

Name of Policy	Appointment of Overseas Staff – Interim Policy
Description of Policy	This policy covers the provisions required for appointing staff from overseas.
<input type="checkbox"/> New Policy	<input type="checkbox"/> Revision
Description of Revision	<i>Delete</i> <i>Please type brief description of the deletion and specify information to be deleted</i>
	<i>Insert</i> <i>Please type brief description of the insert and specify information to be inserted</i>

Human Resources Directorate

Policy and Revision Number	
Original Effective Date	
Review Due Date	
Revision Effective Date	
Senate Approval Date	
Vice Chancellor's Approval Date	

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1 Background

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. The University recognises that from time to time, such staff may be recruited from overseas.

2 Policy Purpose

The purpose of this policy is to clarify immigration and visa issues involved in appointing staff from overseas. Staff should also refer to the University 'Staff Recruitment and Selection Policy and Procedures' and 'Travel Expenses and Relocation Allowance Policy' in the context of these arrangements.

3 Application of Policy

This policy applies to continuing, fixed term and visiting appointments to the University made from overseas.

4 Approval

Appointment of staff from overseas must be approved in accordance with University Staffing Delegations as approved by Senate.

5 Policy Provisions

Where recruitment from overseas is likely, and the position is between twelve months and three years in duration, the organisational unit concerned should contact staff of the Human Resources prior to commencing recruitment action.

5.1 Employer Nomination and Permanent Residence

The University may nominate appointees from overseas for permanent residence where they have been appointed to a full-time position of three years or more at the University.

5.2 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. A person appointed from within Australia must obtain visa clearance before commencing duties.

5.3 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.

5.4.1 Visas

The types of visas which may be issued to appointees from overseas are subject to an agreement between the Australian Vice-Chancellor's Committee and the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA).

All correspondence with DIMIA must be directed through staff of the Human Resources. No arrangements for the appointment of overseas staff members should be finalised without prior consultation with staff of the Human Resources.

In addition, it is the responsibility of the employing organisational unit to ensure that, prior to arranging casual employment, the visa status or citizenship of non-residents is verified for

current work permits. Employees cannot work beyond the expiry date of their visa and cannot be paid thereafter.

Where the University makes an offer of employment to a proposed employee the visa must be sighted and copy stored in personal records.

5.5 Visa Types

The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) continually updates immigration policy and procedures. Contact with DIMIA is managed by staff of the Human Resources who can advise on the most appropriate way to obtain the necessary visa clearance.

The main visa types appropriate to the University are:

- Permanent Residence

Permanent residence may be appropriate for staff who are offered appointment to full-time continuing or fixed term positions of not less than three years, subject to meeting the requirements of DIMIA.

- Temporary (Long Stay) Business Entry: Class 457

The Temporary (Long Stay): Class 457 Visa provides for streamlined entry to Australia of sponsored employees on a temporary basis without labour market testing requirements.

- Temporary Residence-Educational: Class 418

Temporary residence: (Class 418) may be appropriate for staff from overseas on full-time, remunerated fixed term appointments of more than three months in duration. Labour market testing may be required.

- Temporary Residence-Visiting Academic: Class 419

Visiting academic (Class 419) may be appropriate for persons where the following criteria have been satisfied:

- The visiting academic has been invited to visit an Australian tertiary institution to observe and participate in research projects;
- Any teaching to be undertaken can only be on an ad hoc non-formal basis and where it is clear that this could not be performed by a suitably qualified local resident
- The visiting academic provides a copy of an invitation from the University in relation to the proposed visit to the appropriate Australian embassy or consulate;
- The visiting academic will not be receiving a salary, scholarship, stipend or allowance other than living expenses;
- the requirements of DIMIA, including evidence of a bona fide temporary stay and health.

5.6 Labour Market Testing

Evidence of labour market testing may be required if a staff member is applying for a Temporary Residence-Educational Visa: Class 418.

Labour market testing involves advertising the position over a four week period during the eight weeks prior to lodgement of sponsorship of a visa. The advertisement must be inserted on at least two occasions in the Saturday and/or Wednesday editions of a national daily newspaper or a metropolitan daily newspaper (a total of four advertisements).

5.7 Employer Nomination Scheme

The Employer Nomination Scheme allows the University to recruit, on a permanent basis, staff from overseas or temporary residents currently in Australia, when they have been unable to fill a 'highly skilled' position from within the Australian labour market or through its own training programs.

The Employer Nomination Scheme consists of two stages which are:

- nomination by an employer
- nominee's application for a visa

The University may make employer nominations for staff who have been offered appointment to a continuing position or to a fixed term contract of three years or more.

Staff of the Human Resources make the employer nomination under the Employer Nomination Scheme on receipt of the acceptance of an offer of appointment made to an applicant from overseas.

5.8 Sponsorship

The University may sponsor, for temporary residence, persons who are offered remunerated, full-time, fixed term contracts of employment with the University

Staff of the Human Resources lodge the appropriate documentation with DIMIA, together with the required fee, the cost of which is charged to the relevant organisational area. If all criteria are met, DIMIA advises the appropriate Embassy or Consulate which authorises the issue of a visa, subject to normal migration checks.

5.9 Health Cover

Heads of organisational units should be aware that the University makes certain undertakings in respect of temporary residence sponsorships for new appointees and visitors. For example, the University may be responsible for health costs or repatriation should a health problem occur. Any such costs shall be charged to the relevant organisational area.

Appointees are required to have medical insurance, either through their own country, through Medicare or through private insurance. Visiting academics on Class 419 visas and employees on Class 418 visas are not eligible for Medicare benefits unless their country of residence has reciprocal rights.

Appointees from overseas must provide evidence that they possess appropriate medical insurance prior to commencing employment with the University.

5.10 Taxation

Salaries are subject to Australian taxation, subject to the TFN declaration submitted by the appointee or other ATO advice. The terms of other arrangements, such as double taxation agreements vary between countries and appointees should ascertain the situation in their country of origin prior to accepting an offer.

6 Further Information

Further information regarding requirements of the Department of Immigration and Multicultural and Indigenous Affairs may be found at www.immi.gov.au

7 Review

The University will develop a process for reviewing the effectiveness of this policy. Where applicable, the review will take account of changes in relevant legislation affecting immigration and changes to other relevant University policies and procedures. Any staff member wishing to suggest improvements to this policy is invited to forward their suggestions to the Director, Human Resources.

8 Further Assistance

Any staff member who requires assistance in understanding this policy should first consult their nominated supervisor. Should further advice be needed, they should contact the relevant Human Resources Consultant.

9 Related Policies

Staff Recruitment and Selection Policy and Procedures
Travel Expenses and Relocation Allowance Policy
Recruitment and Selection Privacy Policy