

EMPLOYMENT VISAS PROCEDURE

SCOPE

This procedure is applicable to all prospective and current non-Australian citizen staff, herein collectively referred to as 'you' for the purpose of this procedure.

PROCEDURE STATEMENT

Monash University acknowledges that a visa is required for all non-Australian citizens entering Australia, and that all non-Australian staff must hold a visa which gives them permission to work for Monash University. In many cases, the University will be required to assist the staff member in applying for an employer sponsored visa.

The purpose of this procedure is to provide guidance on the obligations of the University ('us', 'our' or 'we') and individual non-Australian staff to ensure compliance with relevant legislative frameworks.

1. Requesting or verifying an Australian employment visa

- 1.1 The following is a step-by-step process for employing a non-Australian citizen or confirming the ongoing work rights of an existing staff member.

Step 1: Selection Committee Chair confirms and verifies the requirement for Australian work rights

- 1.2 When the preferred candidate has been chosen during the selection process for a vacant position, the Chair should confirm and verify whether the candidate has the right to work for us in Australia. In the case of renewing the contract of an existing staff member, this is the responsibility of the staff member's supervisor.
- 1.3 For Australian nationals, any one of the following documents serves as evidence of adequate work rights
 - a valid Australian passport
 - Australian birth certificate plus a form of photo ID; or
 - evidence of Australian citizenship and a form of photo ID.
- 1.4 For non-Australian nationals, work rights should be confirmed using the Department of Home Affairs (DHA) [Visa Entitlement Verification Online \(VEVO\)](#) tool. On occasion, the VEVO tool gives inconclusive results, or results which cannot be easily interpreted. These results should be referred to the Global Mobility Team for clarification.

Step 2: Monash HR together with the Selection Committee Chair determine whether there is sufficient justification to request a University sponsored visa

- 1.5 Sponsoring you for an employment visa is costly and can incur significant compliance obligations and risks for us. Additionally, as part of the DHA sponsorship application and monitoring process, we must certify that sponsorship will occur only where it is not possible to recruit for a position from within the Australian labour market. For these reasons, there must be strong justification for us to sponsor you for an employment visa.
 - whether the position requires highly specialised skills and experience not widely available in Australia;
 - the salary level; employment visas include minimum salary requirements. Please consult the Global Mobility Team for up to date information on this; and
 - the level of the position; for professional staff it is typically difficult to demonstrate that a position below HEW 7 is appropriate for an employer sponsored visa. Certain expectations may be made for research/academic positions. In some circumstances, we may be required to undertake a Labour Market test. You should consult with the Global Mobility Team for further information regarding this. Upon receipt of a request to process an employment visa, the Global Mobility Team will assess the above points and confirm whether the position meets the requirements for sponsorship. Where the position does not qualify, sponsorship of an overseas national will not be possible and the position must be filled by an Australian national or a candidate with existing work rights.

Step 3: Monash HR obtains approval of visa costs

- 1.6 Monash HR must obtain approval for the visa costs by having the [Visa Assistance Initiation Form](#) signed by the relevant delegated authority.
- 1.7 When initiating an employer sponsored visa, the delegated authority may choose the most appropriate of the following options:
 - we pay the nomination and visa application fees on behalf of you and all accompanying family members. In these cases, the Global Mobility Team will prepare and lodge both the nomination and visa applications; OR
 - we pay the nomination and visa application fees on behalf of you alone, and you are responsible for paying the visa application fees for any accompanying family members. In these cases, the Global Mobility Team will prepare and lodge the nomination application and provide you with instructions to lodge the visa applications for yourself as well as any accompanying family member.
- 1.8 General Information on Australian employer sponsored visas and the related costs is can be requested at hr-immigration@monash.edu

Step 4: Monash HR advises you of the visa assistance that will be provided and your responsibilities in relation to the application process

- 1.9 Visa application fees, particularly where there are accompanying family members, can be significant. It is therefore a critical responsibility of Monash HR to advise you which of these costs will be paid by us and which will need to be paid for by you. This advice should be provided to you as soon as possible.
- 1.10 Monash HR should also ensure that you understand the level of visa assistance that will be provided to you (i.e. lodgement of nomination and visa applications or nomination only) and your responsibilities, as follows:
 - to comply with all instructions given by the Global Mobility Team in relation to visa application and compliance procedures;
 - to provide documentation and information requested by either the Global Mobility Team or the Australian immigration authorities in a professional and timely fashion;
 - to disclose any information or changes in circumstances that may impact your visa application to the Global Mobility Team; and
 - to enter Australia only on the visa type confirmed by the Global Mobility Team as appropriate (i.e. not on a tourist or business visa).

