

## **Filipino Migrants Forum**

### ***Do You Qualify for an Occupational Trainee Visa?***

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Applications for occupational trainee visa may be made by persons in Australia as well as those overseas. However there are restrictions on who is eligible to apply in Australia. This visa requires a DIMA approved nomination of the business which will be providing the training. All applicants will be subject to normal health and character requirements.

Not all training will qualify as occupational training and there are a number of other visa subclasses which may be more appropriate in some cases, for example: student visa, trade skills visa and professional development visas for executives, managers or specialists.

For an occupational trainee visa to succeed, the Minister must be satisfied that the occupational training that is proposed:

- is workplace-based; and
- will give the applicant additional or enhanced skills that the applicant will be able to utilise in the applicant's employment; and
- will not adversely affect occupational opportunities available to Australian citizens or permanent residents of Australia if the visa is granted.
- the applicant must be engaged or employed in accordance with Australian Industrial Relations law and relevant Commonwealth, State or Territory awards and conditions for the industry in which the applicant will undertake occupational training.

Some examples of training which could fall within the scope of Occupational Training are:

- Registered nurses overseas who require training in order to qualify or to pass the Overseas Qualified Nurses Competency Assessment Program in order to obtain registration as nurse in Australia.
- Students entering Australia to undertake, as part of their course of study in their home country, practical experience eg through a practical experience/training program, or observation or research that is a requirement for the award of an overseas tertiary qualification (degree, doctorate etc).
- Students in Australia who have successfully completed their principal course in the ELICOS, VET, Higher Education, Post Graduate Research or Non-Award sectors and who require practical work experience to obtain registration for their profession or occupation in Australia (including registration by Trades Recognition Australia or other appropriate professional registrars/recognition authority) or in their country of usual residence;

- Nominees of Australian firms planning expansion into overseas countries for training designed to fit them for positions in proposed establishments in those countries.

Because of the complexity of the educational visa class generally, applicants who are contemplating a visa application as an occupational trainee, whether in Australia or from overseas would be well advised to consult a Registered Migration Agent before doing so to ensure that the visa subclass for which they actually apply is the most appropriate for their particular circumstances.

*This information is of a general nature and should not be taken as authoritative legal advice for specific cases. The writer, Atty. Imelda Argel is a practising Filipino lawyer and a registered migration agent in Sydney, Australia. She is a Solicitor of the Supreme Court of New South Wales, the High Court of Australia, Attorney at law in the Philippines and in the State of New York, USA. Her Registered Migration Agent no. is 9682957. More information is available at [www.iargel.com.au](http://www.iargel.com.au)*

*Readers of the Philippine Community Herald Newspaper are invited to send their comments to "The President, Filipino Migrants Forum" c/o Imelda Argel & Associates, Solicitors & Attorneys, by email at [info@iargel.com.au](mailto:info@iargel.com.au) or by fax at (+612) 9699 3210 or by post to Suite 41, Ground Floor, 61-89 Buckingham St. SURRY HILLS NSW 2010.*