

Visa/Passport (Work Rights) Validation

Following a blitz on a QLD employer where seven illegal workers were detained, in October 2011 the Department of Immigration and Citizenship ("DIAC") reminded organisations about the consequences of employing candidates who do not have Australian work rights.

Penalties of up to \$13,200 and two years prison time per liable individual and \$66,000 per illegal employee could be enforced for non-compliance. With the onus of confirming work rights squarely placed on the shoulders of employers, the question remains: How can a Visa/Passport (Work Rights) Validation assist and what does this involve?

When is a Visa/Passport (Work Rights) Validation relevant?

All Australian citizens and permanent residents are automatically awarded unlimited work rights in Australia. Although it is obviously important to validate work rights of individuals who are not Australian citizens, simply taking assurances from a candidate that they are a citizen or resident (hence having work rights) is not recommended, given the serious consequences if wrong!

A Visa/Passport Validation is therefore relevant to all candidates; for those candidates who are not citizens/residents, it confirms that they have the work rights to be employed in Australia and for Australian citizens/residents, it seeks to confirm the candidate's citizenship/residency through various means.

How has PeopleCheck's methodology changed?

In early 2011, there was a change in the work rights database held by DIAC. This database previously held information of Australian passports, as well as foreign passports. However, DIAC changed its process to only confirm work rights for non-citizens/residents. From then on, depending on our client's requirement, PeopleCheck recommended an Identity Validation was substituted for Australian citizens/residents, as one part of this search involved validation of Australian passports.

At PeopleCheck we have since developed new methodology in order to offer a Visa/Passport (Work Rights) Validation that confirms work rights for all candidates, both Australian citizens/residents and non-citizens/residents. This new methodology incorporates separate processes depending on which situation applies for each candidate.

This new methodology gives our clients peace of mind that all employees, no matter their background, have the required work rights. Additionally, PeopleCheck's team are trained to determine which methodology should be applied based on a candidate's background, providing our clients with a consistent service and simple process.

How is a Visa/Passport validation conducted for non-Australian citizens/residents?

This involves validation of a candidate's work rights in Australia through DIAC, the government department that handles all Australian visa and citizenship matters.

This search will return one of four results:

- The candidate has unlimited rights to work in Australia (with no time restriction);
- The candidate has unlimited rights to work in Australia (however, this is only valid for a certain time period);
- The candidate has no rights to work in Australia; or
- The candidate has a visa where work restrictions apply.

How is a Visa/Passport validation conducted for Australian citizens/residents?

This involves validation of a candidate's work rights in Australia through one or all of the following:

- Verification of the candidate's passport through the Department of Foreign Affairs and Trade; and/or
- Verification of the candidate's Electoral Roll Listing through the Australian Electoral Commission; and/or
- Sighting of Australian Birth Certificate / Australian Citizenship Certificate / Australian Passport.

This methodology is based on the recommendations by DIAC regarding the documentation that should be sighted as proof of Australian citizenship.

This search will return one of two results:

- Citizenship able to be confirmed; or
- Citizenship unable to be confirmed.

What information does the candidate need to provide?

Candidates are required to complete a one-page Visa/Passport (Work Rights) Validation form and provide supporting documentation. PeopleCheck determines which methodology applies on a case-by-case basis depending on whether the candidate is an Australian citizen/resident or not. PeopleCheck is also able to liaise with candidates to have the necessary documentation returned to us directly, streamlining the process.

References

DIAC - www.diac.gov.au

More Information

For more information please contact us via phone at +612 4023 0603 or email at validate@peoplecheck.com.au.

PeopleCheck is a background validation company specialising in local and international background checking and due diligence with a customer service focus. We work closely with our clients to establish validation solutions and packages to best suit an organisation's individual requirements, based on human resource and risk management principles. In order to meet our clients' varying needs, we have established solutions including pre-employment validations, executive team due diligence and legislative and compliance validation.

The information contained in this paper is the opinion of PeopleCheck Pty Ltd and does not form the basis of legal advice.