

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014

#### IMMIGRATION AND BORDER PROTECTION PORTFOLIO

#### (SE14/173) PROGRAMME – Internal Product

Senator Cameron (Written) asked:

With reference to the Fair Work Ombudsman 457 Visa Monitoring – Detail Report for monitoring of Subclass 457 Visa conditions for the period between 18 September 2013 and 30 June 2014:

- a. Has the Department undertaken or is it giving any consideration to any compliance action arising from its investigation of the findings of the Fair Work Ombudsman report?
- b. Does the report mean that the whereabouts of any or all of the 338 Subclass 457 visa holders found to be no longer employed by the nominated sponsor is not known to the Department?
- c. If so, how many Subclass 457 visa holders out of the 338 have not been able to be located?

*Answer:*

- a. Compliance activity is only considered for unlawful non-citizens who are not the holders of a valid visa. The visa holders identified in the FWO report are lawfully in Australia. Following the cessation of their employment, visa holders have 90 days in which to find another sponsor, be granted another visa or depart Australia, after which visa cancellation is considered. Should their visas be cancelled, compliance action will be taken. Departmental records indicate there are 344 subclass 457 visa holders referred by the FWO as no longer employed. Of these, 109 are currently being considered for cancellation. The remaining 235 visa holders have either a new visa, are in the process of applying for a new visa or citizenship, or have departed Australia.
- b. As per the response to (a) above, 235 visa holders have either obtained a new visa, are in the process of applying for a new visa or citizenship, or have departed Australia. The department has had contact with those who have obtained a new visa, or are in the process of applying for a new visa or citizenship. The department is in the process of contacting the remaining 109 visa holders who are being considered for cancellation. It is routine practice to contact visa holders who are onshore and being considered for cancellation to provide them with the opportunity to advise the department why their visa should not be cancelled.
- c. As per the above response, the department is in the process of contacting the remaining 109 visa holders at their last known address. If the department is unable to make contact with these visa holders, their visas will be cancelled.