



Employment and Sponsorship of Visa Holders and Overseas Workers Policy



Purpose

The purpose of this policy is to outline the requirements for circumstances when a MACS school or the MACS office is seeking to employ a visa holder or sponsor an overseas worker. It is a requirement of law that all employees of MACS have the right to work in Australia. An employee who is a permanent resident or is an Australian or New Zealand citizen has the right to work in Australia. Alternatively, an employee may have the right to work in Australia because it is permitted as a condition of their visa or because they have been nominated for a sponsorship visa by their employer.

The purpose of this policy is to outline the requirements when engaging employees to ensure that employees can lawfully work in MACS schools or the MACS office.

Scope

This policy applies to:

- MACS Schools, including specialist schools operated by Melbourne Archdiocese Catholic Specialist Schools (MACSS) and school boarding premises operated by MACS schools
- MACS offices.

Policy

There are specific requirements that a MACS school/office must follow prior to seeking to engage a visa holder or sponsor an overseas worker.

Any engagement of a visa holder or sponsorship of an overseas worker must be consistent with the following published MACS and Catholic Education Commission of Victoria Ltd (CECV) policies and guidelines:

- Guidelines on the Employment of Staff in Catholic Schools
- Working with Children Check Policy
- Child Safety Code of Conduct
- Teacher Registration Policy

Right to work in Australia

MACS Offices and Schools are required under law to check whether their employees can legally work in Australia. The Employer Sanctions provisions of the Migration Act 1958 (Cth) impose penalties for employers who allow an unlawful non-citizen to work or allow a lawful non-citizen to work in breach of a condition attached to their visa. Therefore, it is important that all MACS employees are required to produce evidence of their right to work in Australia before commencing employment within a MACS School / office.

Evidence of a candidate's right to work in Australia may be provided by the following documents:

- Australian birth certificate and photo ID
- Australian citizenship certificate
- Australian passport
- New Zealand passport
- New Zealand birth certificate and photo ID
- Certificate of Evidence of Resident Status
- valid visa with relevant work rights.

This information should be sighted prior to commencement of employment, and recorded in writing as having been sighted and by whom it was sighted.

When advertising available positions, MACS Offices and Schools must ensure that the following wording is included in any advertisement:

Candidates must have the right to live and work in Australia and be able to provide evidence of this.

Schools do not need to require that all applicants for any available position provide evidence of their right to work in Australia as part of their application process. Rather, an Office or School must require the successful applicant for a position produce this evidence prior to commencing employment.

Employment of visa holders

Where a MACS School wishes to engage a person on a valid visa or sponsor the employment of a person, MACS Employee Relations units must be contacted to obtain advice and discuss the following requirements further before taking any of the steps mentioned below.

Where a person's right to work in Australia is connected to a visa, a copy of the worker's visa documentation evidencing their current visa status (including a copy of their Visa Grant Notice from the Department of Home Affairs) must be sought and kept. A check on whether there are any conditions placed on the right to work must be made.

MACS must be satisfied that the:

- visa provides the overseas worker with sufficient work rights to undertake the position
- overseas worker's qualifications have been assessed, meet the professional registration and licensure requirements for the position to be offered to the person
- overseas work is not offered employment beyond the expiry date of their visa
- overseas worker is not subject to any work conditions that place restrictions on the employment of the overseas worker (e.g., that limit the number of hours or period of employment that may be offered). Where this is the case, any employment offered must be consistent with the terms listed on their visa.

To check whether there are any conditions on a person's right to work, the Visa Entitlement Verification Online (VEVO) system can be used by registering for an ImmiAccount.

VEVO can only be used to check the visa details and conditions of a person who has provided consent. A Consent Form is included as Appendix 1.

In addition to a VEVO check, regularly monitoring of the status and conditions of the employee's right to work is required. The Department of Home Affairs recommends that employers should check the VEVO system or request a VEVO email every three months as evidence that the employer regularly took steps to confirm the employee's permission to work. This should occur with any employee holding a temporary visa, such as a Working Holiday visa, Partner visa, Student or Bridging visa.

Where an employee loses their right to work in Australia, the Employee Relations units should be contacted for assistance.

The process for confirming work rights in MACS Offices is overseen by the MACS People Experience team using the same practices as outlined above.

Sponsorship of overseas workers

In circumstances where a suitable Australian or New Zealand citizen or permanent resident cannot be found to fill a position, consideration may be given to offering employment to a person from overseas. Prior to considering the employment of an overseas skilled worker, it first needs to be determined whether the overseas worker is eligible to apply for a visa on their own, without the

support of an employer. The overseas worker should be encouraged to seek independent advice and assistance from a registered migration agent on their visa options.

If the person is not eligible on their own to apply for a visa that would enable them to reside and work in Australia, then consideration may be given to sponsoring the person's employment.

MACS is an approved business sponsor, which means that MACS schools can engage employees through a sponsorship arrangement.

Several requirements need to be met before a sponsorship visa may be granted, which may include (subject to the applicable law at the time of the application being made) but are not limited to:

- labour market testing
- demonstration that there is a genuine position available
- confirmation of eligible occupation as per Department of Home Affairs skilled occupations list.

MACS schools are responsible for the cost of the nomination application and associated legal fees of a MACS approved immigration law specialist. MACS Employee Relations unit will support schools seeking to engage employees through a sponsorship arrangement.

MACS Office visa sponsorships will be overseen by the MACS People Experience team.

Roles and reporting responsibilities

Role	Responsibility	Reporting requirement (if applicable)
MACS employee whose right to work is connected to a visa	• Provide a copy of the current visa and Visa Grant Notice • Complete VEVO consent form and provide to MACS	
Principal or school delegate	• Check Visa Entitlement Verification Online	• Retain copies of documents and check if there are any conditions placed on the right to work • Regularly check VEVO system to review permission to work
People Experience team	• Check VEVO	• Retain copies of documents and check if there are any conditions placed on the right to work • Regularly check VEVO system to review permission to work

Related policies and documents

Supporting documents

Appendix 1: VEVO Consent Form – Template

Related MACS policies and documents

Child Safety Code of Conduct

Child Safety and Wellbeing Policy – Schools

Guidelines on the Employment of Staff in Catholic Schools

Teacher Registration Policy

Working with Children Check Policy

Legislation and standards

Migration Act 1958 (Cth)
Migration Regulations 1994

Policy information

Responsible director	Director, People and Culture
Policy owner	General Manager, Employee Relations
Approving authority	Executive Director
Assigned board committee	People and Culture
Approval date	21 November 2023
Risk Rating	Moderate
Review by	September 2025
Publication	CEVN, gabriel

POLICY DATABASE INFORMATION	
Assigned framework	Employment
Supporting documents	See list of supporting documents and related policies above
Superseded documents	Employment and Sponsorship of Overseas Workers Policy – v1.0 – 2021
New policy	

Appendix 1: VEVO Consent Form

[Use school or MACS Office letterhead as appropriate]

I, _____ [insert full name of applicant or employee] of [insert address of applicant / employee]

[insert date of birth] _____

Visa held: _____

Visa Grant Notice number / details: _____

Passport number: _____ Country of document: _____

I consent to [Melbourne Archdiocese Catholic Schools (MACS) or insert school name] checking my work entitlements on the Department of Home Affairs Visa Entitlement Verification Online system.

I consent to [Melbourne Archdiocese Catholic Schools (MACS) or insert school name] continuing to make regular checks of my work entitlements with VEVO throughout my employment.

Signed: _____

Date: _____