

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES - 25 FEBRUARY 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(AE14/218) PROGRAMME – 1.1: Visa and Migration

Senator Carr (Written) asked:

In the 12 months to August 2012, 4,758 x 457 visa grants were made to persons onshore and whose last substantive visa held provided no work rights (6.7% of total 457 visa grants that year). A further 2.6% of all 457 visa grants were to persons located onshore but whose previous visa work rights were unknown. Source: CFMEU submission to Senate Standing Committee On Legal and Constitutional Affairs Inquiry re: Framework and operation of subclass 457 visas, Enterprise Migration Agreements and Regional Migration Agreements, May 2013, p10 (unpublished DIBP data). In 2012-13 and 2014 year-to-date, how many persons were granted 457 visas while located onshore in Australia and whose last substantive visa held had no work rights attached to that visa?

How many sponsoring employers of these particular 457 visa workers were checked by the Department to establish that the sponsor had not been employing these visa holders unlawfully (and therefore breaching the Employer Sanctions legislation), prior to the grant of these 457 visas? How many 457 visa grants were involved in these sponsors that DIBP checked?

Answer:

The figures used to compile Table 1 on p.10 of the CFMEU submission to the *Senate Standing Committee On Legal and Constitutional Affairs Inquiry regarding the Framework and operation of subclass 457 visas, Enterprise Migration Agreements and Regional Migration Agreements* (May 2013) cannot be confirmed by the department because it is based, as stated in the source note, on a compilation of published and unpublished departmental data. In addition, the table, at note (c), states that visa subclasses 977, 651, 676, 976 and 456 have no work rights. However, during the period covered by Table 1, condition 8112, which permits work (albeit in very limited circumstances where it is not on-going), applied to subclasses 977, 651 and 456 (among others).

A response to the question about the number of persons “*granted 457 visas while located onshore in Australia and whose last substantive visa held had no work rights attached to that visa*” would require checking thousands of individual visa records and would be an unreasonable diversion of departmental resources.

In relation to questions about the number of pre-visa decision checks linked to unlawful work, the department’s data systems do not have the capacity to capture how many checks were made for the specific reason of whether the applicant was working illegally. However, a sponsors’ compliance with the obligations under the 457

programme is assessed through a number of means, ranging from checks made by visa processing officers and the department's monitoring units, to wider activity undertaken under the Employer Sanction legislation – activity which involves all Australian businesses, not just 457 sponsors.