

Work Rights: Visa/Passport Validation

Australia is part of a global workforce and gone are the days when an employer's search and selection processes may be restricted to Australian citizens and permanent residents.

With the current trends in international recruitment set only to increase, it is likely employers will be presented with situations where the role is best filled by someone who has not always called Australia their home.

At PeopleCheck, we are being asked the same question by many employers: "How can I be sure that my candidate is eligible to work in Australia?". Even if you are provided with a copy of the candidate's visa, the best way to have peace of mind about your candidate's work rights is to verify them by undertaking a Visa/Passport Validation.

We also find employers asking: "Just because this candidate states they are an Australian citizen or permanent resident, should I take this on face value?". The answer is a resounding "No"! The implications and penalties by the Department of Immigration and Citizenship of employing an individual who does not have the eligibility to be working in Australia are simply not worth the risk.

Who does a Visa/Passport Validation apply to?

A Visa/Passport Validation is relevant only to candidates who are not Australian citizens or permanent residents. As detailed later, all Australian citizens and permanent residents are automatically awarded with unlimited work rights in Australia.

How is a Visa/Passport validation conducted?

PeopleCheck undertakes a Visa/Passport validation direct with the Department of Immigration and Citizenship ("DIAC"), the government department that handles all Australian visa and citizenship matters.

In order to undertake this check, PeopleCheck requires the candidate's full name, date of birth, passport number and passport country. It is ideal if we are provided with a copy of the candidate's passport.

An online search of DIAC's database is undertaken, based on the details recorded on the candidate's passport and provides information as to their work rights status.

What information does a Visa/Passport validation return?

A Visa/Passport Validation for a candidate will return one of four results, as per the details held by DIAC;

- 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.

Full details of the results of a Visa/Passport Validation are provided in a background checking report to our client.

What kinds of visa restrictions may apply?

Some visas apply restrictions to a candidate's work rights. Examples of such restrictions are as follows:

- The holder must not be employed by any one employer for more than 6 months;
- During semester, the visa holder cannot work for more than 20 hours a week unless the work is a requirement of the course. During vacation, the visa holder can work full time;
- The visa was granted either to allow them to be employed by a particular employer, or to undertake specific activities in Australia other than employment.
- The visa holder cannot perform work in Australia that an Australian citizen or permanent resident could do.

What if my candidate states that they are an Australian citizen or permanent resident?

DIAC advises that all Australian citizens have unlimited work rights in Australia and recommends that one of the following be sighted as proof of Australian citizenship:

- Full Australian birth certificate (if born before 20 August 1986) and a form of photo ID;
- Full Australian birth certificate (if born after 20 August 1986), a form of photo ID and evidence that at least one parent was an Australian citizen or permanent resident at the time of the child's birth;
- Australian citizenship certificate and a form of photo ID; OR
- Australian passport issued on or after 22 November 1984.

PeopleCheck offers an Identity Validation search which involves the validation of the candidate's identity through the verification of former addresses, telephone listings and drivers licence information. This search also involves validation of the candidate's Australian passport through a database sourcing information from DIAC and confirms whether they are an Australian citizen or permanent resident.

What is best practice for my background checking program?

PeopleCheck recommends that a Visa/Passport Validation is undertaken for candidates who are not an Australian citizen or permanent resident and that an Identity Validation is undertaken for those who state they are, to verify their claim of unlimited work rights in Australia.

References

DIAC - www.diac.gov.au

More Information

For more information on the ways in which Visa/Passport Validations can assist in reducing the risks to your business, please contact us via telephone on +612 4023 0603 or email at validate@peoplecheck.com.au.

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