

GMS Flash Alert

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Australia - From November, Changes Planned for Temporary Activity Visa Framework

Australia's Department of Immigration and Border Protection (DIBP) has proposed changes to the Temporary Activity visa framework.¹ The changes are scheduled to come into effect from 19 November subject to final approval by the Governor-General of the Commonwealth of Australia. These proposed changes follow on from the Skilled Migration and Temporary Activity review by DIBP which commenced back in December 2014.

The new framework is a simplification of the current temporary visa framework with the proposed changes including the collapse of six existing sponsor classes into one sponsor category, removing some sponsorship and nomination requirements for specific 'short stay' activities and introducing the ability to lodge applications online.

WHY THIS MATTERS

The new framework will permit online lodgements of all Subclass 400 visa applications. Passport holders from certain countries which are currently restricted from online lodgement (e.g., India and the People's Republic of China) will have the ability to lodge their applications online, receive faster processing times, and dispense with any need to apply via a third-party provider (e.g., VFS).

Employers seeking to sponsor individuals for the new Subclass 408 visa will not be required to lodge a nomination first. Furthermore, sponsorship would not even be required if the visa is applied for from outside Australia and the intended stay does not exceed three months. This will significantly reduce processing times for short stay requirements.

Individuals entering on the new Subclass 407 visa for either professional development or occupational training purposes will still need to be sponsored and nominated regardless of their intended duration of stay unless their sponsor is a Commonwealth Government agency, in which case a nomination will not be required.

Employers seeking to become approved as a Temporary Activities sponsor to sponsor individuals on either the Subclass 408 or Subclass 407 visa can only do so online via the DIBP electronic lodgement system.

Proposed Temporary Activity Visa Framework

The proposed changes to the new visa framework will see temporary activities fall into four main visa subclasses, notably:

- Temporary Work (Short Stay Specialist) (Subclass 400) visa for individuals seeking to enter Australia to undertake highly specialised, non-ongoing work, or in limited circumstances, participate in an activity or work relating to Australia's interest.
- Temporary Work (International Relations) (Subclass 403) visa for individuals entering Australia under a bilateral agreement, to represent a foreign government or teach a foreign language in an Australian school, to undertake full-time domestic work for a diplomat, enter as a person with statutory privileges and immunities, or participate in the Seasonal Worker Programme.
- Training (Subclass 407) visa for individuals to enter Australia to undertake occupational training or participate in classroom-based professional development activities.
- Temporary Activity (Subclass 408) visa for individuals to enter Australia for a range of intended purposes including:
 - work in the entertainment industry;
 - participate in a non-ongoing cultural or social activities at the invitation of an Australian organization;
 - observe or participate as an academic in a research project;
 - undertake full-time religious work;
 - participate in a special programme to enhance international relations and cultural exchange;
 - participate in high-level sports (including training);
 - work in a skilled position under a staff exchange arrangement;
 - participate in an Australian government-endorsed event;
 - work as a superyacht crew member;
 - undertake full-time domestic work in the household of certain senior foreign executives.

By virtue of these changes, the Temporary Work (Long Stay Activity) (Subclass 401), the Training and Research (Subclass 402), the Special Program (Subclass 416), the Temporary Work (Entertainment) (Subclass 420), and the Superyacht Crew (Subclass 488) visas will be repealed.

Importantly, a single Temporary Activities sponsorship will replace the six currently existing sponsor classes (i.e., long stay activity, training and research, professional development, entertainment, special programme, and superyacht crew).

KPMG NOTE: Transitional Arrangements

The processing of sponsorship, nomination, and visa applications lodged before and during the transitional period will vary. Different arrangements will apply under the respective subclasses for applications lodged between 19 November 2016 and 18 May 2017 (the end date for transitional arrangements).

If you believe – or are uncertain whether – you have Australia-inbound foreign employees who may be affected by these policies, it is recommended that you consult with your qualified immigration adviser.

FOOTNOTE:

1 Further information can be found on the [DIBP website](#).

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RELATED RESOURCE

This article is excerpted from "[Proposed Changes to the Temporary Activity Visa Framework](#)," in *Migration Newsflash* (26 September 2016), a publication of the KPMG International member firm in Australia.

New Back to Basics: Business Immigration 101

KPMG is pleased to announce the publication of "[Back to Basics: Business Immigration 101](#)," the fifth installment of our Back to Basics thought leadership series!

Global mobility program managers often have the responsibility of managing the many complexities of immigration globally in support of both employee service delivery as well as compliance goals. The severity of potential risks and resulting liabilities necessitate a solid operational framework by organizations for immigration compliance, administration, and service delivery. This newest issue of Back to Basics has been developed to serve as an introduction to understanding key definitions and concepts associated with global business immigration. We also highlight certain leading practices in immigration program management.

We have created [a page on the KPMG TaxWatch website](#) for the other articles in the GMS practice's Back to Basics series. This current article as well as past articles (covering home leave, repatriation, short-term assignments, and assignment letters) are in .pdf format on the TaxWatch site.

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