

# Visa Selection for Overseas Staff and Visitors Procedure

## Section 1 - Background

(1) ACU is a registered accredited sponsor with the [Department of Home Affairs](#) (DHA). This means that ACU receives preferential priority for the processing of visas. To maintain accreditation, ACU is required to meet several obligations set out by the DHA such as:

- a. ensuring that individuals sponsored by ACU only undertake approved activities in line with those on their visa;
- b. notifying DHA when certain events occur such as when a staff member leaves, changes their duties or hours;
- c. maintaining records;
- d. cooperating with inspectors;
- e. paying return travel costs for holders of certain visas when their visa and / or contract expires;
- f. not recovering certain costs including visa nomination fees from individuals; and
- g. if employed, the individual must be afforded equivalent terms and conditions as Australian Citizens.

(2) ACU could potentially be subject to substantial fines should there be breaches to the obligations to DHA. There are criminal or civil liabilities for work related offenses, which includes employment of an unlawful non-citizen.

## Section 2 - Selecting the Correct Visa

(3) When determining the most appropriate visa for staff from overseas, it is important that the following key factors are considered:

<b>Purpose</b>	Why do they need to be in Australia?
<b>Activities</b>	What will they be doing when they are here, ie: teaching, research, attending meetings?
<b>Duration</b>	How long are they required to be in Australia?
<b>Employment</b>	What will be their employment status?
<b>Payments</b>	Will they receive any payments, ie: salary, living allowance or expenses?
<b>History</b>	Do they currently hold a current Australian visa or have done so previously?

## Section 3 - Decision on Selecting Suitable Visas in Certain Situations

A visual representation of this decision tree is available via the [Decision Tree on Selecting Visas](#).

(4) What is the activity to be performed during the stay?

- a. a period of employment;
- b. to collaborate or participate in research;
- c. to participate in training;
- d. to attend meetings or conferences.

## **Period of Employment**

A visual representation of this process is available via the [Period of Employment Decision Tree](#).

(5) Is the period of employment more than 6 months?

(6) If yes and the applicant is to be employed in a full-time role and has at least 2 years relevant work experience, the Temporary Skills Shortage Visa (subclass 482) is applicable. If the applicant is not to be employed on a full-time basis, or on a full-time basis but does not have at least 2 years relevant work experience, assessment is required.

(7) If no and the applicant is to be employed to undertake highly specialised work, the Temporary Work 'Short Stay Specialist' Visa (subclass 400) will apply. If they are not performing highly specialised work, assessment is required.

## **Collaborate or Participate in Research**

(8) A visual representation of this process is available via the [Collaborate or Participate in Research Decision Tree](#).

(9) Is the applicant a current overseas student or recent graduate (within the last 12 months)?

(10) If yes and the applicant is collaborating in an Australian research project and has a significant record of achievement in their field and at least 3 peer reviewed publications, the Temporary Activity Visa – Research Activities (subclass 408) is applicable. Assessment is required if the applicant does not have a significant record of achievement in their field and at least 3 peer reviewed publications or is not collaborating in an Australian research project.

(11) If no and the research project is in the applicant's current field of study the Temporary Activity Visa – Research Student (subclass 408) is applicable. Assessment is required if the research project is not in the applicant's current field of study.

## **Participate in training**

(12) A visual representation of this process is available via the [Participate in Training Decision Tree](#).

(13) Is the stay period more than 3 months?

(14) If yes and the training is a compulsory part of the course of study curriculum the Training Visa (subclass 407) is applicable. If the training is not a compulsory part of the course of study curriculum but the applicant possesses 12 months out of the last 24 months study or relevant work experience the Training Visa (subclass 407) is also applicable. If the applicant does not possess 12 months out of the last 24 months study or relevant work experience, assessment is required.

(15) If no, refer to Attend Meetings or Conferences below.

## **Attend Meetings or Conferences**

A visual representation of this process is available via the [Attend Meetings or Conferences Decision Tree](#).

(16) Is the stay period more than 3 months?

(17) If yes, assessment is required.

(18) If no and the applicant is to be paid a salary by ACU refer to Period of Employment above. If the applicant is not being paid a salary by ACU but teaching or presenting at a conference or seminar, refer to section on Period of Employment. If the applicant is not being paid a salary by ACU and not teaching or presenting at a conference or seminar, but attending a business meeting, negotiating contracts or attending a conference or seminar a Visitor Visa is applicable. If not attending a business meeting, negotiating contracts or attending a conference or seminar, assessment is required.

