



## TSS VISA - MANDATORY CHARACTER REQUIREMENTS

Under the Temporary Skills Shortage (TSS) Visa program, it has now become mandatory to present evidence to meet strict character requirements in order to be granted a valid work visa. It is important that employers and their employees understand what is required and how character is assessed under the new program.

### WHAT IS REQUIRED

- **Police certificates** from each country the applicant has spent 12 months or more in during the last 10 years, since turning 16 years of age.
- **Military discharge certificates.**

Other documents may also be requested where a conviction is declared or depending on an applicant's background, such as:

- **Statutory declarations and court documents**
- **Form 80**
- **War crime declarations**

**The visa process requires full disclosure of any past or current convictions, including spent or removed convictions including juvenile convictions.**

The character test is a broad test - usually a visa applicant will not pass the character test if they:

- Have been sentenced to 12 months or more in prison, or have multiple sentences that add up to 12 months or more. A suspended sentence is also considered a prison sentence.
- Have associations with a group or organisation involved in criminal conduct
- Are considered to not be of good character based on past conduct, both general and criminal
- Have been involved in crimes such as but not limited to people smuggling, sexual offences involving a child and crimes against humanity
- Are believed to pose a risk of engaging in criminal conduct while in Australia or creating discord or danger in the Australian community

As all character related offences will be investigated thoroughly by the Department of Home Affairs, we strongly recommend your employees speak to Interstaff's migration agents prior to proceeding with their visa application if they are concerned about meeting the character requirements.

**Any past or current convictions may be likely to cause delays and could result in a visa refusal.** If your employee's visa is refused, your business may not be able to access a refund for the nomination fees and contributions towards the Skilling Australians Fund training levy.

Further, your adviser cannot tell you about your employee's convictions without their express consent. It is important to consider how your business addresses these risks and if possible discuss this directly with employees.

### WHAT EMPLOYERS NEED TO CONSIDER

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