

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 1 November 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(33) Output 1.1: Non-Humanitarian Entry and Stay

Senator Ludwig asked:

- (a) Does DIMIA recognise au pairs as a work category for visa purposes?
- (b) What are the visa categories under which au pairs enter the country? Only working visas, or are other categories possible?
- (c) How many foreign workers are currently working as au pairs in Australia, broken down into legal and illegal numbers (if there is an estimate available)?
- (d) Does the Department have any way of knowing how many people on working holiday visas are working as au pairs?
- (e) How many people have been granted work visas as au pairs, for each of the last 3 years? Is the number growing?
- (f) Has Immigration detained or sent home anyone working as an au pair in the last 3 years?
- (g) Has the Department had any complaints (a) from or (b) about au pairs in the last 3 years?
- (h) What checks does Immigration do on a visa applicant that they are a suitable person to be an au pair?
- (i) What do these checks involve? eg is it compulsory to check with police agencies overseas for criminal records?
- (j) Has Immigration had any discussions with FACS this year about au pairs? What is the nature of the discussion, when did it start, how many officers are involved, has a working committee been set up (and when)? Etc
- (k) Has Immigration been approached by FACS about how many au pairs are working in Australia, and relaxation of their visa restrictions and conditions?
- (l) What are the restrictions relevant to duration of work applying to au pairs? Is it true that au pairs cannot work for one family for more than 3 months? Is it true they can work for multiple families, as long as the work is no more than 3 months at a time?
- (m) Can an au pair return to work for a family, after the employment has ceased after 3 months? ie, can they resume work for this family at some point?
- (n) What is the rationale for the 3 month rule?

- (o) Has FACS requested Immigration to consider changing the visa conditions applying to au pairs? In particular, removing the 3 month per family working limit?
- (p) When was this request made?
- (q) Has any recommendation been made to the Minister about changing the laws or rules relating to au pairs?
- (r) Has the Department had any discussions or exchange of information with the Australian Tax Office about foreigners known to be working here as au pairs, and foreigners thought to be working here as au pairs?

Answer:

- (a) There is no visa category which caters specifically for au pairs.
- (b) There are a number of visas available to people who wish to undertake au pair and related work including: Working Holiday visa (subclass 417), Work and Holiday visa (subclass 462), Domestic Worker (Diplomatic/Consular) visa (subclass 426), Domestic Worker (Overseas Executive) visa (subclass 427), Temporary Business (Long Stay) visa (subclass 457), and Skilled Migration and Regional Sponsored Migration visas, which provide for permanent entry of qualified child care coordinators.
- (c) The Department does not record this data.
- (d) No, Working Holiday visa holders are permitted to do any kind of work of a temporary or casual nature and are not required to report to the Department.
- (e) The Department does not record this data.
- (f) The Department does not routinely record the occupation of people who are detained and removed.
- (g) The Department has no record of any complaints.
- (h) All visa holders are subject to character and health checks.
- (i) It is not compulsory to check with police agencies overseas where the applicants stay is less than 12 months. Any person whose stay in Australia extends beyond 12 months is required to obtain a penal clearance from every place they have lived in for more than a year in the previous 10 years over the age of 16. Character checks can include checks by the relevant Australian Security Agencies through overseas governments and police agencies. Health checks generally include a medical examination and chest x-ray, depending on the subclass sought, length of stay and country of residence.
- (j) No formal discussions have taken place to date.
- (k) No.

(l) Different visa conditions apply to different visas. Working Holiday visa holders are subject to a condition limiting work with any one employer to a maximum of three months, however, extensions may be granted by the Department in exceptional circumstances.

(m) If the au pair is a Working Holiday visa holder they are unable to work for the same employer for longer than three months on their first visa. However, from 1 November 2005, Working Holiday Makers, who can show that they have worked in regional Australia undertaking seasonal harvest work for three months, are able to apply for a second Working Holiday visa. The three month work limitation is not retrospective and working holiday makers on a second Working Holiday visa may return to work for former employers.

(n) To date, the primary purpose of the Working Holiday visa has been a holiday with work incidental to this. The three month work limitation aims to encourage Working Holiday Makers to travel around Australia. This benefits the tourism industry as well as many other industries, particularly in regional areas.

The Minister is currently considering a proposal to extend the three month work limit to six months with any one employer.

(o) No.

(p) See (o).

(q) There are no specific laws or rules relating to au pairs, however, the proposed change to the WHM visa mentioned above (refer (n)) would enable au pairs to work for a longer period of time with one employer.

(r) No.