



Fact sheet



Migration Act 1958

If your project involves the employment of overseas workers in Australia, or the arrival of foreign maritime crew in Australian waters, you must understand employee visa requirements and meet any applicable obligations as an employer in accordance with this Act.

1. What approvals do I need?

Workers who are not Australian citizens require a visa to enter and work in the country under the [Migration Act 1958](#) (the Act). Visa requirements also apply to foreign maritime crew arriving in Australia by sea. Employers must be aware of visa requirements for their workers and any work restrictions.

If your project faces labour shortages and you wish to sponsor a skilled overseas worker to come to Australia to fill a specific role, you will require approval as a work sponsor and/or approval of your nomination of the worker. The worker will also need to be granted an appropriate visa that enables them to work in Australia. Employer-sponsored visa options for skilled workers are as follows:

- **Skills in Demand (subclass 482) visas** enable employers to sponsor a suitably skilled overseas worker to fill a position they cannot find a suitably skilled Australian worker to fill.
- **Skilled Employer Sponsored Regional (Provisional) (subclass 494) visas** enable regional employers facing identified labour shortages in their region to sponsor skilled overseas workers where they cannot source suitably skilled Australian workers.
- **Employer Nomination Scheme (subclass 186) visas** enable employers to nominate skilled overseas workers to live and work in Australia permanently.

[Guidance](#) on each of these visa options is available on the Department of Home Affairs' website. Each type of visa has different eligibility requirements and provides different work rights.

Sponsoring employers must meet various [sponsorship obligations](#) in relation to matters including costs, employment conditions and training, and record-keeping and reporting.

If you choose to employ a non-citizen already living in Australia as part of your project, you need to ensure they hold a visa that enables them to undertake the type and duration of work involved in their role. [Guidance](#) on considering work rights when hiring in Australia is available on the Department of Home Affairs' website.

Employers can check the Australian work rights and visa conditions of any potential employees who are non-citizens using the Visa Entitlement Verification Online system (VEVO) in accordance with the Department of Home Affairs' [step-by-step guide](#).

If your project also involves the operation of a ship carrying goods into Australia from overseas, all foreign crew will generally require a [Maritime Crew visa](#) before they are permitted to enter Australia by sea.

2. Who provides the approvals?

The Department of Home Affairs administers the Act and decides applications for sponsorship/nomination approval and visa applications.

3. How do I apply for the approvals?

Applications for sponsorship/nomination approvals and visa applications are made using the Department of Home Affairs' [ImmiAccount](#) online services portal. The specific application process will depend on the type of visa sought. Please refer to the Department of Home Affairs' website for step-by-step guidance on the process for applying to [sponsor an overseas worker](#) or for a [Maritime Crew visa](#).

4. More information

Department of Home Affairs

Further information on employing overseas workers in Australia, including specific guidance on managing workers in [offshore resource activities](#), is available on the Department of Home Affairs' [website](#).

The Department of Home Affairs can be contacted via the [Contact us](#) page on its website.

Major Projects Facilitation Agency

If you would like assistance to identify potential Australian Government regulatory approvals required for your project, please refer to the [Major projects help tool](#) self-assessment.

The MPFA team can be contacted by email at MPFA@industry.gov.au.