

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 19 November 2013

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE13/0317) PROGRAMME – 1.1: Visa and Migration

Senator Carr (Written) asked:

Please describe the 457 sponsorship approval process that resulted in the Austrian company Assmont Steel Construction being approved as a 'standard business sponsor'. • Was this Austrian-based company approved as a 457 sponsor by Department officers based in Australia or in Austria? • What checks were made to satisfy the Department that "no adverse information" was known about Assmont? • Is it usual for the Department to approve as a 'standard business sponsor' an overseas-based company with no physical address in Australia? • What checks were made by the Department on the information provided by Assmont claiming that the workers in question were 'mechanical engineering technicians' and would be working as such in Australia? • How many other workers currently in Australia were granted 457 visas to work as 'mechanical engineering technicians'? • What measures are in place in the Department to ensure that sponsors are employing visa recipients in the occupations as stated in their applications and not in semi-skilled labour?

Answer:

Assmont Steel Construction was approved as an overseas standard business sponsor by Vienna post. Overseas standard business sponsors do not have a physical presence in Australia but are required to provide information on the location where the nominated occupation is to be carried out. Sponsors are monitored by the department for compliance with sponsorship obligations, including that the visa holder is working in the nominated position.

The case officer used a standard departmental assessment process to identify any issues with the sponsorships, nominations and visa applications for Assmont Steel Construction in Austria and its Hungarian affiliate. This included checks of the Austrian and Hungarian business registers, the documentation and information provided with the application as well as general open source information about the company, which yielded no adverse information.

The case officer determined that the duties outlined in the nominations were consistent with that of 'mechanical engineering technicians' as specified in Australian and New Zealand Standard Classification of Occupations (ANZSCO) 312512 Mechanical Engineering Technician. The case officer requested relevant documents be provided in support of the nominated positions and persons, including employment references and contracts, resumés and certificates of training for the nominated persons and the installation contract for the project in Australia. The case officer

determined that the nominated persons had the skills and experience to perform the duties as outlined in the nomination application.

On 30 November 2013, there were 1110 subclass 457 primary visa holders in Australia where the nominated occupation was ANZSCO 312512 Mechanical Engineering Technician.

Approved sponsors are required to meet certain sponsorship obligations. Some obligations apply beyond the term of sponsorship approval. These obligations help protect overseas skilled workers from exploitation. The obligations also ensure the program is being used to meet genuine skills shortages, and not to undercut local labour wages and conditions. One of the sponsorship obligations is that the sponsor must ensure the visa holder participates in the nominated occupation, program or activity. Compliance with the sponsorship obligations might be monitored by Immigrations inspectors, Fair Work Inspectors or Fair Work Building Industry Inspectors who have investigative powers under the Migration Act 1958. Failure to cooperate with inspectors is a breach of the sponsorship obligations.