Step 5: Monash HR initiates visa assistance

- 1.11 Where there is an identified need and justification for a University sponsored visa (whether permanent or temporary), the HR Recruitment Team must contact the Global Mobility Team for assistance with the visa application.
- 1.12 To initiate this assistance the Recruitment Team should collate the following set of documents (including seeking approval of costs from the Chair) and send them to the Global Mobility Team at hr-immigration@monash.edu at the point of Offer Acceptance.
 - completed Visa Assistance Initiation form (including approval of costs);
 - position description
 - visa applicant's CV, including contact details;
 - employment contract; and
 - copy of online acceptance of employment contract.
- 1.13 The Global Mobility Team will not be able to commence work on the visa application until all of the above documents are received.
- 1.14 Where the HR Recruitment Team or Chair require information and guidance on the appropriate type of visa for you, the HR Recruitment team should contact the Global Mobility Team at hr-immigration@monash.edu for guidance prior to completing the Visa Assistance Initiation Form.

Step 6: The Global Mobility team contacts you to provide visa assistance

- 1.15 Upon receipt of a full set of initiation documents, the Global Mobility Team will contact you to:
 - provide you with an overview of the visa application process and timeframes;
 - request the documents and information required to prepare and lodge the nomination and/or visa applications;
 - provide comprehensive instructions to enable you to prepare and lodge your own visa application (where appropriate); and
 - answer any questions that you may have regarding the visa and/or the application process.

Step 7: The Global Mobility team or the visa applicant prepares and lodges the relevant application

- 1.16 Upon receipt of the required documents and information, the Global Mobility Team will:
- prepare the nomination application and lodge it with the DHA; and
 - prepare the visa application and lodge on behalf of you and your accompanying family members; or
 - provide the nomination transaction reference number to you, to enable you to prepare and lodge your visa application following the instructions previously provided to them.

Step 8: DHA communicates the application outcome

- 1.17 DHA will communicate the outcome of the visa application directly to the party that lodged it.
- 1.18 Where you have lodged your own visa application, you must forward the outcome notification to the Global Mobility Team at hr-immigration@monash.edu
- 1.19 Upon receipt of a notification, the Global Mobility Team will send the notification to;
- you (if received from DHA)
 - the HR Recruitment Support Team, who will communicate the outcome of all relevant stakeholders, such as the supervisor, selection committee chair, space management coordinator, etc.; and
 - the Payroll Services Team, who will create a SAP record for the staff member, ensuring that the visa details and expiry date are recorded in the Residence Status field.
- 1.20 Where the required visa (as deemed by us) is not granted by DHA, any offer or contract of employment will become null and void.

Changes in circumstances

- 1.21 We and our sponsored visa holders have an obligation to advise the DHA of any changes in circumstances that could impact the visa. Such changes include, but are not limited to:
- changes in duties, position or employment terms and conditions;
 - ceasing employment with us;
 - changes to personal details such as residential address or passport details; and/or
 - changes to family unit composition, such as divorce or the birth of a child.
- 1.22 In some cases, it may be appropriate for you to notify DHA directly of the change and in others the Global Mobility Team must make the notification. Please email hr-immigration@monash.edu regarding any change and they will advise accordingly.
- 1.23 You must also advise the Global Mobility Team by email if:
- you independently apply for and are granted a different visa, including permanent residence;
 - your visa is cancelled or you receive a notice of intention to cancel from DHA; and/or
 - you encounter difficulties at the airport in relation to your visa when leaving or re-entering Australia.

2. Visa expires and renewals

- 2.1 The following is a step-by-step process for visa expiries and renewals.
- 2.2 Where an existing staff member holds a University sponsored visa which is due to expire, we will monitor the expiry and take steps to either renew the visa or end employment prior to the expiry date.
- 2.3 While we will actively monitor visa expiry dates, you also share responsibility, and must ensure that you continue to hold a valid visa which allows you to work at the University in Australia. If you wish to discuss the renewal of your visa, you should contact Access HR on 990 20400 for assistance at least three months prior to your visa expiry date.

Step 1: Monash HR records visa details in SAP

- 2.4 Upon receipt of visa approval notification for a new staff member, the HR Operations Centre will notify Payroll Services by providing a VEVO work rights check. The Payroll team will then record the visa details and expiry date in the Residence Status field of the staff member's SAP record.

Step 2: Visa expiry notification report is circulated

- 2.5 The Global Mobility Team will send a monthly report to all the HR Business Partners and the HR Operations Centre, showing temporary employer sponsored visas due to expire in the coming three months.

Step 3: Monash HR initiates visa renewal

- 2.6 If a confirmation that a visa renewal is required, the Business Support Team in the HR Operations Centre collate the following documents (including agreement to cover any costs funded by the Employing department) and sends them to the Global Mobility Team at hr-immigration@monash.edu:
- completed Visa Assistance Initiation form (including approval of costs);
 - position description;
 - visa applicant's CV, including contact details;
 - employment contract or renewal; and
 - copy of online acceptance of employment contract or renewal.
- 2.7 The Global Mobility Team will not be able to commence work on the visa application until all of the above documents are received.

