



Visa Nomination Policy

1. Background

The process associated with sponsoring overseas trained skilled workers for both Temporary Residence Visas and Permanent Residence Visas is to be determined by WA Country Health Service (WACHS).

WACHS is required to undertake these functions in accordance with the *Migration Act 1958* (Cth) and all sponsorship requirements mandated by the Australian Government Department of Home Affairs (DHA).

2. Policy Statement

WACHS recognises skills shortages, particularly in remote areas where it can be difficult to recruit Australian citizens/permanent residents to fill positions, which impacts service delivery.

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

WACHS sponsors current and potential employees for both temporary and permanent work visas where there is documented evidence the region has been unable to recruit Australian citizens or 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 the occupation/s are listed on the published Australia and New Zealand Standard Classification of Occupations (ANZSCO) occupational groups and the current DHA Skills Lists, and meet eligibility criteria.

This policy relates to the visa nomination (employer sponsorship) of applicants for both Temporary Residence Visas and Permanent Residence Visas. WACHS may review additional visa nomination types, requirements and suitability, where appropriate.

The policy is in accordance with the DHA sponsorship requirements and obligations.

3. Definitions

Department of Home Affairs (DHA)	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 (PR) 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	WACHS (“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 Act 2018* (Cth) and the *Migration Amendment (Skilling Australians Fund) Bill* specify there are no exemptions for the SAF levy.

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

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 visa nomination application.

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

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 hold a contract of employment of at least twelve (12) months for WACHS to offer sponsorship for a Temporary Residency Visa.

As the employer/sponsor, WACHS is responsible for the visa nomination costs associated with the Temporary Residence visa nomination, including but is not limited to:

- DHA visa nomination fee
- SAF Levy

WACHS is not lawfully permitted to charge or recoup any visa nomination costs from applicants that are deemed payable by the employer/sponsor, as per DHA regulations.

Please refer to the [Department of Home Affairs website](#) for further information.

Signed authorisation from the appropriate delegated authority is required to progress a visa nomination. Refer to WACHS Visa Nomination Instructions for further information.

4.3 Permanent Residence Visa

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

WACHS will consider supporting a PR visa nomination for an employee who has satisfactorily completed the relevant probationary period and all DHA visa requirements are met.

As the employer/sponsor, WACHS is responsible for the nomination costs associated with the PR Visa nomination, including but is not limited to:

- DHA visa nomination fee
- SAF Levy

WACHS is not lawfully permitted to charge applicants or recoup any nomination fees from applicants that are deemed payable by the employer/sponsor, as per DHA regulations.

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 appropriate delegated authority is required to progress a visa nomination. Refer to WACHS Visa Nomination Instructions for further information.

5. Roles and Responsibilities

WACHS, as the nominating “sponsor”, is responsible for:

- Sponsorship obligations for the primary nominee and all nominated members for the duration of the visa period or until the visa holder obtains a new sponsor, leaves the country or holds Australian citizenship.
- Cooperate with the DHA 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 DHA as required.
- Advise the DHA within 28 calendar days in the event that the sponsored employee is no longer employed by WACHS.
- Advise the DHA 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 (one-way economy flight) to enable the sponsored persons to leave Australia to return home.
- Pay any 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 DHA and advise stakeholders.
- Understand the penalties that apply for false declarations, which may include fines and/or imprisonment.
- WACHS cannot lawfully provide migration advice to employees or applicants. Employees or applicants are to be directed to the DHA or a Registered Migration Agent.

DHA sponsorship obligations are subject to change. The sponsor obligations can be viewed in full at the DHA website.