## Section 4 - Visa's Applicable to Employees Recruited from Overseas and Visitors to ACU

### Global Talent Program (subclass 858) Visa

(19) The Distinguished Talent visa aims to attract individuals who have an 'internationally recognised record of exceptional and outstanding achievement' in academia and research. It also requires the applicant to still be prominent in the area, be an asset to the Australian community, demonstrate that they'd have no difficulty in obtaining employment (or being established independently) in the area, and be nominated by either an Australian individual or organisation with a national reputation in the area.

(20) The applicant must:

- a. be invited by the government to apply via an expression of interest application;
- b. either be in or outside Australia but not in immigration clearance when applying and when this visa is granted;
- c. have an internationally recognised record of exceptional and outstanding achievement in academia and research;
- d. be nominated by an Australian organisation with a national reputation in relation to the area of talent.

<b>Stay</b>	Permanent
<b>Government Fee</b>	From \$4167.54
<b>Processing times</b>	For current anticipated processing times visit the <a href="#">Department of Home Affairs</a> website.
<b>Further information</b>	<ul style="list-style-type: none"><li>• Work and study in Australia.</li><li>• Stay in Australia permanently.</li><li>• Sponsor eligible relatives for permanent residence in Australia.</li></ul>

### Employer Nomination Scheme Visa (subclass 186)

(21) This visa permits skilled workers, who are nominated by an employer, live and work in Australia permanently (Permanent Residence or PR). There are two streams - Direct Entry and Temporary Residence Transition.

(22) Applicants under the Direct Entry stream must:

- a. have an occupation that is on the list of eligible skilled occupations;
- b. have at least 3 years relevant work experience unless exempt;
- c. have a positive skills assessment unless exempt (e.g. academics);
- d. meet minimum standards of [Department of Home Affairs - English Proficiency](#) unless exempt.

(23) Applicants under the Temporary Residence Transition stream:

- a. hold a subclass 457, TSS or related Bridging visa A, B or C;

- b. usually have worked for their employer for at least 3 years full time while holding a subclass 457 or TSS visa;
- c. have been nominated by an Australian employer whose nomination was approved in the 6 months before application.

<b>Stay</b>	Permanent
<b>Government Fees</b>	\$547.13 to nominate and \$4,098.39 for visa application. The employer is also required to pay the <a href="#">Department of Home Affairs - Skilling Australians Fund</a> levy of \$5,000.
<b>Processing times</b>	For current anticipated processing times visit the <a href="#">Department of Home Affairs</a> website.
<b>Further information</b>	Applicants must generally be less than 45 years of age. Exemptions are, however, available to applicants who meet either of the two following criteria: <ul style="list-style-type: none"> <li>• they are nominated as a senior academic (levels B-E and Faculty Dean) by a university in Australia (Temporary Residence Transition and Direct Entry streams);</li> <li>• they are applying through the Temporary Residence Transition stream and have been working for your nominating employer as the holder of a TSS or subclass 457 visa for the last three years, and earnings were at least equivalent to the Fair Work High Income Threshold for each year over that period.</li> </ul>

(24) For more information visit the [Department of Home Affairs](#) website.

## Temporary Work 'Short Stay Specialist' Visa (subclass 400)

(25) The Highly Specialised Work stream of this temporary visa allows someone do short-term, highly specialised work that is not ongoing and will be completed within a 3 month period, or in exceptional cases a 6 month period in Australia. It is suitable if they have specialised skills, knowledge or experience not generally available in Australia.

(26) The applicant must:

- a. have highly specialised skills, knowledge or experience that can help Australian business that cannot be reasonably found in Australia;
- b. perform only the work or activities for which the visa is granted.

<b>Stay</b>	The 400 visa can be granted for up to 6 months (depending on the circumstances). Generally, for a stay period longer than 3 months, a strong business case must be provided with the application.
<b>Government Fee</b>	\$314.09
<b>Processing times</b>	For current anticipated processing times visit the <a href="#">Department of Home Affairs</a> website. With this visa, the applicant can: <ul style="list-style-type: none"> <li>• work in a highly specialised job.</li> <li>• the work or activity must not be ongoing.</li> </ul>
<b>Further information</b>	This visa allows the individual to: <ul style="list-style-type: none"> <li>• stay in Australia while the visa is valid (generally up to three months, but up to six months may be allowed in limited circumstances);</li> <li>• do short-term, highly specialised work that is not ongoing and for which the visa was granted;</li> <li>• bring family members to Australia, however family members will not be allowed to work in Australia.</li> </ul>

(27) For more information visit the [Department of Home Affairs](#) website where you can [check eligibility](#).

