

### Overview

These procedures are intended to provide guidance for Heads of Group/School/College on immigration procedures to be followed for appointment of new staff to University positions when a new appointee is not a permanent resident of Australia. Visa approval must be obtained prior to commencing duties.

There are two approval steps involved in the immigration process:

- the employer nomination, lodged by the University, followed by
- the visa application, lodged by the employee.

The University of New England may sponsor an employee for permanent or temporary residence through the Employer Nomination Scheme (ENS). Sponsorships are subject to the requirements of the Department of Immigration & Multicultural & Indigenous Affairs ([DIMIA](#)). Visiting academics are considered on a visitor basis by DIMIA and are subject to different requirements.

In most cases the overseas embassies will not release migrant packages until they have official notification of the approval of the Employer Nomination. When approval of the employer nomination is received from the DIMIA, Personnel Services will advise the employee and the employing area. The appointee can then commence the process for lodging the visa application with the overseas embassy.

It is important to be aware that applications for temporary or permanent visas can take 4-6 months to complete and therefore the process should be commenced as early as possible. The nominee should not anticipate that their visa application will be successful. They should not make any travel arrangements or commence finalising their affairs until final approval of the visa application is notified in writing by the overseas embassy. Cheaper airfares are sometimes available for migrants.

There is a charge to lodge both temporary and permanent employer nominations and this will be arranged with and paid by the employing area.

### Policy

This statement is supplementary to the [Migration Act \(1958\)](#) and Migration Regulations.

Procedures and Guidelines for Visas most often used by the University

### Permanent Residence (Educational - subclass 418)

**10.06.01** Appointees to senior academic or research positions, defined as Lecturer (Level B) or equivalent status and above, may be considered for permanent residence status under the provisions of the employer nomination scheme provided they are:

appointed to a tenured position, or

appointed for a fixed term of at least two years, and the possibility of renewal of appointment is not expressly excluded, and the applicant has a genuine intention of permanent settlement.

- 10.06.02** Appointees to junior academic and research positions, defined as less than Lecturer (Level B) or equivalent status, and general staff positions may also be nominated for permanent residency status but applications are subject to labour market testing. Personnel Services is required to outline the scope of advertising undertaken and to demonstrate that the University has been unable to find an Australian citizen or resident who is suitable for the appointment. The employing area will be required to provide information to support these cases.

### **Temporary Residence (Educational - subclass 418)**

- 10.06.03** Employer sponsorship is required for a stay of more than three months.
- 10.06.04** Visas may be approved for up to four years temporary residency. Extensions of up to two years at a time may be granted after the initial application.
- 10.06.05** Appointees to junior academic and general staff positions for more than 12 months are subject to labour market testing, as for permanent residency.
- 10.06.06** Employees who hold temporary residency are not covered by Medicare in Australia. It is therefore compulsory that they take out private health insurance. This can be arranged from their own country prior to their departure or by contacting the University's Finance Officer (UNE Insurance) in Financial Services at the University of New England, telephone +61 2 6773 3495.

### **Change of Status**

- 10.06.07** Where an employee in Australia under temporary residency arrangements wishes to change status to permanent residency on occupational grounds, an employer nomination form must accompany the application and approval may be subject to labour market testing.

### **Visiting Academics (subclass 419)**

- 10.06.08** This visa category provides for non-remunerated stays in Australia for periods of 3 months to four years.
- 10.06.09** Approval to invite a Visiting Academic to the University must be sought through the Secretariat Office prior to lodging a visa application.

**10.06.10** After approval by the University the formal letter of invitation will be prepared by the Secretariat and forwarded to the applicant. When submitting their application for a Visiting Academic visa (subclass 419) applicants will be required to produce to the appropriate overseas embassy the formal invitation from the University of New England which must include:

details of research activity to be undertaken at the University

length of intended stay

confirmation that a salary, scholarship or allowance will **not** be paid, other than an allowance for living expenses and travel costs in Australia.

**10.06.11** Any allowance for living expenses must be funded and approved by the Faculty. Payment will be processed through Personnel Services on receipt of appropriate advice.

**10.06.12** Visiting academic status does not apply when:

a fellowship, grant, scholarship allowance or award is offered as part of research work for a higher degree course or other research project,

a salary or stipend is to be paid, or

teaching is to be undertaken on other than an ad hoc, non-formal basis and where it is clear that this could not be performed by a suitably qualified local resident.

**10.06.13** Visiting academics are not eligible for Medicare cover in Australia and should arrange private medical cover from their own country.

### **Student Visas**

**10.06.14** A person who holds a student visa is eligible to work up to a maximum of twenty hours per week, and full-time in vacation breaks.

**10.06.15** Anyone holding a student visa must have completed their current course of study to be eligible for consideration for temporary or permanent residence.

### **Role of Personnel Services**

**10.06.16** Personnel Services staff will ensure that all necessary documentation is completed and forwarded to DIMIA. All liaison with DIMIA must be channelled through Personnel Services staff. Information on application requirements and current costs can be obtained from Personnel Services staff.

## Further Information

Recruitment

ext. 3971/2024

Department of Immigration & Multicultural & Indigenous Affairs:

phone 131 881 or <http://www.immi.gov.au>

## References

*Approved:*  
*RMO Document No.*

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D03/1289