

# Visa and Immigration Policy

## Policy UP26/4

Approver	Vice-Chancellor
Sponsor	Deputy Vice-Chancellor (Operations)
Owner	Chief People and Culture Officer
Secretary	Corporate Secretary
Policy Type	Administrative
Policy Category	People and Culture

## 1 Purpose

- 1.1 The purpose of this Policy is to —
- require all international Prospective Employees and Business Visitors of the University to hold lawful authority to enter Australia and, where applicable, the right to work in Australia, before arrival;
  - provide an overview of the Visas that the University may sponsor for international Prospective Employees and Business Visitors for;
  - set out the requirements that international Prospective Employees and Business Visitors must meet to be eligible for University visa sponsorship; and
  - set out the requirements that a Current Employee must meet to be eligible for the University to support a Skills in Demand (SID) Visa or Permanent Residency (PR) Visa.

## 2 Definitions

Term	Definition
Business Visitor	A visitor who is an invited guest from overseas for the purposes of observing or attending the University to undertake Business Visitor activities. This does not include work of any kind.
Delegate	A person formally authorised to exercise specified approvals or functions on behalf of the University or authorised personnel.
Dependents	A child or stepchild under 18 years old of the family head, their Spouse or de facto Partner or a dependent child who is over the age of 18 but not yet turned 23, or other relatives who lives with and who is fully or substantially dependent on the new appointee.
Employee	Is defined in Part A section 3 of the UWA Academic and Professional and General Employees Enterprise Agreements 2023.
Partner	A person who is a Spouse, de facto or same sex Partner.
Policy	An approved instrument registered on the UWA Policy Library that expresses principles to regulate behaviour and practice.
Preferred Immigration Service Provider	The migration agent(s) as appointed and mandated for use by the University.
Procedure	An approved document that enables compliance with the implementation of policy principles by providing step-by-step instructions on how to action specific parts of a Policy.
Prospective Employee	means a person who has been offered an ongoing or fixed-term appointment with the University.
Sponsor	Is the organisation that has been approved as a standard business Sponsor and/or is nominating the role or activity to be performed in Australia.

<b>Term</b>	<b>Definition</b>
Spouse	Another individual (whether of the same sex or a different sex) with whom the Employee lives on a genuine domestic basis in a relationship as a couple.
University	Is The University of Western Australia, and any and all subsidiary or associated entities.
University Executive	Any of the following positions: <ul style="list-style-type: none"> <li>• Vice-Chancellor</li> <li>• Senior Deputy Vice-Chancellor</li> <li>• Deputy Vice-Chancellors</li> <li>• Chief Financial Officer.</li> </ul>

### **3 Scope**

- 3.1 This Policy applies to all Current Employees, Prospective Employees and Business Visitors of the entire University.

### **4 General Considerations**

- 4.1 Current or Prospective Employees and Business Visitors who do not hold an Australian passport are responsible for obtaining a valid Visa to ensure they have the rights to conduct work or other activities while in Australia, in accordance with the requirements of the Department of Home Affairs (DHA). Failure to obtain the correct Visa may result in serious consequences for the individual and the University.
- 4.2 A Prospective Employee or Business Visitor must have lawful authority to enter Australia and, where applicable, appropriate visa and work rights in place prior to arrival. The visa and associated work rights must be appropriate to the activities being undertaken, whether any remuneration is paid, and the length of stay.
- 4.3 A Prospective Employee cannot perform any work for the University from overseas if they are awaiting their Visa to be granted.
- 4.4 The University is not obligated to sponsor Current Employees, Prospective Employees or Business Visitors for Visas.

### **5 University Sponsored Visas**

- 5.1 The University may choose to sponsor a Current Employee, Prospective Employee or Business Visitor for a Visa where they meet the requirements set out by the DHA and this Policy.
- 5.2 The Preferred Immigration Service Provider may be engaged to determine which type of Visa will be the most appropriate for each case. An overview of relevant visas and eligibility requirements is outlined in Appendix A.
- 5.3 The Chief People and Culture Officer may, in exceptional circumstances, approve a University sponsorship request which does not meet the eligibility requirements outlined in this Policy.

### **6 Costs**

- 6.1 Where the University nominates a Prospective Employee or Business Visitor for a visa, the People and Culture team will pay the following reasonable costs associated with visa sponsorship, as required under legislation:
- (a) Applicable nomination costs; and
  - (b) Skilling Australians Fund levy.
- 6.2 Visa application charges are the responsibility of the employee, whether current or prospective, and

apply to the individual and any spouse, partner, and or dependants. These costs may be met by the relevant School, Centre, or a donor where agreed with the appointee.

(a) Where visa application charges are met by a School, Centre, or donor, the relevant area is responsible for raising a purchase order (PO) for the expense.

### 6.3 Compliance

(a) As a temporary Visa sponsor, the University must comply with certain obligations set out by the DHA. Most notably, these obligations include ensuring:

- i. terms and conditions of employment for foreign nationals remain no less favourable than those given to Australians;
- ii. the Visa holder only performs duties or participates in their approved occupation/role; and
- iii. records are kept and the DHA is notified of certain changes of circumstance within their mandatory timeframe.

