

# BUSINESS SPONSORSHIP VISAS AND PROCEDURES



AUSTRALIAN STEEL INSTITUTE

Australia's skills shortage is having a significant impact on the steel and construction industries. One reason for this skills shortage is the travel restrictions implemented in the wake of the COVID-19 pandemic, which limited the number of overseas workers immigrating to Australia. With Australia's borders now re-opened, businesses can take advantage of various business sponsorship visas, detailed below.

March 2023

## SKILLS SHORTAGES PERSIST

The steel industry is experiencing a shortage of skilled workers in various areas, including welding, fabrication and maintenance. This shortage is making it challenging for steel manufacturers to complete projects on time and meet the increasing demand for products. As a result, some manufacturers have had to delay or cancel projects, resulting in lost revenue.

To address this shortage, the Federal Government has implemented several measures, including incentives for apprenticeships and training programs to upskill existing workers. However, it may take some time for these measures to have a significant impact on the industry. In the meantime, sponsoring skilled workers may help alleviate the shortages.

## SPONSORING A WORKER: THE PROCESS

A variety of safeguards exist within employer-sponsored visas that are designed to put job opportunities for Australian workers first. These ensure that overseas workers complement but do not displace Australian workers. These safeguards include:

- requiring market salaries to be paid to sponsored workers
- mandating a minimum salary of \$53,900
- limiting the occupations that are eligible for employer sponsorship to only those determined to be in demand by the Department of Education, Skills and Employment
- employers must contribute to the Skilling Australians Fund
- requiring overseas workers to hold relevant Australian registration, licences and certificates
- skills, English language, age, and work experience requirements for overseas workers

## WHO CAN BECOME A SPONSOR

Any legally established and operating business can apply to be a sponsor. A business or organisation can be approved for different types of sponsorships – for example, they may hold both a Standard Business Sponsorship as well as a Labour Agreement at the same time. The support you must provide the visa holder and your other obligations depend on:

- your [responsibilities as an employer](#)
- the [type of visa](#) you and the worker choose

## WHO YOU CAN SPONSOR

You might be able to sponsor a skilled worker to come to Australia if you can't find an Australian citizen or permanent resident with the skills and experience needed for the job. You can sponsor workers temporarily or permanently.

You can sponsor someone who is a skilled worker:

- living overseas who wishes to travel and work in Australia, or
- already in Australia on another type of visa which does not currently allow them to work, or
- already living and working on another visa in Australia

You can also take over the sponsorship of people holding a Temporary Work skilled visa (subclass 457) or a Temporary Skill Shortage visa (subclass 482).

With limited exceptions, the job you sponsor the overseas worker to do must be on the [Skilled Occupations List](#). If the job is not on the list, you might be able to negotiate a [Labour Agreement](#). For high-skill niche roles that can't be filled through existing visa programs you could access the [Global Talent Scheme](#).

## WHERE TO GO FOR HELP

The Federal Government's Department of Home Affairs is responsible for immigration in Australia. There is a dedicated resource in each state to help businesses navigate the process of sponsoring a skilled worker. Business Industry Regional Officers (BIROs) are available to answer individual questions and provide further information. Their contact details are below.

Australian Capital Territory	BIRO.ACT@homeaffairs.gov.au
New South Wales	BIRO.NSW@homeaffairs.gov.au
Queensland & Northern Territory	BIRO.QLD.NT@homeaffairs.gov.au
South Australia	BIRO.SA@homeaffairs.gov.au
Victoria & Tasmania	BIRO.VIC.TAS@homeaffairs.gov.au
Western Australia	BIRO.WA@homeaffairs.gov.au



### BUSINESS SPONSORSHIP

<a href="#"><u>Standard Business Sponsor (SBS)</u></a>	If you are a Standard Business Sponsor, you can sponsor someone to work for you on a Temporary Skill Shortage visa (TSS) (subclass 482) or Skilled Employer Sponsored Regional (Provisional) visa (subclass 494). Sponsorship is valid for 5 years from the date of approval.
<a href="#"><u>Accredited Sponsor</u></a>	If you have an approved SBS, you can apply for accredited status. With an accredited status, in addition to the benefits of the SBS, you will receive priority when the associated subclass 482 or subclass 494 visa is processed.
<a href="#"><u>About Sponsorship</u></a>	A variety of safeguards exist within employer-sponsored visas that are designed to put job opportunities for Australian workers first. These ensure that overseas workers complement but do not displace Australian workers.
<a href="#"><u>Cost of Sponsoring</u></a>	Outline of costs including: SBS and nomination costs, SAF levy and how this is calculated.
<a href="#"><u>Labour Market Testing</u></a>	Labour market testing (LMT) generally involves advertising the position in Australia. How and when you test the labour market, and what proof is required, will depend on which stream you are nominating under.

