

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 22 May 2006

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(87) Output 1.1: Non-Humanitarian Entry and Stay

Senator Webber asked:

Can I ask what tests for employer suitability the Department undertakes before allowing a 457 application to proceed?

Answer:

Employers wanting to sponsor skilled overseas workers under the Subclass 457 programme must apply for status as an approved Standard Business Sponsor (SBS).

The Department assesses SBS applications against the *Migration Regulations* 1994. In this assessment, the decision maker broadly considers whether the business:

- is actively and lawfully operating and nothing adverse is known about the business background
- will be the direct employer of the workers they are seeking to sponsor
- will introduce new technologies/business practices to Australia or that they have a satisfactory record or demonstrated commitment to training Australian citizens or Australian permanent residents
- has a satisfactory record of compliance with the immigration laws of Australia
- is able to comply with the sponsorship undertakings they have made, such as capacity to meet minimum salary requirements; and
- employment of foreign workers would present a benefit to Australia.

These criteria are based on details and supporting evidence submitted with the application. Checks are conducted on aspects that may not be satisfactorily demonstrated or where concerns exist. Checks with other sources and information (for example, ASIC, DEWR and OWS, previous monitoring reports and DIMA records) are also used in considering applications.