



May an overseas registered nurse apply for an Occupational Trainee visa?

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An Occupational trainee visa is a visa of up to two years, for the purpose of any of three streams:

First, to obtain registration, membership or licensing in Australia or in the home country;

Second, to enhance skills;

Third, for capacity building overseas.

It requires two participating parties, an *occupational trainee* who will participate in the training (primary sponsored person); and an *Australian organization* or *government agency* who will nominate and provide the training in Australia (occupational trainee sponsor).

There are three stages associated with an Occupational Trainee (subclass 442) visa:

Stage 1 – Application of an Australian organisation for approval as an occupational trainee sponsor.

Stage 2 – Application by the Australian sponsoring organisation for the nomination for occupational training of an identified trainee, which includes a work based program suited to the qualifications and skills of the occupational trainee.

Stage 3 – Application the primary sponsored person identified in the nomination as the occupational trainee at stage 2 for a visa.

The occupational training must be a structured and supervised training program that is workplace-based, not classroom-based and is designed specifically to increase an individual person's level of practical skill in their present occupation, area of expertise or field of study, at a rate greater than general day-to-day work in that occupation.

In assessing the genuineness of the occupational training, the proposed nature and duration in relation to the visa applicant's current occupation, training and experience in that occupation or field of study will usually be taken into account, among others.

It seems possible for an overseas registered nurse with less than two years experience to apply for this visa for the purpose of enhancing his or her skills in aged care or disability and rehabilitation. However, in such case, we the sponsor may require the applicant to have passed IELTS academic module with a score of 7 per component, to enable the applicant, to obtain registration as a registered nurse in Australia, under certain conditions in the future.

DIAC officers have the discretion not to approve a nomination if the nominator appears to be using this visa to recruit workers from overseas in circumvention of Temporary Business Entry objectives such as business long stay or student visa.

This information is of a general nature and should not be taken as authoritative legal advice for specific cases. Australia has a scheme that requires persons who give immigration assistance to be registered as migration agent. The writer, Atty. Imelda Argel is a practising Filipino migration solicitor 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, an Attorney at law in the Philippines and in the State of New York, USA. Her Registered Migration Agent no. is 9682957. She is also the recipient of the inaugural NSW FAWAA (Filipino-Australian Women's Achievement Award) for her outstanding achievements in corporate practice and entrepreneurship. More information is available at www.iargel.com.au