

Student Visa (Subclass 500)

What does this visa let you do?

This visa allows the applicant to stay in Australia to study full-time in a recognised education institution. The visa can be granted up to five years.

The applicant cannot work until they have commenced their course in Australia. Once the course has commenced they are permitted to work a maximum of 40 hours per fortnight when the course is in session, and unlimited hours when the course is out of session.

The applicant's family members can make a combined application with the applicant or they can apply to join later provided you declared them in your student visa application or they became a family member after the grant of your student visa.

In Country Special Humanitarian Visa (subclass 201)

What does this visa let you do?

This is a permanent residency which visa allows you to live, work and study in Australia, propose or sponsor family members for permanent residence.

Who can apply for this visa?

The applicant should be living in their home country and is subject to persecution in their home country and have not been able to leave that country to seek refuge elsewhere.

General eligibility for this visa

The applicant must be outside Australia when they apply.

The applicant must also be outside Australia when the visa is decided.

Protection Visa (subclass 866)

What does this visa let you do?

This is a permanent residency visa which allows you to live and work in Australia.

Who can apply for this visa?

The applicant must have arrived in Australia legally and engage Australia's protection obligations. The applicant must be a refugee and meet the required complementary protection criteria.

General eligibility for this visa

The minister is satisfied that the grant of the visa is in the national interest

The above criteria are brief overviews and do not cover all the specific requirements for each visa category. For further information please contact one of our professional migration agents.

Phillip Silver & Associates

Phillip Silver | Notary Public, Solicitor & Migration Agent (MARN 0957639)

T: 02 9708 5954

M: 0406 115 895

W: www.phillipsilver.com.au and www.immigrationlawfirm.co.za

Bankstown: Level 1, 126-128 Bankstown City Plaza, Bankstown Sydney NSW 2200

Sydney CBD: 14-18 Lee Street, Sydney NSW 2000

South Africa :70A Oxford Road Riviera Johannesburg 2195