

## **Filipino Migrants Forum**

### **WOULD YOU LIKE TO SPONSOR AN EMPLOYEE ON A WORKING VISA?**

*By Atty. Imelda Argel, Bachelor of Laws (UP), Master of Laws (University of Sydney)*

If you own a business and would like to employ someone on a temporary working visa you should firstly apply for the approval of your business sponsorship with the Department of Immigration, Multicultural and Indigenous Affairs (DIMIA). To be approved as a sponsor, you must demonstrate that the business:

- i. is a lawfully and actively operating business;
- ii. is able to pay a minimum gross salary level (excluding non-salary benefits such as travel and vehicle allowances) of \$35,828 to the sponsored employee.
- iii. will be the direct employer of the employee;
- iv. has a good business record and abides by immigration laws;
- v. through the employment of the employee will bring benefit to Australia e.g. benefits such as expanding Australian trade in goods or services, creating or maintaining jobs for Australian citizens or permanent residents etc;
- vi. will advance skills through technology or training programs.

As business sponsor, you will be required by the Department of Immigration, Multicultural and Indigenous Affairs to undertake to do the following in relation to sponsored employees and their dependants:

- accept responsibility for financial obligations to the Commonwealth:
  - for example, ensuring that tax instalments are deducted from salary or wages, making superannuation;
  - in addition, ensuring that any debts to the Commonwealth incurred by the visa holder and/or dependants as a result of them receiving or using Commonwealth benefits or services to which they have no entitlements, are repaid;
- comply with Australian industrial relations laws, Australian levels of remuneration and conditions of employment;
- accept financial responsibility directly through acceptable medical insurance arrangements, for all medical and hospital costs incurred in Australia by sponsored persons and the accompanying family members;
- ensure that sponsored persons hold the necessary license, registration or membership where it is mandatory for work of the kind proposed in Australia;
- be responsible for the repatriation costs for sponsored person and their dependants;
- inform DIMIA immediately if the sponsored persons ceases to be employed by the business;
- comply with immigration requirements;
- co-operate fully with DIMIA in monitoring sponsored persons, including providing monitoring reports as required by the Minister;
- co-operate fully in any audit checking relating to the employment of persons from overseas;
- notify DIMIA of any change in circumstances that may affect the business' capacity to honour its sponsorship obligations, or any change to the information provided in the sponsorship form;
- accept as good practice the desirability of creating appropriate career opportunities for Australian citizens and permanent residents both in Australia and, where the business operates internationally, overseas; and
- accept that the recruitment of labour from overseas must not counter Government training policies and objective of producing a highly skilled and flexible Australian workforce.

These obligations general remain in force until the visa holder (employee) has either departed Australia; been sponsored by another employer, or has obtained another visa.

The sponsorship approval is just one in the three step process to obtain a working visa for the sponsored employee. An application nomination, that is, for the approval of the position and the visa application are separate.

**IMELDA ARGEL**

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*Readers of the Philippine Community Herald Newspaper are invited to send their comments to "The President, Filipino Migrants Forum" c/o Imelda Argel & Associates, Solicitors & Attorneys, by email at [info@iargel.com.au](mailto:info@iargel.com.au) or by fax at (+612) 9699 3210 or by post to Suite 41, Ground Floor, 61-89 Buckingham St. SURRY HILLS NSW 2010.*

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