

Visa Sponsorship Policy

Section 1 - Background and Purpose

(1) The University recognises the importance of attracting and maintaining staff that enhance the quality and reputation of the University and are also aligned to La Trobe's strategic vision. In approved circumstances, the University may provide visa sponsorship for academic and professional staff members appointed from overseas.

Section 2 - Scope

(2) This Policy and Procedure is applicable to all prospective and current staff members who require a visa to legally work in Australia for The University.

Section 3 - Policy Statement

(3) All items outlined in this Policy are discretionary and dependent on the University's business need and the individual's personal circumstances.

Working Visas

(4) The choice of visa will be dependent on the activities being undertaken, whether any remuneration is paid and the length of the stay. Human Resources will work with their nominated Immigration Agent to establish the most appropriate visa for the position.

(5) Human Resources will work with individuals to determine their current working rights in Australia.

Permanent Residency

(6) Human Resources, in consultation with the hiring manager, will consider individual requests for permanent residency. Such requests will be considered on their individual circumstances.

Approvals

(7) The following levels of approval for visa sponsorship must be obtained (via Job Card/Requisition in the recruitment system)

- a. Dean
- b. Provost
- c. Executive Director, Operations
- d. SEG Portfolio holder
- e. Executive Director, Human Resources (or their delegate)

Immigration Agent

(8) The University will use its designated immigration agent for visa applications.

Costs

(9) All costs associated with applications for permanent residency are the responsibility of the business unit upon approval by the hiring manager. Hiring Managers providing approval must follow the hiring unit's internal budget process authorisation requirements.

Visa Application Requirements

(10) Visa requirements are determined by the [Department of Home Affairs \(DHA\)](#). The University's Immigration Agent will guide the individual on requirements.

(11) Conditions of La Trobe Sponsorship

- a. in accordance with Australian legislation, staff cannot commence employment until they have been granted the appropriate visa by DHA;
- b. individuals cannot commence relocation (where funded by the University) until they have been granted the appropriate visa by DHA;
- c. individuals who self-fund relocation to Australia may commence relocation arrangements however should the visa not be granted, the University will not be responsible for any reimbursement of costs;
- d. individuals must comply with the rules of their visa;
- e. The University will abide by all obligations of the relevant visa of an individual;
- f. staff cannot work beyond their visa expiry date, unless an extension is applied for and granted;
- g. job offers are subject to visa approval; refer 'Visa Not Granted by Government' below;
- h. repatriation costs are not automatically included in the sponsorship. Staff may discuss their requirements with their hiring manager. The University will however comply with any legislated requirements that may be relevant at the time of repatriation.

Visa Not Granted by DHA

(12) If a visa is not granted by DHA, any offer or contract of employment will become null and void.

Termination of Employment

(13) Both the individual and the University must comply with their legislated requirements where a termination of employment has occurred.

(14) For example, the staff member has 90 working days from ceasing employment to make arrangements to depart Australia or to apply for another substantive visa in Australia.

Section 4 - Procedures

Applications

(15) Preferred candidate is identified and working rights for Australia are confirmed.

(16) Should a visa sponsorship/permanent residency be required, relevant approvals are obtained.

(17) Human Resources engages the Migration Agent to manage the relevant visa requirements and application.

(18) Human Resources collates the required documentation from the individual and forward this to the Migration Agent.

(19) The Migration Agent will coordinate the application liaising directly with the individual.

(20) Human Resources, with relevant approvals, proceeds to appoint the individual to the position subject to the visa application outcome.

(21) The Migration Agent will notify both the individual and La Trobe of the outcome of the application.

Renewal

(22) Visas identified as requiring renewal are referred to the Migration Agent to manage.

(23) The Migration Agent coordinates the renewal liaising directly with the individual.

(24) The Migration Agent will notify both the individual and the University of the outcome of the application.

Changes or Termination of Employment

(25) Both the individual and the University must comply with their legislated requirements where a termination of employment has occurred.

(26) For example, if a staff member is working on a 457 visa, the staff member has 90 consecutive working days from ceasing employment to make arrangements to depart Australia or to apply for another substantive visa in Australia prior to the expiry of their current visa.

Responsibilities

(27) Human Resources:

- a. confirming visa requirements with the Migration Agent
- b. liaising with the Migration Agent to facilitate visa applications
- c. notifying the line manager and all relevant stakeholders of the visa application outcome.

(28) Migration Agent:

- a. advising the Recruitment Consultant and staff member/area on what visa is appropriate for the proposed appointment
- b. lodging visa applications with DHA ensuring compliance with the sponsorship requirements
- c. providing immigration assistance to current and prospective staff members and
- d. notifying the Recruitment Consultant of documentation required and the progress of the application.

Further Information

(29) Further information can be obtained from the [Department of Home Affairs \(DHA\)](#).

Section 5 - Definitions

(30) For the purpose of this Policy and Procedure:

- a. DHA: is the Department of Home Affairs.
- b. Repatriation: is the process of returning someone to their place of origin or citizenship.

Status and Details

Status	Current
Effective Date	28th November 2016
Review Date	5th February 2019
Approval Authority	Vice-Chancellor
Approval Date	27th November 2016
Expiry Date	Not Applicable
Responsible Policy Officer	Regan Sterry Executive Director, Human Resources
Author	Linda Robertson
Enquiries Contact	Human Resources +61 3 9479 1234