

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE14/427) PROGRAMME – 1.2: Visa and Citizenship

Senator Carr (Written) asked:

When did the audit referred to in the Fairfax article (on Sunday 19/10) take place?

(a) Why was it not made public?

(a) Why is it such a small sample (less than 1% of 200,000)?

Fairfax reported that the log that was leaked reported many urban hospitality businesses were almost entirely staffed by those from overseas.

How are these businesses justifying sponsorship when youth unemployment is at record highs?

What compliance monitoring is the Department doing to follow up on these statistics, given they are referred to them by the FWO?

How do these statistics line up with the Government's intentions (in the new industry policy document) to loosen English language requirements for 457 visa holders?

Answer:

The Department of Immigration and Border Protection understands that the 'audit' referred to in the Fairfax media article of 19 October 2014 is a Fair Work Ombudsman (FWO) monthly report regarding referrals to the department of 457 sponsors they have monitored. Questions about the report should be directed to the FWO.

In relation to the further questions:

- Businesses must meet the requirements of the 457 programme. The Independent Review into Integrity in the 457 Programme found no evidence of widespread rorting of the programme, although it identified areas for improvement, including amending the English language requirement to an average test score.
- Referral of a case by the FWO to the department does not indicate that immigration requirements have necessarily been breached, rather, it is a cue for the department to examine the case further to determine what, if any, further action is required. If, after further investigation, the department confirms that immigration requirements have not been met (for example the visa holder has been underpaid compared with the salary approved in their nomination application and/or is working outside their nominated position), options include imposing administrative sanctions on the sponsor, issuing them with an infringement notice, executing an enforceable undertaking or applying to the courts for a civil penalty order. Where the sponsor is not found to have breached their obligations, the department finalises these cases as 'satisfactory.'

- There is no link between the FWO report or FWO referrals and the English language requirements for the 457 programme as the FWO does not make any referrals regarding these requirements. Accordingly, no conclusions have been drawn from these reports that would justify refraining from implementing the recommendations of the independent panel that are supported by the government.