

COMPARATIVE ANALYSIS OF ADVANTAGES OF AUSTRALIA'S TEMPORARY ENTRY POLICIES

Temporary Entry Policy	Comparative analysis with other countries
<i>Spouse work rights</i>	<p>Australia provides unrestricted automatic work rights for spouses of visa holders in this class.</p> <ul style="list-style-type: none"> • The UK allows work by spouses, where the period of stay is more than 6 months. • Germany allows spouses who have a minimum stay of 2 years in Germany to be given work rights. • Canada has introduced work rights for spouses of temporary skilled workers. • Other countries do not permit spouses to work unless they can meet the requirements for a work permit in their own right. As the spouses of skilled workers often wish to work, this is a particularly attractive aspect of Australia's policy.
<i>Sponsorship/application requirements</i>	<p>Australia is the only country which does not require sponsors to lodge applications with both the relevant government employment agency as well as the immigration authorities.</p> <ul style="list-style-type: none"> • In the UK, the employer is required to lodge a work permit application to the Overseas Labour Service (OLS). • In the USA, employers are required to give the union or the workplace 30 days notification and approval from the government employment agency prior to lodgement of the sponsorship application for H1-B visas. • In Canada, an 'Offer of Employment' application and fee is required for validation and employers must agree to the undertakings for each worker. The application must also be approved by the government employment agency. • In Singapore, employers are required to lodge an application for an 'Employment Pass' with the Ministry of Manpower, which is responsible for employment related matters, and pay an annual levy for each foreign worker. • In Malaysia, the employer is required to obtain supporting documentation from government agencies relevant to employer activities and pay a monthly levy. • In Germany, the employer is required to lodge a work permit application. The employee is then required to obtain an entry visa, and upon arriving in Germany, the employee must apply for a formal work permit and residence permit.
<i>Processing times</i>	<p>Australia's visa processing times for business temporary entrants are similar to those of Singapore (average is up to 4 weeks), and compare favourably with those of Canada and the UK (average is 4 weeks) and the USA (average is several weeks to months). However, processing times for ICT workers coming to Australia are generally quicker than the majority of the business temporary entry caseload. This is because the skills required in the ICT sector do not require labour market testing.</p> <p>In Malaysia and for ICT specialists from non-EU countries in Germany, the visa processing time is 2 weeks.</p>
<i>Skills assessment/qualifications required</i>	<p>Malaysia, Germany, UK and the USA require evidence of at least degree qualifications held by all applicants. In addition, the UK require at least 2 years post-qualification experience, while Germany requires that the agreed salary be in excess of DM100,000 pa (approx AUD83,000). Applicants sponsored to Australia must demonstrate that they have appropriate skills. There is no qualifications threshold to be met and salaries of sponsored employees in Australia are based on market salary rates underpinned by the award safety net.</p>

<i>Labour market testing (LMT)</i>	<p>Australia has no labour market testing requirements.</p> <ul style="list-style-type: none"> • Canada, Malaysia, and the UK provides exemptions to LMT for occupations such as executives, managers and specialists, and occupations on a national shortage list. • Germany has a Skill Matching database against which the applications for temporary work permits are ‘tested’ to ensure that there are no EU nationals in surplus able to fill the job. • LMT is not required in Singapore for professional positions, including IT, but the employer must make a case to bring in an employee from overseas. • Formal LMT is not required in the USA, but employers must notify the relevant unions and seek approval from the government employment agency for H1-B visas.
<i>Visa validity</i>	<p>Visa holders in Australia may stay in Australia for up to four years, with further extensions of up to four years at a time available. This compares favourably with US policy, where the maximum period is restricted to 6 years (3 years initial validity for H1-B) as well as the polices in Singapore and Germany, where stays are restricted to a maximum of 5 years (initial validity period is 3 years).</p>
<i>Change of status to permanent entry after arrival</i>	<p>Australia has more flexible and streamlined change of status to permanent entry arrangements than other countries, which allow employers to sponsor personnel on a permanent basis.</p> <ul style="list-style-type: none"> • In the UK, permanent migration is only available to work permit holders who have worked in the UK for more than 4 years, whilst in Singapore, skilled workers may be granted permanent residence after at least two years of residence. In Malaysia, foreign companies are allowed certain ‘key posts’ to be permanently filled by foreigners (‘expatriates’). Canada and the USA do not generally allow foreign workers to make application onshore for residence (although H1B visa holders in the USA can change status in some circumstances), and Germany does not have a permanent entry program. • Australia allows change of status applications to be lodged at any time after arrival.
<i>Health checks</i>	<p>Visa applicants require a health declaration. An x-ray and full medical may be required depending upon length of stay, nature of work, and country risk level.</p> <ul style="list-style-type: none"> • Malaysia and Singapore require a health declaration before an employment permit is granted. • In Canada, health checks are required only for persons working in the area of health or where the work involves contact with children. • Health checks are not required in the UK, USA and Germany. However, in Germany, employers and employees are required to share equally, the costs for an employee’s compulsory medical insurance.
<i>Numerical cap</i>	<p>Australia, like the UK, has an unlimited number of places for applicants who meet the requirements. The USA (for H1-B), Germany and Singapore limit the number of visas able to be granted each year. In Singapore, employers are subject to employment ceilings in terms of the ratio of foreign to local workers that can be employed in their sector.</p>