(b) Individual Visa holders must notify their manager and/or People and Culture of any changes to their circumstances that may affect their Visa conditions and/or obligations.

(c) Managers are required to notify People and Culture within 14 days if there are any changes to the Visa holder's circumstances, that may affect their Visa conditions and/or obligations.

(d) Any change to a Visa holder's job title and/or occupation, duties, salary or hours of work must be approved by People and Culture prior to the change taking place, to ensure the change will be allowed by the DHA. In some instances, a new Visa nomination must be lodged and approved before any change takes place.

## Legislative Context

Relevant Legislation or Regulations
<i>University of Western Australia Act 1911 (WA)</i>
<i>University of Western Australia Statute (2020)</i>

## Appendix A: Visa types and eligibility requirements

Visa Type	Description	Eligibility
Skills In Demand (SID) Visa (Subclass 482)	Allows a suitably skilled worker to fill a position where the University cannot source an appropriately skilled Australian candidate. The Visa holder must work only in the approved position and for the approved sponsor.	<ol style="list-style-type: none"> <li>1) Academic Staff:               <ol style="list-style-type: none"> <li>a) full time</li> <li>b) appointed for two (2) or more years.</li> </ol> </li> <li>2) Professional and General Staff:               <ol style="list-style-type: none"> <li>a) full time</li> <li>b) level 8 position or above</li> <li>c) appointed for two (2) or more years.</li> </ol> </li> </ol>
Temporary Work (Short Stay Specialist) Visa (Subclass 400)	Allows for highly specialised, non-ongoing work to be completed when suitable expertise is not reasonably available in Australia.	<ol style="list-style-type: none"> <li>3) All appointees:               <ol style="list-style-type: none"> <li>a) undertaking short-term, highly specialised, non-ongoing work</li> <li>b) visiting for up to three (3) months, or up to six (6) months in limited circumstances.</li> </ol> </li> </ol>
Temporary Activity Visa (Subclass 408)	Allows invited candidates with a relevant background (current overseas students, recent graduates, or senior academics) to participate in or observe an Australian research project.	<ol style="list-style-type: none"> <li>4) All researchers:               <ol style="list-style-type: none"> <li>a) has a sponsor or supporter depending on their circumstances</li> <li>b) is invited to observe or take part in research at an Australian research or tertiary institution</li> <li>c) appointed for up to two (2) years.</li> </ol> </li> </ol>
Training Visa (Subclass 407)	Allows trainees to participate in an approved, structured, on-the-job training plan.	<ol style="list-style-type: none"> <li>5) All trainees:               <ol style="list-style-type: none"> <li>a) visiting Australia to undertake a workplace-based training or a professional development training program</li> <li>b) is sponsored and nominated</li> <li>c) undertaking workplace-based occupational training (not including professional development) for at least 30 hours a week, of which no more than 30 per cent can be classroom-based</li> <li>d) appointed for up to two (2) years.</li> </ol> </li> </ol>
Visitor Visas (Subclass 600/601 ETA/651 eVisitor)	Allows for Business Visitor activities such as business meetings, employment interviews, contract negotiations on behalf of an overseas organisation, and participation in conferences. Participation in training may be allowed in very limited circumstances, but Visa holders cannot facilitate or deliver training. No paid or unpaid work is permitted.	<ol style="list-style-type: none"> <li>6) All visitors:               <ol style="list-style-type: none"> <li>a) travelling to Australia for business visitor activities.</li> </ol> </li> <li>7) The eligibility, duration of stay and processing times are dependent on the individual applying where factors such as nationality must be considered. For instance:               <ol style="list-style-type: none"> <li>a) Subclass 600 - visits for up to three (3) months.</li> <li>b) Subclass 601 - visits for up to twelve (12) months but can only stay for three (3) months each time they are entering Australia.</li> <li>c) Subclass 651 - visits for up to twelve (12) months but can only stay for three (3) months each time they are entering Australia.</li> </ol> </li> </ol>
Permanent Residency (PR) Visa (Subclass 186)	Allows the holder to remain permanently in Australia indefinitely (with unlimited travel facility for 5 years) and provides full work rights. May be supported under the Direct Entry stream or Temporary Resident Transition (TRT) stream of the Employer Nomination Scheme.	<ol style="list-style-type: none"> <li>8) All staff:               <ol style="list-style-type: none"> <li>a) is working at the University on a fixed-term or ongoing/tenured/tenurable appointment</li> <li>b) has completed 18 months of service at the University</li> <li>c) has completed a Staff Appraisal within the last twelve months with a minimum rating of meets expectations</li> </ol> </li> </ol>

Visa Type	Description	Eligibility
		<ul style="list-style-type: none"> <li>d) is a full time Academic Staff, or full time Professional and General Staff at a Level 8 position or above</li> <li>e) will have a minimum of two (2) years' remaining on their university employment contract from the date the PR submission is made</li> <li>f) the School or Centre's relevant delegate must submit a business case (approved by the relevant Head of School / Director) in writing to People and Culture to support the request</li> </ul>

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