



Visa Nomination Policy

1. Background

The process of sponsoring overseas trained skilled workers for both temporary residence and permanent residence visas was devolved from the Department of Health to the Area Health Services on 1 November 2011.

Effective from 12 August 2018 the Skilling Australians Fund (SAF) levy was introduced.

WA Country Health Service (WACHS) recognises and identifies skills shortages, particularly in some of our more remote areas and sites where it has been difficult to recruit Australian citizens/permanent residents to fill positions.

WACHS is committed to providing an appropriately skilled workforce to the seven (7) regional areas in Western Australia. Overseas and interstate recruitment is seen as an integral part of this commitment.

WACHS sponsors current and potential employees for both temporary and permanent work visas where there are identified skills shortages and where they have been unable to recruit Australian citizens/permanent residents to fill the positions.

WACHS is able to recruit applicants who are not Australian Citizens or Permanent residents if they qualify as professionals and are listed on the published Australia and New Zealand Standard Classification of Occupations (ANZSCO) occupational groups and also listed on the current Department of Home Affairs Skills Lists, and meet eligibility criteria.

This policy relates to the visa nomination (sponsorship) of applicants for both Temporary Residence Visas and Permanent Residence Visas. WACHS will review additional visa nomination types, requirements and suitability, as they are introduced by DHA.

2. Policy Statement

The policy is in accordance with the Australian Government Department of Home Affairs (DHA) sponsorship requirements and obligations.

The policy outlines the requirements of the WACHS supported visa nomination types, and the roles and responsibilities of WACHS.

3. Definitions

Department of Home Affairs	Australian Government department responsible for the provision and governance of immigration and citizenship.
Nominating sponsor	The employer which nominates/sponsors an applicant/employee for a visa.
Permanent Residence Visa	A visa allowing the visa holder to reside and work in Australia permanently.
Skilling Australians Fund (SAF) Levy	A levy payable by employers nominating overseas skills workers, to assist in the broader skills development of Australians through the Skilling Australians Fund (SAF).
Temporary Residence Visa	A visa allowing the visa holder to reside and work in Australia temporarily, in accordance with the visa conditions.
Visa nomination	The employer (“nominating sponsor”) nominates an applicant/employee to be sponsored for a visa.

4. Visa Nomination Requirements

4.1 SAF levy – Skilling Australians Fund levy

The *Migration (Skilling Australians Fund) Charges Bill 2017* and *Migration Amendment (Skilling Australians Fund) Bill 2017* passed Parliament on 9 May 2018, and there are no exemptions for the SAF levy.

The purpose of the SAF levy is to require employers who sponsor temporary and permanent overseas skilled workers to contribute to the broader skills development of Australians. The SAF levy amount is payable in full when lodging a nomination application.

The levy funds the SAF, which is managed by the [Department of Education and Training \(DET\)](#).

The SAF levy is a levy payable by employers nominating overseas skilled workers for Temporary Residency visas under the Temporary Skill Shortage (TSS) scheme and for Permanent Residency visas.

4.2 Temporary Residence Visa

Employer sponsorship for a Temporary Residence visa is used to address an identified temporary labour shortage and enables employers to bring in genuinely skilled workers when appropriately skilled Australian citizens/permanent residents cannot be sourced.

Where possible, WACHS employees should have a contract of employment of at least twelve months for WACHS to offer sponsorship for a Temporary Residency visa.

WACHS, as the employer/sponsor, is responsible for the following costs associated with the Temporary Residence visa nomination:

- The DHA nomination fee is payable by WACHS.
- The applicable SAF levy is payable by WACHS.
- WACHS is not lawfully permitted to charge applicants or recoup any fees from applicants that are deemed payable by the employer/sponsor, as per DHA regulations.
- **The SAF Levy is not refundable if the nomination application is refused*.**

Please refer to the [Department of Home Affairs website](#) for the costs incurred by the employer/sponsor for each visa nomination.

Signed authorisation from the Regional Director or appropriate Executive Director is required to progress a visa nomination. Refer to WACHS Visa Nomination Procedure for further information.

