

VISA ASSISTANCE

Are you studying or working in Australia?

Advantage Partnership Lawyers can assist you with visa advice, applications and appeals for both Australia and New Zealand. Our experienced legal team includes an in-house migration agent and can help you whether or not you know what kind of visa is best for you.

Why do you need assistance with immigration and visas?

The process of understanding and applying for a visa, and dealing with the Department of Immigration and Citizenship (DIAC), can be time-consuming and confusing.

Using our services means that:

- You won't waste time and money on a visa that does not suit your requirements;
- You do not need to worry about deciphering the requirements and documentation required for each visa class;
- The application process will be completed quicker by relying on our previous experience and knowledge;
- You do not need to deal directly with the Department of Immigration and Citizenship;
- You do not need to feel overwhelmed by the amount of paperwork, conditions and obligations involved; and
- You can rely on us for advice or assistance on any related issues that you may be concerned about.

Temporary Work (Skilled) (subclass 457) visa

The 457 visa is for skilled workers from outside Australia who have been sponsored and nominated by a business to work in Australia on a temporary basis. A 457 visa holder can:

- Work in Australia for up to four years in the nominated position;
- Bring their family to Australia;
- Travel in and out of Australia as often as desired during the visa validity period.

There are three stages to applying for a 457 visa:

1. The employer applies to be a sponsor;
2. The employer nominates a position and an employee;
3. The employee applies for a 457 visa.

We can help you satisfy all three of these stages, by confirming your eligibility, advising on the necessary documentation, and completing and lodging the applications. This includes ensuring that the employer meets both the training benchmark and market salary requirements of the 457 visa.

We can also help 457 visa holders who wish to change their employer or position.

If a third party is nominating an individual for a 457 visa, the application process is significantly different. Instead of applying for sponsorship, the third party must apply to enter into a Labour Agreement with the Australian Government. At Advantage Partnership, we can help to negotiate these agreements.

Employer Nomination Scheme (subclass 186) visa

The 186 visa is for skilled workers from outside Australia or skilled temporary residents who live and work in Australia. It has three streams:

1. The *Temporary Residence Transition* stream, which is for 457 visa holders who have worked for two years and their employer wants to offer them a permanent position.
2. The *Direct Entry* stream, which is for people who have never, or only briefly, worked in Australia.
3. The *Agreement* stream, which is for people sponsored by an employer through a labour or regional migration agreement.

An individual can apply for this visa if they:

- Have been nominated by an approved Australian employer;
- Are less than 50 years of age;
- Meet the skills, qualifications and English language requirements.

We can help employers and employees apply for a 186 visa. We can assist employers to meet the conditions and obligations required of them including meeting the training requirement and market salary rate. We can also help an employer and an employee to meet the requirements for the appropriate stream.

Resident Return (subclass 155 and 157) visa

A holder of a permanent resident visa has the right to remain in Australia indefinitely, but if the holder chooses to travel outside Australia, they must ensure they have the authority to return.

A Resident Return Visa is for permanent residents whose travel validity period of their permanent visa has expired or is about to expire. It allows the holder to leave and enter Australia as often as desired, within the validity period of the visa, whilst maintaining permanent resident status.

To be granted a resident return visa (155) for five years, the applicant must have lived in Australia as a permanent resident for at least two of the last five years. If this requirement is not met, the applicant may be granted the visa for one year if they can demonstrate substantial ties of benefit to Australia.

If the applicant cannot meet the requirements of the 155 visa, they will be assessed for the 157 visa which can be granted for three months.

Family members must apply separately and pay a separate visa application charge.

Occupational Trainee (subclass 442) visa

The 442 visa allows people to complete workplace-based training in Australia on a temporary basis. It may be used as an alternative to the 457 visa.

People may be nominated for this visa if the proposed occupational training is one of the following:

- Training or practical experience in the workplace required for the person to obtain registration for employment in their occupation in Australia or in their home country; or
- A structured workplace training program to enhance the person's existing skills in an eligible occupation; or
- Structured workplace training to enhance the person's skills and promote capacity building overseas.

The 442 visa may be valid for up to two years. An additional two months may be added beyond the training end date to allow the employee and their family members to make arrangements to leave Australia or to apply for another visa. If the training cannot be completed in the approved visa period, a second Occupational Trainee visa may be applied for, provided the eligibility requirements are met again by the employee and employer.

Appeals to the Migration Review Tribunal

If a visa application is refused, for what appears to be an unfair reason, the decision may be able to be reviewed by the Migration Review Tribunal (MRT).

There are strict timeframes for applying for a review. An applicant must be lodged within the time limit referred to in the letter from DIAC notifying you of the unfavourable decision. Generally, the time frame is 21 days. If you do not apply within the time limit, the MRT has no power to consider your application for review.

You can deal with the MRT directly or you can appoint us to represent you and act on your behalf. We understand that disappointment that can arise if the desired result is not achieved, especially after the time and effort that is involved.

New Zealand Immigration

Our principal lawyer is also a Barrister and Solicitor of New Zealand. We can also assist you with any New Zealand Immigration matters you might have. This includes assisting you with understanding and applying for New Zealand visas, including:

- Skilled Migrant Category visas
- Work to Residence visas
- Residence from work visas

For more information, legal advice, or a quote, please don't hesitate to contact our office today.

Our friendly team is happy to chat with you and gain an understanding of your needs, no obligation required.

Please call 02 9221 7555 or send us an email at legal.one@advantagepartnership.net