



Employment of Overseas Staff

Q&A

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Q1. Why does the University employ staff from Overseas?

A1. One of the University's key stated priorities is to recruit outstanding staff who can contribute to the Mission of the University and the achievement of its strategic goals. Therefore, the University recognises that from time to time, such staff will need to be recruited from overseas. This strategy also aligns with the University's desire to "internationalise" its achievements – overseas appointments can assist in this regard.

Q2. What government agency is responsible for approving / verifying / declining the right to work in Australia?

A2. As at February 2008 the relevant federal Department is referred to as "The Department of Immigration and Citizenship (DIAC)". This federal department is the relevant agency for approving, verifying and declining an individual's right to work in Australia. The federal department has an extensive website (www.immi.gov.au) that Nominated Supervisors can visit to verify the appropriate visa required for an individual to work in Australia.

Q3. Who is the contact person in the University for the appointment of Overseas Staff?

A3. All correspondence with the Federal Department (currently the Department of Immigration and Citizenship) must be directed through the Human Resources Consultant. No arrangements for the appointment of overseas staff members may be finalised without prior consultation with the relevant staff of the Human Resources Directorate.

Q4. What is meant by "work rights"?

A4. "Work rights" means the legal right to work in Australia, held by Australian citizens, Australian permanent residents, New Zealand citizens holding a valid passport and persons holding a valid temporary visa allowing employment in Australia.

Q5. When is the right to work in Australia identified as part of Recruitment process?

A5. There may be highly specialised roles within the University where approval is granted to advertise the role internationally. In these cases the advertisement and supporting documentation (e.g. position description) should include a statement outlining that appointment is subject to the successful candidate being granted the appropriate right to work in Australia.

- **Short-listing:**

In many cases it may be possible to identify a person's "work rights" as part of the short listing process however, it is critical for the Selection Committee not to discriminate against an individual's application on the basis of their right to work in Australia. A short-listed candidate will be asked to provide at interview either a Birth Certificate from an Australian State or Territory or Australian Citizenship certificate or Australian Passport if they are an Australian Citizen. In the case of permanent residents they will be required to bring to interview either a passport with relevant visa stamps or labels certificate of evidence of residence status.

- **Interview:**

At the interview relevant documentation will be verified and copied as required under the recruitment and selection policy and appointment of overseas staff policy. A person's right to work in Australia must not discriminate against the person in terms of being recommended for appointment however, the appointment must be subject to the Department of Immigration and Citizenship granting the right to work in Australia.

- **Recommendation/Offer:**

In the case of when a Chairperson identifies that a person has no right to work they should outline the requirement to obtain “work rights” on the appropriate selection committee report. Once the recommendation is approved the Chairperson (if the relevant nominated supervisor) should liaise with the local Human Resources Consultant in identifying the process for obtaining the appropriate visa. Any offer of appointment will need to be subject to the recommended candidate being granted the appropriate right to work in Australia.

Q6. Who is responsible for establishing an appointee’s right to work in Australia?

A6. The following outlines who is responsible for checking the right of new staff to work in Australia:

- **Direct Appointment:**

In the case of a direct appointment without advertisement including casual appointment the nominated supervisor is responsible for sighting relevant documentation where necessary checking the work rights for the visa type and attaching a copy (the copy must be certified by a Justice of the Peace or the original document sighted and noted/dated on the copy) to the relevant appointment form for approval or otherwise by the relevant authorising officer as outlined in the Staffing delegations register.

- **Advertised Position:**

In the case of a recruitment and selection process where a position has been advertised the applicant will be asked to provide a copy of evidence of right to work (eg. Passport/Visa) which the chair will where necessary check the work rights for the visa type and attach a copy (the copy must be certified by a Justice of the Peace or the original document sighted and noted/dated on the copy) to the Selection Committee Report in cases where an applicant is recommended for appointment.

- **In General:**

In the case of a recruitment and selection process where applications have been invited from overseas applicants and/or where the recommended applicant does not have a right to work the Chairperson must record this on the selection committee report for authorisation. The Chairperson and/or the nominated supervisor must liaise with the Local Human Resources Consultant to commence the visa application process and prior to any offer of appointment being made.

Q7. Do “work rights” need to be verified for all Appointments?

A7. Yes, a person’s right to work in Australia must be ascertained in all cases of recommendation for appointment. Both the request to appoint form and selection committee report requires “work rights” to be verified. A person cannot commence employment with the University until the relevant visas have been issued or citizenship verified.

Q8. How does a nominated supervisor determine the right to work in Australia?

A8. Prior to recommending appointment a nominated supervisor must ascertain a person’s right to work, this is the case for all appointments including casual appointments. A nominated supervisor should request to sight and copy the person’s Australian birth certificate, or citizenship papers or passport outlining the specified approved visa type. The visa type can be verified with the Department of Immigration and Citizenship and any restrictions.

Q9. What are the most common types of “work rights” sought for overseas individuals to work at the University?

A9. The following are the most common types of “work rights” sought for in order for overseas individuals to work at ACU:

Employer Nomination and Permanent Residence: The University may nominate appointees from overseas for permanent residence where they have been selected for appointment to a full-time position of three years or more at the University.

Visas and Sponsorship: The University may provide visa sponsorship for persons appointed from overseas to full-time remunerated positions of three months or more at the University. Visas must be arranged before an appointee departs from overseas for Australia. If the person is currently in Australia they will need to ensure they have the appropriate visa clearance for working.

Visiting Appointments: Non-remunerated visiting academics from overseas may be appointed for up to twelve months' duration. Extensions may be sought for an additional twelve months.

Q10. What additional factors need to be considered when employing a person from Overseas?

A10. The following factors need to be considered when employing a person from Overseas:

- Health Cover (see policy on appointment of overseas staff).
- Taxation (see policy on appointment overseas of staff).
- Travel expenses and relocation (see policy on travel expenses and relocation).
- Cultural awareness induction.
- Assistance with identifying resources within the local area eg. schools for children, accommodation, hospitals etc.
- Induction to ACU in general (see policy on staff induction at ACU).

Q11. How is it best to avoid breaches of the Immigration/Citizenship legislation?

A11. The easiest way to check responsibilities in terms of the employment of staff from overseas is to directly liaise with the Department of Immigration and Citizenship. The Department website is detailed and provides information to prospective employees and employers. The Department also has contact details and available staff to answer any concerns regarding employing staff from overseas.

Q12. How do I find out further information about the appointment of overseas staff?

A12. You can refer to the Human Resources Directorate website for policy/guideline information, discuss the policy with your Nominated Supervisor, or contact your local Human Resources Consultant.