4.3 Permanent Residence Visa - Employer Nominated

WACHS is able to nominate employees for a Permanent Residence visa, however WACHS is under no obligation to do so.

WACHS supports Permanent Residence (PR) visa nominations where the applicant holds a current Temporary Residence visa and has been employed by WACHS for a period of at least four (4) years, as once this visa nomination is granted the employee is under no further obligation to continue service with WACHS.

The applicant can only be nominated for a Permanent Residence visa under the ANZSCO occupation specified on their most recently approved Temporary Residence visa nomination.

WACHS, as the employer/sponsor, is responsible for the following costs associated with the Permanent Residence visa nomination:

- The applicable SAF levy is payable by WACHS. This is a “one off” upfront cost and is payable by WACHS.
- **The SAF Levy is not refundable if the nomination application is refused*.**

Please refer to the [Department of Home Affairs website](#) for the costs incurred by the employer/sponsor for each visa nomination.

WACHS does not support applications under the Direct Entry or Labour Agreement pathways.

Signed authorisation from the Regional Director or appropriate Executive Director is required to progress a visa nomination. Refer to WACHS Visa Nomination Procedure for further information.

*There is an appeal process with the Department of Home Affairs however, this is a stringent process whereby appeals are rarely approved.

5. Roles and Responsibilities

5.1 Role and Responsibilities of WACHS as an organisation

WACHS, as the nominating “sponsor”, undertakes sponsorship obligations for the primary nominee and all nominated members, where applicable, for the duration of the visa period or until the visa holder/s are granted a new visa type, have a new sponsor or leave the country. These obligations include, but are not limited to, the following:

- Cooperate with the Australian Government Department of Home Affairs as required.
- Apply market rates and ensure applicable terms and conditions of employment.
- Keep appropriate records for five (5) years and provide these records and any information to the Minister for Immigration as required.
- Advise the Australian Government Department of Home Affairs within 28 calendar days in the event that the sponsored employee leaves WACHS employment or is terminated.
- Advise the Australian Government Department of Home Affairs within 28 calendar days in the event that there are any changes to occupation/duties/hours/earnings of the sponsored employee.
- If requested in writing by the visa holder, WACHS is to pay travel costs to enable sponsored persons to leave Australia to return home (one way economy flight).
- Pay costs incurred by the Commonwealth to locate and remove unlawful non-citizens if brought into the country under the sponsored employee.
- Pay any costs incurred as a result of the sponsored employee breaching the conditions of their visa.
- Keep abreast of any changes to regulations or processes as determined by the Australian Government Department of Home Affairs and advise its employees.
- Understand the penalties that apply for false declarations, which may include fines and/or imprisonment.
- WACHS is not lawfully in a position to provide migration advice to employees or applicants in relation to their migration, nor for specific personal circumstances. Employees or applicants are to be directed to the Australian Government Department of Home Affairs or a Registered Migration Agent.

DHA sponsorship obligations are subject to change. The sponsor obligations can be viewed in full at the [Australian Government Department of Home Affairs website](#).

5.2 Role and responsibilities of the WACHS Workforce Area / Region / Site responsible for recruitment

The relevant workforce area (e.g. Medical Workforce or Nursing Workforce) that is responsible for the recruitment of the position and subsequently requesting the visa nomination is accountable for undertaking the following:

- Ensuring that the applicant is eligible and meets the criteria for a Temporary Residence visa, prior to shortlisting applicants.
- Liaise with the applicant/employee being sponsored and advise them of any legislative and WACHS on-boarding requirements.