## Training Visa (subclass 407)

(28) This visa allows the applicant to take part in workplace-based occupational training activities to improve their skills for their job, area of tertiary study, field of expertise or in a professional development training program in Australia for up to 2 years.

(29) The applicant must be sponsored and nominated.

<b>Stay</b>	This is a temporary visa. The visa might be granted for up to 2 years or a lesser period.
<b>Government Fees</b>	\$172.24 to nominate and \$314.09 to apply.
<b>Processing times</b>	For current anticipated processing times visit the <a href="#">Department of Home Affairs</a> website. With this visa the applicant can visit Australia to complete a workplace-based training (to improve skills for their current occupation, area of tertiary study or field of expertise), or a professional development training program.
<b>Further information</b>	The Training visa is for people who want to come to Australia on a temporary basis to participate in occupational training or professional development. There are three types of occupational training covered by this visa: <ul style="list-style-type: none"><li>• workplace-based training required for registration;</li><li>• structured workplace-based training to enhance skills in an eligible occupation; and</li><li>• training that promotes capacity building overseas.</li></ul>

Note: Workplace-based occupational training (not including professional development) must be for at least 30 hours a week, of which no more than 30 per cent can be classroom-based.

(30) For more information visit the [Department of Home Affairs](#) website where you can [check eligibility](#).

### Temporary Activity Visa - Research Activities (subclass 408)

(31) This visa allows the applicant to observe or participate in a research project at a research or tertiary institution in Australia. They and their family can stay here for up to 2 years.

(32) The applicant must:

- have a sponsor or supporter depending on their circumstances;
- be invited to observe or take part in research at an Australian research or tertiary institution.

<b>Stay</b>	The applicant can be granted a period of stay in Australia of up to 2 years.
<b>Government Fee</b>	From \$314.09
<b>Processing times</b>	For current anticipated processing times visit the <a href="#">Department of Home Affairs</a> website. With this visa the applicant can: <ul style="list-style-type: none"><li>• observe or take part in a research project at a research or tertiary institution in Australia;</li><li>• stay in Australia for up to 2 years with members of the family unit;</li><li>• apply for the visa in or outside Australia but not in immigration clearance.</li></ul>
<b>Further information</b>	This activity type is for academics invited to visit Australia to observe or participate in an Australian research project at an Australian tertiary or research institution. The Researcher must: <ul style="list-style-type: none"><li>• be employed or have been employed as an academic at a tertiary or research institution and hold or have held a senior academic title;</li><li>• have the qualifications and experience required for the position;</li><li>• have a significant record of achievement in their field.</li></ul>

(33) Students might be eligible for this activity type if they are a student or recent graduate of a foreign educational institution and invited to undertake research at an Australian tertiary or research institution that is related to their field of study.

(34) For more information visit the [Department of Home Affairs](#) website where you can [check eligibility](#).

## Temporary Skill Shortage 'TSS' Visa (subclass 482)

(35) This visa enables employers to address labour shortages by bringing in skilled workers where employers can't source an appropriately skilled Australian worker.

(36) The applicant must:

- a. be nominated to work in an occupation on the list of eligible short term or medium and long-term [skilled occupations](#);
- b. have at least 2 years relevant work experience in the nominated occupation or a related field;
- c. have a relevant [skills assessment](#) (academics are exempt);
- d. work only for the sponsor or associated entity, unless an exemption is granted;
- e. meet minimum standards of [Department of Home Affairs - English Proficiency](#) unless exempt.

