

1. POLICY CERTIFICATION

Policy title:	RGSC Visa Policy
Policy number:	010
Category:	Policy
Classification:	HR
Status:	Approved (10 October 2013)

2. PURPOSE

Roper Gulf Regional Council requires all employees to either be an Australian resident or have the appropriate and current, citizenship or visa status to work within Australia as per the Australian Government – Department of Immigration & Citizenship Legislation. All employees will undertake a visa entitlements check (VEVO) before going through the recruitment process and if the visa entitlements are not suitable to work within Australia in the position applied the person may be deemed unsuccessful.

3. ORGANISATIONAL SCOPE

This policy applies to all Roper Gulf Regional Council employees.

4. POLICY STATEMENT

Roper Gulf Regional Council (RGRC) takes seriously its obligation to ensure that all staff who work with the Council, comply with current Australian Government – Department of Immigration & Citizenship legislation, specifically the Migration Act 1958.

5. DEFINITIONS

Non sponsored Workers – Skilled Migrants	There is a range of visa options for Points Tested skilled workers who want to live in Australia and who do not have an employer sponsoring them. These include options for skilled people applying as an independent migrant as well as those sponsored by a relative, or nominated by a State or Territory Government.
Independent	Independent migrants have the least number of restrictions placed on them and this is the preferred option for eligible applicants who do not have an employer to sponsor them. Assess your eligibility for the independent visas before you continue.
Sponsored	If you are sponsored by an eligible relative, please note that there are a number of obligations that must be met by your sponsor. If you want to be sponsored by your employer certain

	obligations and application processes apply and need to be discussed prior to employment.
Potential Employee	A person who has applied for a position with RGRC who intends to work within Australia
Employee	A person who is an existing person working for RGRC
RGRC	Roper Gulf Regional Council – The organisation

6. PRINCIPLES

6.1 Non sponsored Workers – Skilled Migrants

There are a range of visa options for Points Tested skilled workers who want to live in Australia and who do not have an employer sponsoring them. These include options for skilled people applying as an independent migrant as well as those sponsored by a relative, or nominated by a State or Territory government.

6.2 Independent

Independent migrants have the least number of restrictions placed on them and this is the preferred option for eligible applicants who do not have an employer to sponsor them. Assess your eligibility for the independent visas before you continue.

6.3 Sponsored

If you are sponsored by an eligible relative, please note that there are a number of obligations that must be met by your sponsor. If you want to be sponsored by your employer certain obligations and application processes apply.

7. VISA TYPES

All applicants and potential employees will undergo a verification process (VEVO check) which requires their consent. (If the person refuses this process they may be deemed unsuitable for the role and not taken any further in the recruitment process.) This verification process will be completed on the Australian Government – Department of Immigration & Citizenship website – http://www.immi.gov.au/e_visas/vevo.htm

If deemed suitable to work within Australia and the visa is current with the respective time left before expiry to work with Roper Gulf Regional Council then the recruitment process will continue. However all positions that have applicants apply with a visa status must be approved by the HR Manager & CEO before proceeding with the application for the vacancy. All applicants for positions must provide the required visa information and provide the relevant documentation for a decision to be made. Roper Gulf Regional Council reserves the right to decline employment applications if an application doesn't meet the criteria for the visa requirements to work within Australia and provide the required information within the stated timeframe.

All potential employees that hold a current Visa to work within Australia will go through the online verification process (VEVO) before commencing the recruitment process as there are restrictions for certain visas that the person must abide by (e.g. work in a certain position in the organisation). Please go to www.immi.gov.au for further information on visa types and restrictions.

7.1 Working Holiday Visa – Subclass 147

This visa is for people aged 18 to 30 years of age, who are interested in a working holiday of up to 12 months in Australia. Important: You must have turned 18, but not turned 31, at the time of your visa application.

This visa allows you to supplement the cost of your holiday through short-term employment. However, if your primary reason for travelling to Australia is to participate in the work force, you should consider a visa designed for that purpose.

What does this visa let me do?

If you are granted this visa you can:

- enter Australia within 12 months of grant
- stay up to 12 months
- leave and re-enter Australia any number of times while the visa is valid
- work in Australia for up to six months with each employer
- study for up to four months.

