



## WORK RIGHTS | WHAT TO CONSIDER WHEN EMPLOYING MIGRANT WORKERS

Before employing a migrant worker, it's important for employers to understand the individual's work rights, visa options and immigration requirements. Here's a summary of what to consider.

### Work Rights

Employers have an obligation to check their prospective migrant employees' visa records to understand if they have:

- Unlimited work rights
- Limited work rights with specific work conditions
- No work rights

Other important factors impacting employment in Australia include the individual's:

- Expiry date / granted period of stay
- The 'Must not arrive after' date
- Visa condition(s) attached to their visa

### Visa Options and Immigration Requirements

Employers wishing to explore visa options for a prospective migrant employee can choose to engage a Registered Migration Agent for an eligibility assessment.

An eligibility assessment advises of suitable visa options which consider the:

- Type of work including the necessary skills, qualifications and experience required to perform the work in Australia as stipulated in visa requirements and skills assessment bodies
- Location of work
- Duration of work and options for visa renewal/Permanent Residence (PR)

If sponsoring the employee is an option, for example – on a TSS 482 Visa, employers may wish to seek immigration advice on:

- Australian equivalent terms and conditions of employment
- Market salary rates
- The parameters of work permissions in Australia and how to treat changes to a worker's employment conditions

These matters are relevant to sponsorship obligations for TSS 482 Nominations.

**Contact Interstaff's Registered Migration Agents and Immigration Lawyers here** for advice.