

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 21 OCTOBER 2008

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(31) Output 1.1: Migration and Temporary Entry

Senator Fierravanti-Wells (L&CA 68) asked:

What measures will be implemented to ensure that the guest workers return home at the conclusion of their employment? I think you have partly addressed that, but who pays the costs incurred in overstaying and the non-compliance component of that? Who is actually going to bear the cost of that?

Answer:

The pilot scheme has been designed to provide incentives for compliance with visa conditions. For example, workers who comply with visa conditions will have the opportunity to return to Australia in future seasons (over the life of the pilot) and they will be able to claim back their superannuation contributions on departure from Australia. The fact that they will not be allowed to bring dependents with them gives them added incentive to return home, and a *no further stay* condition will be imposed on all visas issued under the scheme. The Department will monitor seasonal workers' compliance with their visa conditions, and provide them and their employers with information and support to understand those conditions.

Currently the liability for any costs involved in the location, detention and removal of a non-citizen will be directed towards the individual visa holder.

Another option which is currently being considered is requiring an undertaking by the employer that if the participant does not abide by the conditions on their visa they may be liable for actual costs incurred by the Commonwealth up to an agreed limit.

These costs could include:

- locating the sponsored person; and
- detaining the sponsored person; and
- removing the sponsored person from Australia (including airfares, transport to an airport in Australia and provision of an escort (if needed)); and
- processing an application for a protection visa made by a sponsored person.

Such an undertaking is currently used in a number of temporary entry subclasses and existing special program agreements.