

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 19 November 2013

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE13/0307) PROGRAMME – 1.1: Visa and Migration

Senator Carr (Written) asked:

What process/es are in place to ensure the appropriate checks are carried out to ensure that 457 visas are not granted to employ foreign nationals when there are qualified Australian citizens or permanent residents ready, willing and able to do the same job?

Answer:

The Subclass 457 visa programme includes a number of requirements designed to ensure that employers are only able to sponsor overseas workers to meet short to medium term skill shortages where there are no suitably qualified and experienced Australians readily available to fill the position.

These requirements include:

- labour market testing where, if required, approved sponsors must provide information about their attempts to recruit Australians, including the details and expenses of any advertising conducted;
- sponsorship obligations (including to pay visa holders the market rate and to meet certain costs on behalf of visa holders); and
- a ‘genuineness’ criterion to ensure that positions have not been created for the sole purposes of securing a person’s entry to, or stay in, Australia.

Sponsors are also subject to ongoing monitoring by the Department of Immigration and Border Protection and the Fair Work Ombudsman to ensure that they comply with their sponsorship obligations.