If you hold a second Working Holiday visa, you may return to work for a further six months for an employer with whom you worked on your first Working Holiday visa.

Visa validity

Any time spent outside Australia while on your first or second Working Holiday visa does not extend the length of the visa.

Working

If you hold a Working Holiday visa the main purpose of your visit must be for an extended holiday. You can do any kind of work over the course of your 12 month stay in Australia, however all Working Holiday visa holders are limited to a maximum period of six months work with any one employer. This limitation applies to all employers and all forms of work.

The 'employer' is the business or organisation for which you are working directly.

If you are referred by an agency or labour supplier to a business, you can work for six months for that business. The same agency or labour supplier can refer you to another business where you can work for another six months. You cannot stay in the same position with an employer for more than six months by using different employment agencies, business affiliates or sub-contracting arrangements.

HR010 – RGSC Visa Policy

Working for longer than six months with the same organisation, regardless of whether the duties or location of the employee change, is not allowed. A Working Holiday visa holder may, work for independently owned franchises located in different areas for up to six months at each, as long as the franchisees are different employers with different Australian Business Numbers.

The six month work limitation applies to full-time, part-time, casual, shift and voluntary work.

Workplace-based training is considered to be work. You are able to undertake workplace-based training with the same employer for up to six months.

If you hold a second Working Holiday visa, you may return to work for a further six months for an employer with whom you worked on your first Working Holiday visa.

Extending your stay

You must depart Australia when your visa ends unless you apply for another visa to extend your stay.

If your Working Holiday visa ends and you have not departed Australia or applied for another visa you risk being detained and removed from Australia. You may also be subject to a period of exclusion from Australia.

7.2 Work and Holiday Visa (Subclass 462)

The Work and Holiday (Subclass 462) visa is for young people aged 18 to 30 who want to travel and work for up to 12 months in Australia. This visa allows you to supplement the cost of your holiday through periods of temporary or casual employment.

The Work and Holiday visa program is designed to encourage cultural exchange and closer ties between arrangement countries.

This visa is for people from Argentina, Bangladesh, Chile, Indonesia, Malaysia, Thailand, Turkey, the USA and Uruguay. Citizens of Iran who are currently in Australia on a Work and Holiday visa may also be eligible to apply for further Work and Holiday visas.

The Work and Holiday (Subclass 462) visa is for young people aged 18 to 30 who want to travel and work for up to 12 months in Australia. This visa allows you to supplement the cost of your holiday through periods of temporary or casual employment.

What does the visa let me do?

If you are granted a Work and Holiday visa you can:

- enter Australia at any time within 12 months of the visa grant date
- stay in Australia for up to 12 months from the date of first entry
- leave and re-enter Australia any number of times from the 12 months from the date of first entry
- undertake temporary employment in Australia for up to six months with each employer
- study for up to four months.

Working

Work and Holiday visa holders are allowed to undertake any type of work on a temporary basis. You are allowed to work for up to six months with each employer.

Working beyond six months with the same employer, without the required permission, may result in your visa being cancelled and you may be required to leave Australia.

Note: It is not possible to qualify for an additional Work and Holiday visa by working in regional Australia. This option is only available under the Working Holiday visa.

Visa validity period

If granted a Work and Holiday visa you have 12 months from the grant date to enter Australia. The visa is valid for 12 months from the date you first enter Australia.

Note: If you leave Australia during your 12 month stay, you cannot recover the period of time spent outside Australia.

7.3 Skilled – Regional Sponsored (Provisional) Visa (Subclass 475)

This visa is a three year provisional visa for skilled workers who are unable to meet the criteria for a Skilled - Independent visa. You will have the opportunity to apply for permanent residency after you have lived for two years and worked at least 12 months in a Specified Regional Area of Australia.

This visa requires you to be either:

- nominated by a participating state or territory government agency; or
- sponsored by an eligible relative living in a designated area of Australia.

This visa uses a points test to select visa applicants with skills and attributes needed in the Australian labour market.

HR010 – RGSC Visa Policy

Who is this visa for?

