

# EMPLOYEE VISA POLICY

## CONTENTS

1	PURPOSE.....	1
2	SCOPE.....	1
3	POLICY STATEMENT .....	1
	Eligibility criteria for sponsorship and/or nomination.....	2
	Costs .....	2
	Visa process.....	2
	Change in circumstances.....	3
4	RESPONSIBILITIES .....	3
	Compliance, monitoring and review .....	3
	Reporting.....	3
	Records management.....	3
5	DEFINITIONS .....	3
	Terms and definitions.....	3
6	RELATED LEGISLATION AND DOCUMENTS .....	4
7	FEEDBACK.....	4
8	APPROVAL AND REVIEW DETAILS.....	4

## 1 PURPOSE

- 1.1 This policy outlines the requirement for prospective international employees and visiting scholars of CQUniversity to obtain valid Australian work rights.
- 1.2 This policy is designed to enable CQUniversity to address labour shortages by bringing in genuinely skilled workers where an appropriately skilled Australian cannot be identified to fill a vacancy.

## 2 SCOPE

- 2.1 This policy applies to prospective or appointed employees and, visiting scholars of CQUniversity who are required to obtain Australian work rights.

## 3 POLICY STATEMENT

- 3.1 Prospective University employees and visiting scholars who do not hold valid Australian work rights are responsible for obtaining a valid visa to ensure they have the rights to conduct work or other activities whilst in Australia.
- 3.2 In accordance with the requirements of the [Department of Home Affairs](#), failure to obtain the correct visa may result in serious consequences for both the individual and the University.
- 3.3 Appropriate work verification checks must be conducted on all employees of the University, to ensure they hold valid Australian work rights. All employees and visiting scholars must provide written consent to the University to undertake various checks with the Department of Home Affairs to confirm visa status and work rights and other entitlements, at any time during the course of their employment or appointment.

## Eligibility criteria for sponsorship and/or nomination

- 3.4 The Director People and Culture (or nominee) on behalf of the University may choose to nominate a prospective employee for a visa in accordance with eligibility criteria outlined by the Department of Home Affairs.
- 3.5 At the discretion of the Director People and Culture (or nominee) on behalf of the University, prospective employees who meet the Department of Home Affairs' eligibility criteria may also be nominated for permanent residency in conjunction with a temporary subclass visa. Other considerations in determining whether to nominate an employee for a visa include (but are not limited to) availability of funding.

## Costs

- 3.6 The University, as the nominator, will fund the following expenses related to the visa process:
- professional fees (agreed fixed price per visa application)
  - disbursement fees (capped fees agreed in advance and calculated per application), and
  - any other costs that the University must pay in accordance with immigration laws.
- 3.7 The University will pay eligible employee costs associated with relocation and travel as per the [Relocation Entitlement Procedure](#).
- 3.8 The University will not be responsible for the payment of third party fees associated with visa applications. These costs include but are not limited to health examination fees, translation costs, English language test fees, medical insurance costs and/or skills assessment fees.
- 3.9 The applicant will fund the following expenses related to the visa process:
- application fees and charges, and
  - third party expenses mentioned in section 3.8.
- 3.10 Prior to the University progressing with a visa nomination, the employee will sign the University's Statement of Services document, which outlines each party's cost responsibilities.
- 3.11 If the visa holder accepts employment with another employer, the University will no longer be responsible for any associated costs relating to the current visa for the employee and the employee's family members.
- 3.12 In the event that the employee's employment with the University ceases (for whatever reason) within two years following the grant of a permanent visa, the employee will reimburse the University for all immigration charges (not including any nomination charges or Skilling Australians Fund levy) originally paid by the University.

## Visa process

- 3.13 The University currently engages external lawyers to manage the visa nomination and application process and develop appropriate strategies to suit individual circumstances.
- 3.14 The lawyers may provide a range of support services during the process including:
- advising on visa criteria and procedures
  - contacting the University and the employee as visa applicants to seek instructions and obtain advice
  - liaising with the University and the employee as visa applicants to gather all relevant information
  - preparing the various applications
  - liaising with the Department of Home Affairs until the applications are finalised, and
  - informing the University and the employee as visa applicants of developments in the applications and on grant.

## Change in circumstances

- 3.15 Employees and visiting scholars invited to the University who hold visas must notify their supervisor and the People and Culture Directorate if there are any changes to their circumstances, including visa cancellations, visa changes or changes to visa conditions, as these changes may impact the visa holder's obligations and rights.
- 3.16 Supervisors will immediately notify the People and Culture Directorate of any changes to the visa holder's employment and/or visa status. These changes include but are not limited to:
- job title and/or occupation
  - duties of the role
  - hours of work
  - change in relationship status with an accompanying dependent on the visa
  - cancellation of visa
  - loss of work rights, or
  - refusal of a visa application.

## 4 RESPONSIBILITIES

### Compliance, monitoring and review

- 4.1 The Director People and Culture is responsible for implementing, monitoring, reviewing and ensuring compliance with his policy.

### Reporting

- 4.2 Details of visas will be maintained in the University's Human Resource Information System. Certified copies of visas will be retained in the Corporate Record Information System, Content Manager.

### Records management

- 4.3 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping information system.
- 4.4 University records must be retained for the minimum periods specified in the relevant [Retention and Disposal Schedule](#). Before disposing of any records, approval must be sought from the Records and Privacy Team (email [records@cqu.edu.au](mailto:records@cqu.edu.au)).

## 5 DEFINITIONS

- 5.1 Terms not defined in this document may be in the University [glossary](#).

### Terms and definitions

**Dependent:** a child or stepchild, who has not turned 18 years of age, or, if aged 18 years or over, is less than 23 and is a dependant. A dependent child must not have a partner or be engaged to be married.

Dependent may alternatively mean a person who is dependent on another person if, at the time of application lodgement, the first person has been wholly or substantially reliant on the other person for financial support to meet their basic needs (food, clothing and shelter):

- for a substantial period immediately before that time and that reliance on the other person is greater than any reliance by the first person on any other person, or
- due to the first person being incapacitated for work due to the total or partial loss of the first person's bodily or mental function.

**Employee:** a person employed by the University who has a continuing, fixed-term or casual contract.

**Family members:** a spouse or de facto partner and children.

**Prospective employee:** a person offered a continuing, fixed-term, or casual appointment with the University.

**Sponsor:** CQUniversity, an organisation that has been approved as a standard business sponsor to nominate a position or activity to be performed for the University in Australia.

## 6 RELATED LEGISLATION AND DOCUMENTS

[Migration Act 1958](#) (Cwlth)

[Migration Regulations 1994](#) (Cwlth)

[Recruitment and Selection Procedure](#)

[Relocation Entitlement Procedure](#)

## 7 FEEDBACK

7.1 Feedback about this document can be emailed to [policy@cqu.edu.au](mailto:policy@cqu.edu.au).

## 8 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Vice-Chancellor and President
Delegated Approval Authority	N/A
Advisory Committee	N/A
Required Consultation	Joint Consultative Committee
Administrator	Director People and Culture
Next Review Date	24/03/2025

Approval and Amendment History	Details
Original Approval Authority and Date	Vice-Chancellor and President 11/04/2018
Amendment Authority and Date	Director, People and Culture 21/05/2019; Editorial amendment 09/12/2020; Director People and Culture 24/03/2022.
Notes	