

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 22 May 2006

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(131) Output 1.1: Non-Humanitarian Entry and Stay

Senator Ludwig asked:

What constitutes 'business activity' and what qualifies as 'work' for 456 visas?

Answer:

The purpose of a subclass 456 visa applicant's visit must be consistent with their personal attributes and business background and generally relate to their existing business activities (whether in or outside Australia). There should also be a demonstrated need for the applicant to be in Australia for business purposes. Examples of business activities which could be undertaken by holders of subclass 456 visas include:

- official government visits;
- business meetings;
- exploring business opportunities in Australia;
- building inspections;
- attending conferences, seminars or business events;
- participation in training courses of less than 3 months duration.

All holders of subclass 456 visas are subject to condition 8112 which states that "the holder must not engage in work in Australia that might otherwise be carried out by an Australian citizen or an Australian permanent resident". Under policy, the holder of a visa with an 8112 condition may be employed in Australia under very limited circumstances. Employment (and it follows, eligibility for this visa) may be appropriate when it is:

- an emergency (anything that is unplanned, unforeseen, unable to be filled by the Australian labour market and essential to an ongoing project); and
- very short term; and
- of a highly specialised nature (any occupation listed in ASCO Major groups 1-4).

It should be noted that the vast majority of business visitors spend less than 20 days in Australia.