- Ensure compliance with all recruitment criteria, as stipulated by the Department of Home Affairs.
- Advise the applicant/employee of any WACHS support for regional relocation, as per the applicable industrial instrument.
- Ensure that any offer of employment is only made subject to any professional registration requirements, subject to the approval of a working visa and for a period of no greater than the visa expiry date.
- Complete the appropriate visa nomination documentation and provide all relevant documentation required for lodging the visa nomination. This includes signed authorisation from the Regional Director or appropriate Executive Director. Refer to WACHS Visa Nomination Procedure
- Ensure all visa nomination requests comply with this policy and contact the WACHS visa inbox for support if required.
- Provide complete authorisation documentation to charge the appropriate fees to the workforce area and/or region.
- Where relevant, ensure the primary sponsored person does not work in any role other than the role (ANZSCO occupation) specified on their most recently approved Temporary Residence visa nomination.
- Maintain appropriate records relating to visa nomination applications.
- Advise the WACHSVisas inbox within 10 calendar days when any of the following occurs:
 - In the event that there are any changes to occupation/duties/hours.
 - In the event that the sponsored employee leaves WACHS employment or is terminated.
- Direct any queries to WACHSvisas@health.wa.gov.au
- WACHS is not lawfully in a position to provide migration advice to employees or applicants in relation to their migration, nor for specific personal circumstances. Employees or applicants are to be directed to the Australian Government Department of Home Affairs or a Registered Migration Agent.

5.3 Responsibilities of WACHS Visa Inbox Officer/s

The WACHS Visa Inbox Officer/s is accountable for undertaking the following:

- Monitor and action correspondence in the WACHSvisas@health.wa.gov.au inbox
- Liaison with the Registered Migration Agent in regards to support and advice, and direction on changes to visa legislation.
- Support the WACHS workforce area/region/site by providing advice on applicant's eligibility to be sponsored by WACHS for a temporary or permanent visa.
- Provides WACHS workforce area/region/site with updates/changes as advised and/or implemented by the Australian Government Department of Home Affairs
- Ensure all fees associated with the visa nomination are charged to the regional workforce area requesting and supporting the visa nomination.
- Provide records and information to the Minister for Home Affairs as required
- Notify the Australian Government Department of Home Affairs on any change of circumstances
- WACHS is not lawfully in a position to provide migration advice to employees or applicants in relation to their migration, nor for specific personal circumstances. Employees or applicants are to be directed to the Australian Government Department of Home Affairs or a Registered Migration Agent.

5.4 Responsibilities of the WACHS Registered Migration Agent

WACHS has engaged a Registered Migration Agent to provide advice, support and resources relating to WACHS workforce visa nominations.

The WACHS Registered Migration Agent is accountable for undertaking the following;

- Provide advice and support to WACHS in relation to visa queries.
- Review and lodge WACHS visa nomination applications with DHA.
- Provide periodic briefings to inform WACHS on current visa options applicable to the WACHS workforce.
- Inform WACHS of any proposed or impending changes to DHA visa frameworks or requirements, and the potential impact on WACHS.
- The Registered Migration Agent has been engaged to provide WACHS with advice in relation to WACHS workforce visa nominations. Employees/applicants should be directed to the Australian Government Department of Home Affairs or a Registered Migration Agent to discuss their migration queries and specific personal circumstances in relation to their visa application.

6. Compliance

Failure to comply with this policy may constitute a breach of the WA Health Code of Conduct (Code). The Code is part of the [Integrity Policy Framework](#) issued pursuant to section 26 of the [Health Services Act 2016](#) (WA) and is binding on all WACHS staff which for this purpose includes trainees, students, volunteers, researchers, contractors for service (including all visiting health professionals and agency staff) and persons delivering training or education within WACHS.

WACHS staff are reminded that compliance with all policies is mandatory.

7. Records Management

All WACHS corporate records must be stored in the approved Electronic Documents and Records Management System.

[WACHS Records Management Policy](#)

8. Evaluation

The WACHS Visa Inbox Officer/s is to monitor adherence to this policy.

This policy is to be reviewed annually in consultation with Business Services, Medical Services, Nursing and Midwifery Services.

9. Standards

[National Safety and Quality Health Service Standards](#) (Second edition 2017) – 1.1, 1.24

10. Legislation

[Public Sector Management Act 1994](#)

[Health Services Act 2016](#)

[Migration Act 1958](#)

11. References

[Australian Government Department of Home Affairs](#)

12. Related Forms

Nil

13. Related Policy Documents

Nil

14. Related WA Health System Policies

[Recruitment, Selection and Appointment Policy and Procedure – MP – 003/16](#)

15. Policy Framework

[Employment Policy Framework](#)

**This document can be made available in alternative formats
on request for a person with a disability**

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