This visa is for you if you:

- have the skills and qualifications that meet the Australian standard for an occupation on the Skilled Occupation List (SOL); and are outside Australia; or
- are a New Zealand citizen who holds a Special Category visa (subclass 444).

What does this visa let me do?

This visa:

- allows you to remain in Australia for up to three years and requires you to live and work in a Specified Regional Area in Australia
- allows accompanying secondary applicants to work and study, but only in a Specified Regional Area of Australia
- provides a pathway to permanent residence.

This visa allows you to live and work or study in a Specified Regional Area in Australia for up to three years.

This is a 'provisional' visa. After you have lived in a Specified Regional Area in Australia for at least two years, and worked full time for periods totaling at least one year, you can apply for permanent residence.

Note: If you need more time to meet the residence and/or employment criteria for a permanent visa, you may be eligible to apply to extend your visa.

7.4 Temporary Graduate Visa - Subclass 485

The Temporary Graduate visa (subclass 485) lets you live and work in Australia temporarily after you have finished your studies.

This visa has two streams:

- **Graduate Work stream** – for international students who graduate with skills and qualifications that relate to an occupation on the Skilled Occupation List. A visa in this stream is granted for 18 months.
- **Post-Study Work stream** – for international students who graduate with an eligible qualification. This stream is only available to students who applied for and were granted their first Student visa to Australia on or after 5 November 2011. A visa in this stream can be granted for up to four years, depending on the qualification.

You must be in Australia when you apply for this visa and when your visa is decided.

This visa allows you and your family to stay in Australia temporarily after you have finished your studies. While in Australia, you may:

- travel

HR010 – RGSC Visa Policy

- work
- study.

7.5 RGRC Temporary Sponsorship

Roper Gulf Regional Council may undertake temporary sponsorship for highly skilled foreign workers who currently reside in Australia on a temporary basis to fill vacancies within the RGRC region on a case by case basis.

An employee must put forward a submission to the Human Resource Department to consider the employees' status and situation. The employee must comply with the required information and documentation required by the HR Department within the required timeframe otherwise their application for sponsorship may be declined. The HR Manager will request the CEO to decide whether to temporarily sponsor the employee through the nomination process with the Department of Immigration. The final decision will be made by the Department of Immigration whether to issue the temporary sponsorship of the employee/applicant. If sponsorship is declined RGRC will not take responsibility for this decision.

If temporary sponsorship is granted by the Immigration Department then the period that RGRC will sponsor an employee will be at the discretion of the HR Manager and the CEO up to the period of three years only.

RGRC will abide by the obligations outlined in the Employer Obligations on the Department of Immigration website. All employees under RGRC sponsorship must abide by the Employee Obligations referred to on the Department of Immigration website otherwise their sponsorship may be revoked.

8. SPONSORSHIP TYPES

8.1 Temporary Work (Skilled) – Standard Business – Subclass 457 Visa

The subclass 457 visa is for skilled workers from outside Australia who have been sponsored and nominated by a business to work in Australia on a temporary basis.

The stages of a subclass 457 visa

There are three stages to employing a skilled worker under the subclass 457 visa program:

- employer applies to be a sponsor
- employer nominates a position
- employee applies for a visa.

Applications for each of these three stages can be submitted at the same time.

HR010 – RGSC Visa Policy

Please note: Roper Gulf Regional Council has received sponsorship status, however will only nominate employees on a case by case basis as outlined previously.

If an employee is temporarily sponsored with RGRC, the employee must stay in the position they are sponsored under in the same location for the time specified. An employee can not change positions under this temporary sponsorship and can not work with another organisation.

If an employee under the temporary sponsorship resigns from Roper Gulf Regional Council, RGRC are obligated to advise the Immigration Department straight away as the employee may not be allowed to stay in Australia.

9. REFERENCES

Acknowledgements (original author/source documents)	Human Resource Unit
Related Policies	HR004 Recruitment & Selection Policy
Related Publications	Migration Act 1958
Relevant Forms	<i>Nil</i>

10. DOCUMENT CONTROL

Policy number	010
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11. CONTACT PERSON

Contact person
Contact number

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