

## Citizenship, residency and visa information

From time to time the Department of Education and Training (DET) receives enquiries about the eligibility of persons who are not Australian citizens to become apprentices or trainees in Queensland.

### Information to get you started

#### What is it?

As a general rule, only Australian citizens and New Zealand citizens who have entered Australia on a valid passport, have unrestricted rights to employment in Australia. Any other person wanting to work in Australia must have a visa allowing employment.

#### Why is it important?

The right to legal employment in Australia does not guarantee eligibility to participate in apprenticeships or traineeships; for example holders of a Working Holiday Visa (subclass 417) are **not** eligible.

DET's policy is that any of the following persons are eligible to participate in apprenticeships or traineeships:

- Australian citizens
- New Zealand citizens
- persons with permanent residency visas
- persons with temporary protection visas
- persons who hold temporary or partner visas for subclass 309, 310, 820, or 826
- **dependents** of persons who are holders of a Business Long Stay visa under subclass 457
- **dependents** of persons who are holders of a Skill Independent Regional visa under subclass 495 (not applicable to Brisbane or Gold Coast districts)
- **dependents** of persons who are holders of a Skilled Regional Sponsored (Provisional) visa under subclasses 475 and 487 (if sponsored

by an eligible relative, the dependent must reside **OUTSIDE** the Brisbane metropolitan area, if sponsored by a State/Territory government, they must reside **OUTSIDE** the Brisbane metropolitan and Gold Coast areas)

- **spouse and/or dependants** of persons who are holders of Provisional visa subclass 163 - State/Territory Sponsored Business Owner
- **persons** holding a 461 visa is evidence that the holder is the dependant (family member) of a NZ Citizen - Immigration has advised that DET will need to check the expiry date to ensure the person can complete the training in the period remaining on the visa.

If DET discovers that the apprentice or trainee did not meet the residency eligibility criteria at the time the contract was registered the training contract will be cancelled. This could have financial implications in terms of recovery of incentives and/or payments made to various parties.

#### Who to contact?

For further information, contact Apprenticeships Info on 1800 210 210.

Employers have a legal responsibility relating to the residency eligibility for employment of foreign nationals. Employers should contact the Australian Government's Department of Immigration and Citizenship (DIAC) Work Rights line on 1800 040 070 or visit the [DIAC website](#) for further information on their responsibilities in this regard.