

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE14/175) PROGRAMME – Internal Product

Senator Cameron (Written) asked:

With reference to the Fair Work Ombudsman 457 Visa Monitoring – Detail Report for monitoring of Subclass 457 Visa conditions for the period between 18 September 2013 and 30 June 2014:

- a. Which five industry sectors in which sponsoring employers are represented by those employers covered in the report have the highest rates on non-compliance with 457 visa sponsor obligations indicated by the monitoring finding in the report?
- b. Does the fact that in 76 cases monitored by the Fair Work Ombudsman where the employer sponsor could not be found mean that in addition to the 338 visa holders referred to above, the visa holders employed by those sponsors could also not be found?
- c. How many Subclass visa holders were sponsored by the 76 employer sponsors who could not be found by the Fair Work Ombudsman?
- d. How many of the Subclass 457 visa holders employed by the employer sponsors who could not be found by the Fair Work Ombudsman are still in Australia and have not complied with any or all of their obligations in their visa or are otherwise in Australia unlawfully?

Answer:

- a. The top five industry sectors in which sponsoring employers are represented in the report are:

	Industry
1	Accommodation and Food Services
2	Other Services
3	Construction
4	Retail Trade
5	Health Care and Social Assistance

- b. The 76 visa holders referred to in the FWO report are sponsored by 36 employers who could not be located. These 76 visa holders are separate to the 344 visa holders identified as no longer being employed by their nominating sponsor. There are several reasons why a sponsor may not be located. Reasons include a business changing address or that the business has ceased trading. Under the 457 sponsorship obligations, sponsors are required to inform the department about changes to their circumstances. The department contacts these sponsors and, depending on their circumstances, takes appropriate action. Action could include an official warning, sponsorship bar or cancellation of sponsorship. Note: Departmental records indicate that there are 344 subclass 457 visa holders identified as no longer employed, not 338.
- c. The 76 visa holders referred to in the FWO report are sponsored by 36 employers who could not be located.
- d. This is a work in progress. Once the department has finally determined whether the 36 sponsors (employing 76 visa holders) are trading or have ceased trading, the department will assess each visa holder on a case-by-case basis to determine whether their visa should be considered for cancellation.