Employing Workforce Area responsible for recruitment (e.g. Medical Workforce, Nursing Workforce, Allied Health), in consultation with Human Resources (HR), are responsible for:

- Recruitment to the position and ensuring that the recruitment process meets visa related requirements as stipulated by DHA e.g. Labour Market Testing.
- Ensuring the applicant is eligible and meets the criteria for a Temporary Residence visa, prior to shortlisting applicants.
- Liaising with the applicant/employee being sponsored and advise them of relevant legislative and WACHS on-boarding requirements.
- Advising the applicant/employee of any WACHS support for regional relocation, as per the applicable industrial instrument.
- Ensuring that any offer of employment is only made subject to any professional registration requirements, subject to the approval of an Australian visa with working rights and where possible, for a period of no greater than the visa expiry date.
- Collating and provide all appropriate visa nomination documentation required for lodging the visa nomination to the WACHS procured Registered Migration Agent.
- Providing complete authorisation documentation to charge the appropriate fees to the relevant workforce area.
- Ensuring all visa nomination requests comply with this policy.
- Where relevant, ensuring 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.
- Maintaining appropriate records relating to visa nomination applications.
- Advising the [WACHSVisas](#) inbox within 10 calendar days in the event that:
 - there are any changes to the sponsored employee's occupation/duties/hours/earnings.
 - the sponsored employee is no longer a WACHS employee
- Directing any queries to WACHSVisas@health.wa.gov.au
- WACHS cannot lawfully provide migration advice to employees or applicants. Employees or applicants are to be directed to the DHA or a Registered Migration Agent.

The **WACHS Visa Inbox Officer/s** is responsible for:

- Monitoring and actioning correspondence in the WACHSvisas@health.wa.gov.au inbox

- Liaising with the Registered Migration Agent regarding support and advice, and direction on changes to visa legislation.
- Supporting the Employing Workforce Area by providing advice on applicant's eligibility to be sponsored by WACHS for a temporary or permanent visa.
- Providing the Employing Workforce Area with changes as advised and/or implemented by the DHA
- Ensuring all fees associated with the visa nomination are charged to the regional workforce area requesting and supporting the visa nomination.
- Providing records and information to the DHA as required
- Notifying the DHA on any change of circumstances
- WACHS cannot lawfully provide migration advice to employees or applicants. Employees or applicants are to be directed to the DHA or a Registered Migration Agent.

The WACHS procured **Registered Migration Agent** is responsible for:

- Providing advice, support and resources to WACHS in relation to visa queries.
- Reviewing and lodging WACHS visa nomination applications with DHA.
- Providing periodic briefings to inform WACHS on current visa options applicable to the WACHS workforce.
- Informing 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 DHA or a Registered Migration Agent to discuss their migration queries and specific personal circumstances in relation to their visa application.

The **Sponsored Employee** is responsible for:

- Applying for their visa
- Providing a copy of their approved visa to their line manager and Health Support Services (HSS).
- Completing documentation in a timely manner.
- Ensuring all information and declarations provided for the visa nomination, regarding the sponsored employee and their dependents (if applicable), are correct and accurate.
- Advising their line manager of any changes to their visa conditions

All Staff are required to work within policies and guidelines to ensure that WACHS is a safe, equitable and positive place to be.

6. Compliance

This policy is compliant with the *Migration Act 1958* (Cth).

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.

[Records Management Policy](#)

The WACHS Visa Inbox Officer/s will maintain appropriate records of visa nominations.

8. Evaluation

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

Development of compliance monitoring for WACHS Executive will be coordinated by Central Office Human Resources team in conjunction with the WACHS Visa Inbox Officer/s.

9. Standards

[National Safety and Quality Health Service Standards](#) - 1.1, 1.24

10. Legislation

[Health Services Act 2016 \(WA\)](#)
[Public Sector Management Act 1994 \(WA\)](#)
[Migration Act 1958 \(Cth\)](#)

11. References

[Australian Government Department of Home Affairs](#)

12. Related Forms

Nil

13. Related Policy Documents

Nil

14. Related WA Health System Policies

MP 0033/16 [Recruitment, Selection and Appointment Policy](#)

15. Policy Framework

[WA Health Employment Policy Framework](#)

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

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