

Subclass 407 - Training Visa FACT SHEET

The subclass 407 - Training visa allows people to undertake occupational training in Australia to meet registration or licensing requirements, to enhance skills in their occupation, or for capacity building overseas.

SUBCLASS 407 - TRAINING VISA REQUIREMENTS

Sponsor

Your sponsor must:

- be an organisation that is actively and lawfully operating in Australia **OR** a government agency (Australian or foreign) operating in Australia
NOTE: The captain/owner of (or organisation operating) a superyacht may also be a sponsor
- directly provide the occupational training (unless exempt from this requirement)

NOTE: In addition, there must not be any **adverse information** known that is relevant to the organisation's suitability as an approved sponsor e.g. contraventions of laws relating to matters such as immigration, industrial relations or taxation; pending investigations or disciplinary actions; insolvency; being subject to administrative action; or having provided bogus documents or false/misleading information to the Department of Home Affairs (the DOHA).

Occupational Training

The occupational training must fall into **ONE** of the following categories:

1. **Required for registration** i.e. *workplace-based* training that you require to obtain registration, membership or licensing in your identified occupation, either in Australia or in your home country **OR**
2. **To enhance skills** i.e. a structured *workplace-based* training program that is specifically tailored to your training needs, and is related to an occupation on the Short-term Skilled Occupation List (**STSOL**), Regional Occupation List (**ROL**) or Medium and Long-term Strategic Skills List (**MLTSSL**). You must have had at least 12 months of experience in that occupation during the last 24 months **OR**
3. **For capacity building overseas** i.e.
 - a. a structured *workplace-based* training program for up to 6 months that is specifically tailored to your training needs, and you are required to complete a period of practical experience, research or observation to obtain a foreign qualification **OR**
 - b. a structured *workplace-based* training program specifically tailored to your training needs, and supported by your home government (or an Australian government agency) **OR**
 - c. training that provides managerial/professional skills that are relevant to and consistent with both your development in a managerial or professional occupation, and your employer's business. The training must be provided primarily through face-to-face teaching in a classroom or similar environment

NOTE: *workplace-based* training requires at least 30 hours of training per week, of which at least 70% is conducted in the workplace (as opposed to in a classroom).

Visa Applicant

As the visa applicant, you must:

- be at least 18 years old (unless exceptional circumstances apply)
- have the skills, experience and/or qualifications required to undertake the specified occupational training
- have at least **functional English**, to enable you to undertake the program and comply with occupational health and safety requirements (you may need a higher level of English language ability if this is required for your occupation)

NOTE: To have **functional English**, you should:

- hold a valid passport issued by the UK, USA, Canada, New Zealand or the Republic of Ireland (and be a citizen of that country) **OR**
 - have obtained one of the following results in an English test taken within the last 12 months:
 - IELTS average band score of at least 4.5 **OR**
 - PTE Academic total band score of at least 30 **OR**
 - Cambridge C1 Advanced total band score of at least 147 **OR**
 - TOEFL iBT total band score of at least 32 **OR**
 - hold a degree, higher degree, diploma or trade certificate that required at least two years of full-time study or training, where all instruction for that award was conducted in English **OR**
 - have completed all years of primary education AND at least three years of secondary education, where all instruction was conducted in English **OR**
 - have completed at least five years of secondary education, where all instruction was conducted in English **OR**
 - have completed at least one year of full-time study (or equivalent part-time study) towards a degree, higher degree, diploma or trade certificate at an institution in Australia, where all instruction was conducted in English
- genuinely intend to stay temporarily in Australia in order to undertake the specified occupational training
 - be able to support yourself financially during your stay in Australia
 - have made adequate arrangements for health insurance during your stay in Australia, and meet the relevant health and character criteria

NOTE: If applying **in Australia**, you must also hold an eligible visa (i.e. NOT a Bridging, Transit, Special Purpose or Domestic Worker visa) **OR** have held an eligible visa within the last 28 days **OR** have been notified within the last 28 days of the Administrative Review Tribunal's decision to set aside a decision to either cancel your visa or not to revoke cancellation of your visa.

APPLICATION PROCESS

Stage 1: Sponsorship Application

This application is lodged with the DOHA on behalf of the organisation that is providing the training. The main criterion is that the organisation meets the requirements referred to on page 1. It must also have the capacity to meet its obligations as a sponsor. An approved sponsorship is valid for up to five years. During this time, the organisation can nominate subclass 407 - Training visa applicants.

SPONSORSHIP OBLIGATIONS

Organisations that are approved to sponsor overseas persons for subclass 407 - Training visas **MUST** comply with certain obligations imposed by the DOHA. These obligations are designed to protect overseas persons from exploitation, and to ensure that the visa program is used correctly.

In particular, please note that after being approved as a sponsor, an organisation **must not attempt to recover any of the costs associated with applying for sponsorship or nominations** (including migration agent costs), or any costs directly associated with **recruiting overseas workers** for nominated positions.

Approved sponsors must also **maintain certain records** relating to sponsorship and nominations, and must ensure that visa holders participate in the training for which they were sponsored.

Please contact our office for further information, including a full list of sponsorship obligations.

Stage 2: Nomination Application

The nomination application is lodged with the DOHA on behalf of the organisation, either at the same time as the sponsorship application, or during the sponsorship validity period. The main criterion is that the nominated occupational training meets the requirements of one of the three categories listed on page 1.

Stage 3: Visa Application

Your visa application is lodged with the DOHA either at the same time as the nomination application, or before the nomination expires (generally within 12 months of approval). The main criterion is that you fulfil the requirements listed on page 2, along with the standard health and character checks.

You may generally be in or outside Australia when applying for this visa. However, you may be ineligible to apply in Australia if you do not hold the required type of visa, or you have previously been refused a visa (or had your visa cancelled). Please contact us for further details.

Should the DOHA approve all three applications, you will be granted a subclass 407 - Training visa for the duration of your place in the occupational training program (up to two years).

PLEASE NOTE: We estimate that it may take several weeks to prepare and lodge your application, with the time taken largely dependent on how promptly you and your sponsor provide us with the necessary supporting information and documents. The time that it takes the DOHA to process your application is dependent upon its processing time service standards, and may also vary due to a number of other factors, including the complexity of your case, perceived risk factors and processing priorities. Please contact us for current information regarding likely processing timeframes for this type of application.

THANK YOU!



**Untraditional
Law Firm**

GIVING OUR BEST

support@dojolegal.com.au | www.dojolegal.com.au

JOB - PR - SETTLEMENT SUPPORT