

COMPARISON OF BUSINESS ENTRY POLICIES OF AUSTRALIA AND THE UK

TEMPORARY ENTRY POLICIES	AUSTRALIA	UK
Processing procedures	<p>There are 3 steps involved in employing a person from overseas to work in Australia on a temporary basis:</p> <ul style="list-style-type: none"> • <i>Sponsorship</i>: the employer must show that they are of good standing, that their activities are of benefit to Australia and they can meet certain undertakings in respect of each person granted a visa. Businesses may be approved to sponsor a specific number of people over a 12 month period (Standard Business Sponsorship) or an unlimited number over a 2 year period (Pre-Qualified Business Sponsorship). • <i>Nomination</i>: show details of the position to be filled and meet minimum skill and salary thresholds. • <i>Visa application</i>: where the sponsored employee applies for a subclass 457 to enter or remain in Australia. DIMIA Business Centres, with dedicated case officer assigned to each case, are responsible for processing applications. 	<p>For applications where prospective employee is in <i>Great Britain</i>, Office of Labour Service (OLS) of the Department of Education and Employment (DfEE) makes decisions on work permit applications based on labour market considerations, and makes a recommendation to the Home Office, which has the final decision. If approved, the applicant is issued a letter of permission.</p> <p>Or</p> <p>Where the prospective employee is <i>overseas</i>, the OLS makes a decision and if approved, the work permit is sent to the employer, to pass on to the individual overseas. The permit acts as an entry document, in conjunction with any visa required.</p> <p>A full application must be made by the employer for each position to be filled.</p>
Processing times	<p>1.7 weeks for finalising visa applications for ‘low risk’ cases where visa applicant is from an ETA country If visa applications are complete, visas may be granted within a few days.</p>	<p>New arrangements aim to cut down the processing time for 70% of applications within 4 weeks.</p>
Labour market testing required	<p>No LMT</p>	<p>Currently, there is LMT for Tier 2 and Keyworker categories (described in ‘Skill thresholds’). In addition, employers wishing to fill a Keyworker position must provide evidence to show that the jobs of other people depend upon employing the person.</p> <p>No LMT for occupations listed under Tier 1 category, which include intra-company transfers, board level positions, and positions which are part of substantial inward investments, and occupations on the Shortage Occupations List. Applications that qualify under the Tier 1 category only need to describe why they need to employ that person, and does not require labour market testing of the position.</p> <p>New arrangements will remove requirement for LMT for extension and change of employment applications for existing work permit holders.</p>

Assessment of sponsoring employer	Business applicants must show they: are a business of <u>good standing</u> ; and employment of person will bring <u>benefit to Australia</u> are able to meet <u>sponsorship undertakings</u> eg. medical & repatriation costs	Evidence required that the company is trading, or is under contract to do so, and has trading presence that provides goods or services or committed to doing so under a contract. Assessments apply for first time employers and those who have not submitted a work application permit in the previous 4 years.
Skill thresholds	Positions nominated must correspond to a position listed on a Gazette Notice. Gazetted positions fall within Australian Standard Classification of Occupations (ASCO) 1-4 which includes: Managers and Administrators, Professionals, Associate Professionals, and Tradespersons and Related Workers.	Generally, work permits are issued only for full time positions requiring degree level qualifications and a minimum of 2 years post-graduate experience, senior managerial or executive experience, or high-level technical skills and substantial specialist experience ie. Positions that fall under the Tier 1 and Tier 2 categories. Tier 2 categories include positions, which require a high level of skill but are not covered under Tier 1 Categories. Keyworker categories are designed for positions, which do not meet the high-level skill criteria but need specialised skills, knowledge or experience.
Skills assessment/ Qualifications required	Evidence of qualifications and/or experience may be required.	Evidence of qualifications and experience normally required
Entry without sponsorship	Independent Executives Skilled-Independent migration visa	A pilot scheme to be developed will allow individuals of outstanding ability to apply on their own behalf for entry clearance to seek work in the UK.
Cap on numbers	No	No, but cap will apply to pilot scheme for individuals with outstanding ability.
Short term work visas	457 allows multiple entry over a four year period	Currently no provision but new arrangements will introduce "season tickets" for workers who enter for short periods on a regular basis.
Former Students	Eligible, provided they have completed a diploma level or higher course in Australia.	UK Government will investigate ways to make it easier for students to get permission to work upon completion of their courses.
Work rights for spouses and dependants	Yes	Spouses and dependent children under the age of 18 are free to work in the UK as long as the endorsement on their passport places no restriction on their employment in the UK (usually where period of stay in the UK is for less than 6 months). If the person does not hold a work permit, they may still have to gain entry clearance to seek work in the UK.
Duration of stay	457 – up to four years, no bar to further applications	Under new arrangements work permits are valid for up to five years
List of skills in demand	MODL, updated every 12 months. ICT occupations are updated 6-monthly	Shortage Occupations List, updated every three months. It includes occupations such as Nurses; Doctors; IT, Communications and Electronics Sector; and Engineers.
Health assessment	Health declaration. An x-ray and full medical may be required depending upon length of stay, nature of work, and country risk level.	Not required.
Penal checks	Police certificates not normally required. However, DIMIA may request applicants to provide police certificates for each country in which they have resided.	Not required
Permanent Entry	AUSTRALIA	UK
	Employers may sponsor staff for permanent entry under the Employer Nominated Scheme (ENS) and the Regional Sponsored Migration Scheme (RSMS). Young, skilled applicants with good English skills may apply in their own right under the Independent category.	Permanent migration is only available to work permit holders who have worked in the UK for more than 4 years. Eligible work permit holders can apply to the Home Office to stay permanently in the UK.