<b>Stay</b>	Up to 4 years (medium-term stream) and 2 years (short-term stream).
<b>Government Fees</b>	\$334.36 to nominate and from \$1,281.70 (short-term occupation), or \$2,679.91 (medium-term occupation) for visa application. The employer will also need to pay the <a href="#">Department of Home Affairs - Skilling Australians Fund</a> levy from \$1,800 per year.
<b>Processing times</b>	For current anticipated processing times visit the <a href="#">Department of Home Affairs</a> website.
<b>Further information</b>	<ul style="list-style-type: none"><li>• Positions must be full-time.</li><li>• Mandatory Labour Market Testing (advertising for 28 days in the 4 months before the nomination is lodged) will be required for all occupations (unless an international trade obligation applies).</li><li>• TSS visa holders who wish to change occupation (as opposed to employer), must have a new TSS nomination approved and a new TSS visa granted before they start work in a new occupation.</li><li>• Organisational Units will be responsible for the repatriation costs if the employment is ceased, if requested in writing by the visa holder.</li><li>• These visas can include family members if 'member of family unit' is met.</li></ul>

(37) For more information visit the [Department of Home Affairs](#) website where you can [check eligibility](#).

## Visitor Visas

(38) This visa type is for short term stays for tourism or business visitor activities such as attending a conference, making business enquiries, or for contractual negotiations.

(39) No work either paid or unpaid is permitted.

(40) There are a number of visitor visas with eligibility, duration of stay and processing times dependent on the individual applying where factors such as nationality may be considered.

### Visitor visa (subclass 600)

(41) This visa is for people travelling to Australia for business visitor activities. Further information can be found at the [Department of Home Affairs](#).

### Electronic Travel Authority visa (subclass 601)

(42) This visa is for people travelling to Australia for business visitor activities. In most cases, this visa allows the holder to visit Australia on multiple occasions within 12 months from the date of the grant of the visa or the life of the visa holder's passport (whichever is shorter) for three months at a time. The applicant must be outside Australia when the Electronic Travel Authority visa is granted.

(43) Further information can be found on the [Department of Home Affairs](#) website.

## eVisitor (subclass 651)

(44) This is a free visa for certain people travelling to Australia for business visitor activities.

(45) This visa allows you to visit Australia for three months at a time and travel to and enter Australia on multiple occasions within 12 months from the date the visa is granted.

(46) Further information can be found on the [Department of Home Affairs](#) website.

(47) Visitor Visas – Eligible Passports:

a. eVisitor visa eligible passports:

Austria	Belgium	Bulgaria	Croatia	Cyprus	Czech Republic
Denmark	Estonia	Finland	France	Germany	Greece
Hungary	Iceland	Ireland	Italy	Latvia	Liechtenstein
Lithuania	Luxembourg	Malta	Monaco	The Netherlands	Norway
Poland	Portugal	Romania	San Marino, Rep of	Slovak Republic	Slovenia
Spain	Sweden	Switzerland	United Kingdom	Vatican City	

a. ETA eligible passports:

Brunei - Darussalam	Canada	Hong Kong (SAR PRC)	Japan	Malaysia	Singapore
Korea, Rep of (South)	United States				

(48) All other countries should apply for Visitor visa (subclass 600).

## Section 5 - Funding of Visa Applications

(49) The funding of visas is dependent on the type of visa selected and whether the individual will have an ACU employment contract or is a visitor to ACU. For example, a visiting academic or consultant. The following table sets out how visa selection for employees and / or visitors are funded.

Visa Subclass	Visa Nomination		Visa Application	
	Government fees	Processing fees	Government fees	Processing fees
<b>858 (PR)</b>	Expression of Interest	ACU	ACU	ACU
<b>186 (PR)</b>	ACU	ACU	Individual or ACU*	Individual or ACU*
<b>482 (TSS)</b>	ACU	ACU	Individual or ACU*	Individual or ACU*
<b>407 Non-employee</b>	Individual or ACU	Individual or ACU	Individual or ACU*	Individual or ACU*
<b>407 ACU employee</b>	ACU	ACU	ACU	ACU
<b>400 ACU employee</b>			ACU	ACU
<b>400 Non ACU employee</b>			Individual or ACU*	Individual or ACU*

	Visa Nomination		Visa Application	
<b>408 Non ACU employee</b>			Individual or ACU*	Individual or ACU*
<b>408 ACU employee</b>			ACU	ACU
<b>Visitor Visas</b>			Individual or ACU*	Individual or ACU*

\* ACU may choose to fund part or all of the visas costs on behalf of an individual however they should be aware that in some cases this would potentially attract [Fringe Benefits Tax](#) at a rate of 100%.

## Section 6 - Fringe Benefit Tax (FBT) on Visa Application Fees

(50) The reimbursement or payment of the costs associated with a visa that is required for the employee to relocate to Australia in order to take up a position can be exempted from [Fringe Benefits Tax](#) as incidental to the relocation cost. This includes the cost of a temporary work visa, permanent residency visa and costs of an immigration agent, provided at the time of the relocation and to allow the employee to enter Australia.

