

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 22 May 2006

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

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

Senator Ludwig asked:

Is it at all possible for a 456 visa holder to engage in work lasting more than 3 months, consecutive or non-consecutive over a two year period?

Answer:

All 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".

This condition, therefore, allows the holder of a subclass 456 visa to 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).

Subclass 456 visas are not intended for persons wishing to work in Australia for an ongoing period interspersed by short trips overseas, taking advantage of the multiple entry facility. Where the visa is being used in this way, the visa would be subject to cancellation.

The most appropriate visa for people who are primarily travelling to Australia to undertake skilled work is the subclass 457 long stay business visa.