

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING : 27 February 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(AE17/234) - Student Visas - Exploitation of student visa holders by employers - Programme 2.3: Visas

Senator Carr, Kim (L&CA) written:

Does the Department have any roles or responsibilities or undertake any activities around reports of exploitation of student visa holders by employers?

Answer:

Yes.

The Department and the Australian Border Force (ABF) work closely with the Fair Work Ombudsman (FWO) within the Employment portfolio, which is responsible for the enforcement of Australian workplace laws. The Department refers all allegations of exploitation to the FWO in the first instance.

The Department supports the FWO in its enforcement role through initiatives such as Taskforce Cadena and the Migrant Workers' Taskforce (MWT) to target those involved in unscrupulous labour hire practices and the exploitation of foreign workers.

Taskforce Cadena is a joint agency initiative between the Department, the ABF and the FWO established in July 2015 to target and disrupt the criminals organising visa fraud, illegal work and the exploitation of foreign workers.

As at 23 March 2017, Taskforce Cadena has completed 14 operations, resulting in charges being laid against 4 people and the execution of 36 warrants. Some of these matters are ongoing with ABF investigators preparing briefs of evidence for consideration by the Commonwealth Director of Public Prosecutions.

The Department and the ABF are also active participants in the MWT and through this forum, are building on existing whole-of-government collaboration to identify non-compliance and target organisers who are engaged in exploitative practices.

To encourage foreign workers to report exploitation to the FWO, the Department has agreed that where temporary visa holders with a work entitlement attached to their visa may have been exploited and they have reported their circumstances (to the FWO), the Department will generally not cancel a visa, detain or remove those individuals from Australia, providing:

- the visa holder commits to abiding by visa conditions in the future; and
- there is no other basis for visa cancellation (such as national security, character, health or fraud grounds).

The Department also works closely with the FWO to ensure that visa holders have information on their work entitlements and Australian working conditions prior to their

arrival in Australia. This includes through visa grant notifications, information on our respective websites and through the Visa Entitlement Verification Online (VEVO) tool.

In instances of serious exploitation where the Department suspects indicators of human trafficking may be present, these cases are referred to the Australian Federal Police (AFP) for further assessment. The AFP is Australia's lead agency for the investigation of human trafficking matters.