(51) If however the employee is already working in Australia and later seeks permanent residency in Australia or a similar visa to reside in Australia, the costs of the permanent residency or visa application and costs of an immigration agent to assist with the application will be subject to [Fringe Benefits Tax](#).

## Section 7 - Taxation

(52) Salaries earned and paid in Australia are subject to Australian taxation and all employees are required to submit a Tax File Number (TFN) declaration. The terms of other arrangements, such as double taxation agreements, vary between countries and the visa holder should ascertain the situation in their country of origin prior to accepting a contract of employment.

(53) ACU employees are responsible for their financial situation and should seek independent financial advice.

## Section 8 - Health Cover

(54) Heads of organisational units should be aware that the University makes certain undertakings in respect of temporary residence sponsorships for new appointees and visitors. For example, the University may be responsible for health costs should a health problem occur. Any such costs are appointment costs to the organisational area.

(55) Appointees are required to have medical insurance, either through their own country, through Medicare or through private insurance. Visiting academics on visitor visas and employees on 408 visas are not eligible for Medicare benefits unless their country of residence has reciprocal rights.

(56) Appointees from overseas must provide evidence that they possess appropriate medical insurance prior to commencing employment with the University.



## Section 9 - Visa Costs

(57) In addition to the following costs, applicants for 482, 186 & 858 visas may incur further costs for items such as health checks, language tests, police certificates and biometrics. The costs on the following table are correct as of March 2021.

Visa Subclass	Visa Nomination		Visa Application	
	Government fees	Visa Agent fees (approx)	Government fees	Visa Agent fees (approx)
<b>400</b>	N/A	N/A	\$314.09	\$1200 (incl GST)
<b>407</b>	\$172.24	Inclusive in Visa Application Fee	\$314.09	\$1320 (incl GST)
<b>408</b>	N/A	N/A	\$314.09	\$1200 (incl GST)
<b>482 (TSS) - Medium Term Stream</b>	\$334.36 plus \$1,800 Skilling Australian Fund Levy for each year of visa	Inclusive in Visa Application Fee	\$2,679.91 for main applicant and for each applicant 18 years and over. \$668.71 for each applicant under 18 years old.	\$1,850 (incl GST)
<b>482 (TSS) - Short Term Stream</b>	\$334.36 plus \$1,800 Skilling Australian Fund Levy for each year of visa	Inclusive in Visa Application Fee	\$1,281.70 for main applicant and for each applicant 18 years and over. \$324.22 for each applicant under 18 years old.	\$1,850 (Incl GST)
<b>186 (PR)</b>	\$547.13 plus \$5,000 Skilling Australian Fund Levy	Inclusive in Visa Application Fee	\$4,098.39 for main applicant, \$2,051.73 for each applicant 18 years and over & \$1,023.33 for each applicant under 18 years old.	\$4,500 (incl GST)
<b>858 (PR) Global Talent Visa</b>	N/A	\$1500 for the (EIO) only	\$4167.54 for main applicant, \$2,083.77 for each applicant 18 years and over & \$1,044.38 for each applicant under 18 years old.	\$4,500 (incl GST)

(58) Costs in relation to the sponsorship and nomination (including professional fee %) must be paid by ACU as the sponsor. Visa application related charges can be covered by the applicant.

## Section 10 - Revisions made to this Procedure

(59) The University may make changes to these Procedures from time to time to improve the effectiveness of its operation. Any staff member who wishes to make any comments about this Procedure may forward their suggestions to People and Capability.

## Section 11 - Further Assistance

(60) Any staff member who requires assistance in understanding this Procedure should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further information or advice be required, staff should visit [Service Central](#).

## Section 12 - Associated Information

(61) For related legislation, policies, procedures and guidelines and any supporting resources please refer to the Associated Information tab.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	20th February 2024
<b>Review Date</b>	19th July 2024
<b>Approval Authority</b>	Vice-Chancellor and President
<b>Approval Date</b>	20th February 2024
<b>Expiry Date</b>	Not Applicable
<b>Responsible Executive</b>	Angelle Laurence Chief People Officer
<b>Responsible Manager</b>	Angelle Laurence Chief People Officer
<b>Enquiries Contact</b>	Bernardine Lynch ER and Safety Committees and Policy Officer <hr/> People and Capability