



Strengthening Reporting Protections Prescribed Criteria

Reporting protections may be available where a temporary migrant worker has evidence of a workplace exploitation matter certified by a participating government entity or accredited non-government third party.

Where these protections apply, Home Affairs **will not** take the breach of your work-related visa condition(s) into account when considering any current or future visa applications.

The aim is to encourage the early reporting and resolution of workplace exploitation.

Strengthening Reporting Protection

Home Affairs **will not cancel** your visa if the following requirements are met:

- you have relevant certification from either a recognised government entity or accredited third party regarding your workplace exploitation
- the certification states the exploitation is ongoing or ended within the last 12 months, except in exceptional circumstances where the exploitation was serious or systemic
- you have committed in writing to seeking a resolution for your workplace exploitation matter in a timely manner
- the Government is satisfied there is a connection between the circumstances relating to the breach of the relevant work-related visa condition (not including a 'no work' condition), and the workplace exploitation you experienced
- there are no other grounds for cancellation, including in relation to character, health and fraud
- you have acknowledged in writing that you are aware of your visa conditions and the requirement to follow those conditions in the future.

The Minister must be satisfied that you will comply with the purpose of your visa in future.

This protection (will not cancel) can only apply once on your visa.

If you do not meet all the above requirements Home Affairs **will consider the circumstances of your case**, including where you may have already sought the protection once, or you may have breached different visa conditions. Protection from visa cancellation may still apply with regards to any evidence of workplace exploitation.

Obtaining the relevant certification from a recognised government entity or accredited third party will support your case.

Process for considering visa cancellation

Your employer cannot cancel your visa. Only Home Affairs, including the Australian Border Force, can make decisions about your visa status.

Your visa will be protected from cancellation in line with the requirements outlined above.

For visa holders in Australia, if Home Affairs **is** considering cancelling your visa, you will be notified with a 'Notice of Intention to Consider Cancellation (NOICC)' before a decision is made.

The NOICC explains the reasons for cancelling your visa and will give you an opportunity to explain your situation. Certification by a relevant government entity or accredited third party of evidence of workplace exploitation is a relevant consideration when deciding whether or not to cancel a person's visa.

You can attach a copy of this certification with any other supporting evidence. This will be carefully considered by the decision-maker.

Immigration assistance

There are a range of ways to get help with an immigration matter. You can use a migration agent registered with the [Office of the Migration Agents Registration Authority](#). Only registered migration agents and legal practitioners can charge for immigration assistance. To find a registered migration agent search the [Register of Migration Agents](#).

Translating and Interpreting Service

Home Affairs provides the Translating and Interpreting Service (TIS National) for people who do not speak English. If you need an interpreter, call TIS National on 131 450.