

# Sponsoring International Workers

In areas of health where there is a shortage of medical practitioners, employers can seek to recruit health professionals from overseas by providing sponsorship for temporary residents to work in Australia.

It is important that employers and employees are aware of their obligations to each other and the Australian Government Department of Home Affairs.

There will also be conditions and obligations relating to the sponsorship and visa, which can vary depending on the visa type and the employer's original approved nomination package.

The Department of Home Affairs [visa finder tool](#) can help you explore the different visa options. However, as each visa varies in its cost and criteria, it is vital that the employer and prospective employee have a full understanding of their obligations before proceeding with a nomination and application.

## Engaging a migration agent

If your practice is considering sponsoring and employing a temporary resident, it is recommended that you seek the assistance and guidance of an Australian Government registered migration agent.

In Australia, only registered migration agents can legally provide immigration assistance with:

- advice about a visa application or visa matter
- preparation of a visa application or other document
- preparation for proceedings before a court or review authority in relation to a visa application or visa matter
- representation in proceedings before a court or review authority in relation to a visa application or visa matter.

For a list of local registered migration agents or more information about the Office of the Migration Agents Registration Authority, visit [mara.gov.au](http://mara.gov.au)

## Sponsor obligations

As an approved visa sponsor, you will be required to meet certain sponsorship obligations. Some of the obligations apply beyond the term of sponsorship approval and may include the following:

- Ensuring equivalent terms and conditions of employment.
- Keeping and maintaining accurate records.
- Providing information and records if requested by a department officer.
- Ensuring the primary sponsored person works or participates in the nominated occupation, program or activity.
- Not recovering, transferring or taking actions that would result in another person paying certain costs, such as recruitment agent fees.
- Paying travel costs to enable sponsored persons to leave Australia.
- Paying costs incurred by the Commonwealth to locate and remove unlawful non-citizens.

The Department of Home Affairs will monitor employer compliance and whether visa holders are upholding their visa conditions for up to five years after you cease being a sponsor.

## Employee obligations

Like the employer and sponsor, the employee (the nominated person) and their dependents also have obligations to the sponsor and the Australian Government.

Temporary visa holders are required to adhere to the following conditions:

- Meet health and character requirements.
- Report any changes in circumstances (such as change of address, pregnancy, birth, death or passport details).
- Meet the employment conditions of their visa.
- Continue to meet the health insurance requirements.
- Continue working in the occupation for which they were nominated.
- Continue working for the sponsor who nominated the position or an associated entity of the sponsor.
- Not cease employment for more than 90 consecutive days.
- Apply for a tax file number (TFN) from the Australian Tax Office (ATO) and ensure tax is paid from earnings.
- Maintain registration requirements, such as Australian Health Practitioner Regulation Agency (AHPRA) registration to continue practising.

If a sponsored employee stops working for their sponsor, the employee must do one of the following within 90 days:

- Find another employer willing to sponsor them and lodge a nomination.
- Apply for a different visa.
- Make arrangements to leave Australia.

### Employee rights in Australia

Regardless of an employee's residency status in Australia, they are covered by the [Fair Work Act 2009](#).

All employees are entitled to fair pay and basic rights and protections in the workplace. A sponsor must provide a sponsored employee with the same terms and conditions as Australian workers performing the same work in the same work location.

Sponsoring employers must do the following:

- Show that they are providing equal pay and conditions of employment to Australian workers performing equivalent work in the same location.
- Not make deductions from employee's pay (other than tax) without permission.
- Only employ sponsored staff in their approved skilled occupation.
- Pay reasonable and necessary travel costs to allow the sponsored person and their family members to leave Australia, if requested.
- Not ask the employee to pay back the cost of recruitment, including migration agent costs or the costs associated with becoming an approved sponsor.
- Make sure that sponsored employees do not work for other employers. (Special conditions apply for medical practitioners and general managers. They must still work in their nominated occupation but they can work for employers other than their sponsor or an associated entity of their sponsor).
- Not pay staff in cash.

### Further information

To find out more about sponsoring international workers, visit the links below:

- [Learn about sponsoring](#)
- [For employers of international medical graduates](#)
- [Supporting an international medical graduate](#)
- [Office of the Migration Agents Registration Authority](#)
- [Rural Health West Recruitment](#)

*Whilst all care has been taken in preparing this document, this information is a guide only and subject to change without notice.*