### SKILLED VISAS (EMPLOYER NOMINATION REQUIRED)

<a href="#"><u>Temporary Skill Shortage Visa (sub-class 482)</u></a>	This temporary visa lets an employer sponsor a suitably skilled worker to fill a position they can't find a suitably skilled Australian to fill. You must be nominated by an Australian employer whose business is actively and lawfully operating (see Standard Business Sponsor for more information for employers).
<a href="#"><u>Skilled Employer Sponsored Regional (Provisional) Visa (subclass 494)</u></a>	This visa enables regional employers to address identified labour shortages within their region by sponsoring skilled workers where employers can't source an appropriately skilled Australian worker. You must be nominated by an Australian employer whose business is actively and lawfully operating (see Standard Business Sponsor for more information for employers). This is a temporary visa, with a streamlined pathway to permanent residency.
<a href="#"><u>Employer Nomination Scheme Visa (subclass 186)</u></a>	This visa lets skilled workers, who are nominated by their employer, live and work in Australia permanently. You must be nominated by an Australian employer whose business is actively and lawfully operating.

### SKILLED VISAS (STATE OR TERRITORY NOMINATION REQUIRED)

<a href="#"><u>Skilled Work Regional (Provisional) visa (subclass 491)</u></a>	This visa is for invited skilled workers to live and work in regional Australia. You can only apply for this visa if you are invited and nominated by a state or territory government, or if you are sponsored by an eligible relative. This is a temporary visa, with a streamlined pathway to permanent residency.
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### PERMANENT RESIDENCE (REGIONAL SKILLS) VISA

<a href="#"><u>Permanent Residence (Regional Skills) visa (subclass 191)</u></a>	This visa allows people who have lived and worked in designated regional areas of Australia on an eligible visa, live and work in Australia permanently.
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**LABOUR AGREEMENTS**

<a href="#"><u>Labour Agreements</u></a>	Labour agreements are developed between the Federal Government (represented by the Department) and employers. They are generally in effect for five years and enable approved businesses to sponsor skilled overseas workers when there is a demonstrated need that cannot be met in the Australian labour market and where standard temporary or permanent visa programs are not available.
<a href="#"><u>Industry Labour Agreements</u></a>	These are agreements for a specific industry with fixed terms and conditions. Your industry must show ongoing labour shortages and extensive consultation within the industry.
<a href="#"><u>Company Specific Labour Agreements</u></a>	The company-specific labour agreement is for an employer where: a genuine skills need is not already covered by an industry labour agreement; a Designated Area Migration Agreement (DAMA) or project agreement is not in place; the occupation(s) in shortage are not already available under the standard skilled visa programs (on the combined list of eligible skilled occupations) - unless a strong and compelling business case has been provided.
<a href="#"><u>Designated Area Migration Agreement</u></a>	A designated area migration agreement (DAMA) is a formal agreement between the Australian Government and a regional, state or territory authority. It provides access to more overseas workers than the standard skilled migration program. DAMAs operate under an agreement-based framework, providing flexibility for regions to respond to their unique economic and labour market conditions.

**PACIFIC AUSTRALIA LABOUR MOBILITY (PALM)**

<a href="#"><u>Temporary Work Visa (subclass 403)</u></a>	This visa, under the Pacific Australia Labour Mobility stream, allows citizens who are resident of a specified Pacific Island country to work in Australia for a Temporary Activities Sponsor approved by the Department of Foreign Affairs and Trade (DFAT) to participate in the Pacific Australia Labour Mobility (PALM) scheme. Visa holders can be employed on a contract of short term (seasonal) work for 9 months or in a contract for long term (non-seasonal) work for up to 4 years.
<a href="#"><u>PALM Scheme</u></a>	There are a number of eligibility requirements for employers interested in recruiting workers from Pacific island countries and Timor-Leste for unskilled, low-skilled, and semi-skilled positions through the Pacific Australia Labour Mobility (PALM) scheme.

**OTHER USEFUL LINKS**

<a href="#"><u>Skilled Occupation List</u></a>	The skilled occupation list (SOL) summarises the occupations Australia needs to fill skill shortages.
<a href="#"><u>Global Visa Processing Times</u></a>	Processing times are available for most visa products, but will exclude some. These include visas closed to new entrants, visas subject to capping and queueing, or those which have a low volume of applications. Global visa processing times are updated monthly.
<a href="#"><u>Current Processing Priorities</u></a>	Skilled migration visa applications are processed according to government policy priorities, which are outlined in the Ministerial Directions.
<a href="#"><u>Priority Migration Skilled Occupation List</u></a>	The Priority Migration Skilled Occupation List (PMSOL) identifies 44 occupations which fill critical skills needs to support Australia's economic recovery from COVID-19. Employer sponsored nomination and visa applications with an occupation on the PMSOL will be given priority processing.
<a href="#"><u>Visa Entitlement Verification Online system (VEVO)</u></a>	VEVO allows visa holders, employers, education providers and other organisations to check visa conditions.
<a href="#"><u>Smart Move Australia</u></a>	This site provides information for people considering immigrating to Australia.