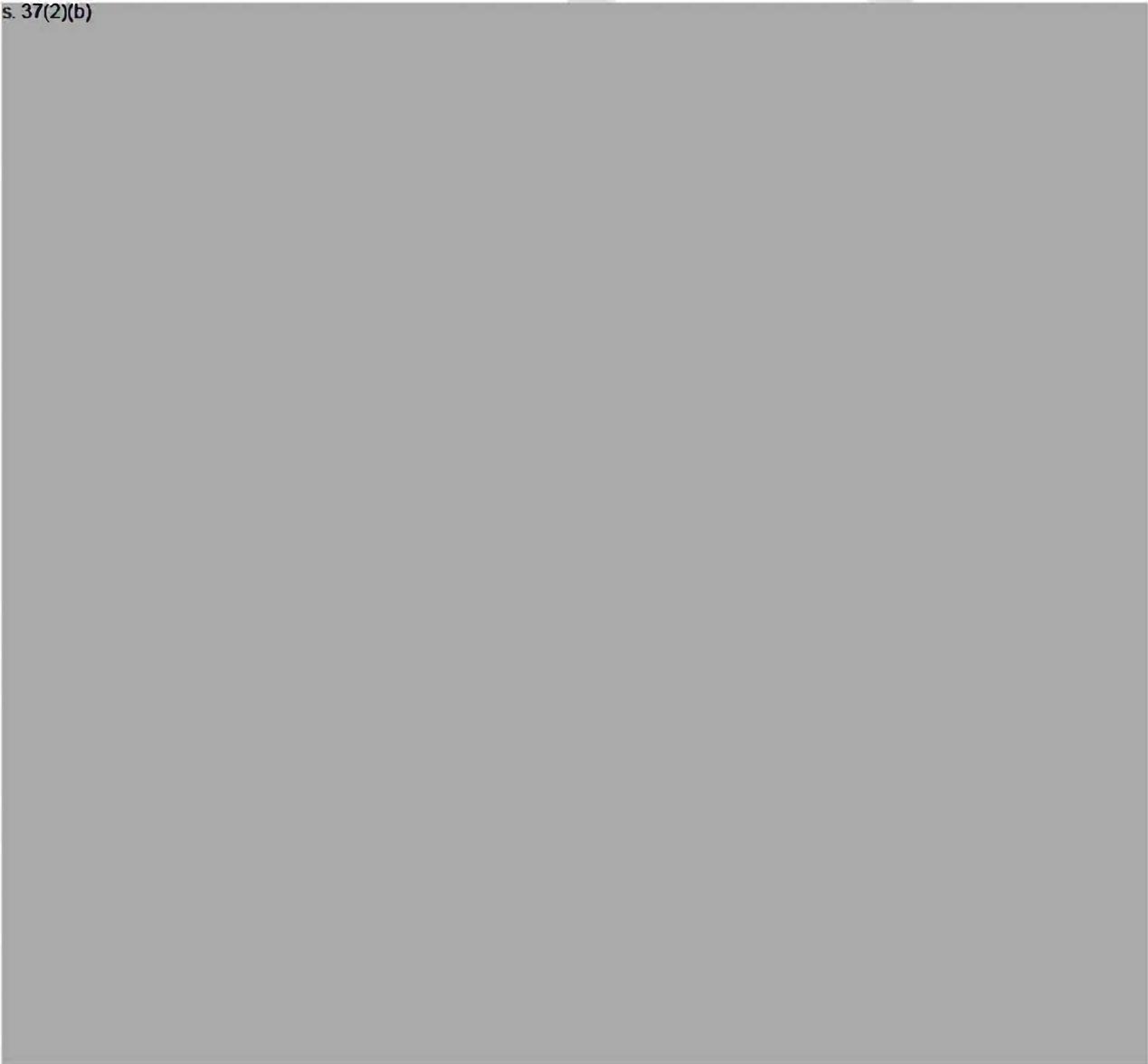


New FWO / DIBP referral protocols

1. From February 2017, the Department of Immigration and Border Protection (DIBP) and the Fair Work Ombudsman (FWO) have agreed that where temporary visa holders, with a work entitlement attached to their visa, may have been exploited in the workplace, and they have reported their circumstances to the FWO, the DIBP will generally not cancel their visa, detain or remove those individuals from Australia, providing:
 - a. the visa holder commits to abiding by visa conditions in the future; and
 - b. there is no other basis for visa cancellation (such as on national security, character, health or fraud grounds).
2. For any temporary visa holder who has no work entitlement attached to their visa, the DIBP will make no commitment other than to consider each case on its merits.
3. This protocol will break down barriers to reporting exploitation and encourage temporary visa holders to approach the FWO for assistance by ensuring that individuals who are assisting FWO in its compliance activities are not deported.
4. To assist FWO officers in determining whether or not a referral to the DIBP should be made, the following ready reckoner has been created:

s. 37(2)(b)



Referral process

FWO officers who wish to refer a matter to the DIBP should contact:

FWO referral liaison officer
s. 22(1)(a)(ii) [redacted]
E: s. 22(1)(a)(ii) [redacted] [@fwo.gov.au](mailto:[redacted]@fwo.gov.au)
P: s. 22(1)(a)(ii) [redacted]
M: s. 22(1)(a)(ii) [redacted]

A referral will then be made to:

DIBP Liaison Officer
Peter Richards
E: s. 22(1)(a)(ii) [redacted]
T: s. 22(1)(a)(ii) [redacted]
M: s. 22(1)(a)(ii) [redacted]

DRAFT

FWO TEMPORARY VISA HOLDER REFERRAL TO DIBP**FWO details**

FWO Reference – VSM & Matter Number	
Date of Referral to DIBP	
FWO Officer approving the referral	
Position	
Telephone	
Email	
Power under which information is referred	
FWO current investigation phase	

DIBP contact details

Telephone	
Email	

Details of Visa Holder

Family/Surname	
Given Names	
Date of Birth	
Contact details (if known)	
Visa held	
Date employment commenced	
Date employment ceased/terminated	

Reason for DIBP referral

Nominated Salary		Identified Salary	
Nominated Position		Identified Position	
Payment for visa sponsorship (refer Paying for Visa Sponsorship activity factsheet for information and case studies)	Yes / No		
Is there evidence/indicators that the sponsor (or another person/entity) received a benefit?	Yes / No / Potential		
Is there evidence/indicators that the sponsor (or another person/entity) asked for a benefit	Yes / No / Potential		
Is there evidence/indicators that the benefit came from a visa holder, prospective visa holder (or associated person)?	Yes / No / Potential		
Is there a witness willing to testify for DIBP? (ie. a visa holder or third party)			
FWO assessment (include details of any records or documents held)			