Step 4: The Global Mobility team contacts you

- 2.8 Upon receipt of the initiation documents, the Global Mobility Team will contact you to:
- obtain the information and documents required to lodge a nomination application under the relevant visa subclass;
 - provide you with comprehensive information on the visa subclass you must apply for, along with detailed instructions on how to prepare and lodge your own visa application; and
 - answer any questions you may have regarding the visa and/or the application process.

Step 5: The Global Mobility team lodges a nomination application

- 2.9 The Global Mobility Team will lodge the nomination application with DHA and provide the transaction reference number to you, which you must include with your visa application.

Step 6: You lodge a visa application with the DHA

- 2.10 Upon receipt of the nomination Transaction Reference Number (TRN), you must lodge your visa application with DHA.
- 2.11 You must lodge the visa application prior to the expiry of your current visa, in order to preserve your right to work for the University in Australia during the processing period.
- 2.12 On lodging your visa application prior to the expiry of your existing visa, you will automatically be granted a bridging visa (which preserves your work rights during the processing period). You must email the bridging visa grant notification to hr-immigration@monash.edu.

Step 7: DHA communicates the outcome of the visa application to you

- 2.13 DHA will communicate the outcome of your visa application to you and you must email the visa grant notification to the Global Mobility Team at hr-immigration@monash.edu. The Global Mobility Team will inform the HR Business Partner, who will then communicate the outcome to all relevant stakeholders.
- 2.14 Where the required visa (as deemed by us) is not granted by DHA, any offer of contract of employment will become null and void.

3. Sponsor responsibilities

- 3.1 We are accredited by [DHA](#) to sponsor eligible foreign nationals. As an accredited sponsor, we must fulfil certain obligations and strict penalties apply for non-compliance with these obligations. For further information please refer to the DHA webpage. The employing Department must consult the HR Business Partner in advance if any of the above events may occur.

4. Breach of procedure

- 4.1 We treat any breach of our policies or procedures seriously. We encourage reporting of concerns about non-compliance and manage compliance in accordance with the applicable Enterprise Agreement or contract terms.

DEFINITIONS

Chair	The chair of the selection committee and is the person with the delegated authority to select the successful candidate (or a nominee of the person with the delegated authority).
Dean or Executive Director	The Dean of the Faculty or Director of the Division or nominee in any case where the Dean or Director has formally nominated a person to act as their nominee for the purpose.
Department of Home Affairs (DHA)	The Federal Government's department responsible for issuing visas for entry into Australia and the provision of work rights.

Fringe Benefits Tax (FBT)	A tax payable by employers to the Australian Tax Office in respect of fringe benefits provided to staff (and/or their associates).
Global Mobility Team, Monash HR	The centre of expertise (CoE) within Monash HR that is accountable for the development, maintenance and implementation of best practice procedures concerning the attendance of Visitors at Monash University campuses. This includes ensuring that Monash University complies with all relevant employment, tax and immigration laws.
Head of Unit	The head of an academic or organisational work unit, for example Head of School, Head of Department or where applicable, a person acting as their nominee.
HR Operations Centre	A centralised HR team that brings together the HR Advisory, HR Business Support and HR Recruitment functions. The HR Operations Centre delivers a broad range of HR operational services at all stages of the employee lifecycle including recruitment and appointment of staff, staff enquiries and contract renewals.
Supervisor	The person who is responsible for the supervision of staff and in most cases this will be the immediate line manager.
Transaction Reference Number (TRN)	A unique number that you will receive as soon as you complete and submit your online visa application.
Understanding Australian Visa Requirements	General information on Australian visa requirements is available at the Department of Human Affairs (DHA) however, this site provides only simplified guidance. The exact requirements for each visa type are legislated under the Australian Migration Act (1958) and the Australian Migration Regulations (1994) and the University is unable to influence or vary the legislated requirements for visa applicants. The requirements are also subject to change, which is outside of the University's control and can be enforced without notice. It is therefore important to consult with the Global Mobility Team to ensure that the correct visa is selected and both the University and the staff member follow the required compliance procedures.

GOVERNANCE

Parent policy	Employment conditions
Supporting schedules	
Associated procedures	<p>Procedure forms</p> <ul style="list-style-type: none"> Visa Assistance Initiation form
Legislation mandating compliance	
Category	Human Resources
Approval	Chief Human Resources Officer as delegate of the Chief Operating Officer - 16 September 2016
Endorsement	Director, Workplace Relations - 16 September 2016
Procedure owner	Director, Workplace Relations
Date effective	25 October 2018
Review date	16 September 2019
Version	5
Content enquiries	ask.monash or phone Monash HR on (03) 990 20400