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## LawTalk Blog



# Working visas and all the different sub-classes

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At Andersons, we often have to grapple with the complexities of different visas; particularly when assisting foreign workers with [industrial relations](#) and [workers compensation](#) matters.

If you are not an Australian citizen but wish to work in Australia, it is important to ensure you have the appropriate visa. Whether you intend to work for a short time while travelling, during your studies, or would like to stay in Australia on a long-term basis, there is a variety of visa options available to you, depending on your circumstances.

Having your family members accompany you may be important when considering whether to undertake work in Australia. In some circumstances you may be able to include your family members in your visa application. Eligible family members include:

- Your partner (married or de facto)
- You or your partner's dependent children
- Other dependent relatives

Before applying for a working visa you should familiarise yourself with the requirements and limitations of each type of visa to minimise the chances of your application being rejected and, once granted, to avoid breaching a condition of your visa.

Some of the visas that we regularly encounter are discussed below:

417 - "Working Holiday" visa

A Working Holiday visa is best suited for young people aged between 18 and 30 years who wish to volunteer or undertake work in Australia for up to 12 months. Australia is a part of the [Working Holiday Program](#) and to be eligible to apply you must hold a valid passport from a country who is also a member of the program. If you are a student wanting to undertake short-term study in Australia (up to 4 months) this would allow you to work during your stay.

Benefits of this visa include no requirements for sponsorship or limitations on the kind of work completed during your stay. However, you are limited to a maximum period of 6 months work with any one employer. This visa does not allow you to bring your family members to Australia; they will need to individually apply for separate visas.

## 400 - "Temporary Work (Short stay)" visa

If you fall outside the age range for a Working Holiday visa, you may consider a temporary work (short stay) visa which will allow you to work in Australia for up to 3 months (and in limited circumstances up to 6 months). To be eligible, the work you complete must be short-term, highly specialised, non-ongoing work. A benefit of this visa is that you may be able to bring your family with you by including them in your visa application.

## 457 - "Temporary Work (Skilled)" visa

This type of visa is often the subject of media analysis and political controversy. This visa is suitable for skilled workers wanting to work in Australia for up to four years. The Australian Government has determined a list of eligible occupations and the corresponding necessary skill and experience requirements.

You must be sponsored by an approved business in order to lodge your application. Unlike a short-stay visa, there are English language proficiency requirements you need to meet, which are subject to some exemptions. You may be able to include your family members on your application.

## 187 – "Regional Sponsored Migration Scheme" visa

If you are seeking long term employment beyond four years, skilled workers willing to work in regional Australia may consider a Regional Sponsored Migration Scheme visa. If granted, this visa will provide you (and eligible family members) permanent residence in Australia, allowing you to enrol in [Medicare](#) and potentially be eligible for Australian citizenship.

However, the requirements to obtain this subclass of visa are more complex than those discussed above. Applications are divided into three streams, each with different eligibility criteria, and therefore thorough investigation should be undertaken to ensure all requirements have been met.

If you are working in Australia with a visa, and have experienced problems in the [workplace](#), or have suffered a [workplace injury](#), feel free to get in touch directly with today's blog writer for advice or assistance.

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*Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to Australian Federal legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.*