

# 5



## Employer Sponsored Migration



Australian Government  
Department of Immigration  
and Citizenship

## About this booklet

This booklet is designed so that you can understand the steps for applying for **Employer Sponsored Migration to Australia**, and complete the application form with minimal, if any, help.

This booklet is one of a series of booklets about migration to Australia. The booklets are:

- 1 Partner Migration
- 2 Child Migration
- 3 Parent Migration
- 4 Other Family Migration
- 5 Employer Sponsored Migration
- 6 General Skilled Migration
- 7 Business Skills Entry
- 8 Special Migration

For general information about migration to Australia, read information form 1126i *Migrating to Australia*, or visit the website [www.immi.gov.au/immigration.htm](http://www.immi.gov.au/immigration.htm)

## Using a migration agent

You do not need to use a migration agent to lodge a visa application. However, if you choose to use an agent, the department recommends that you use a registered migration agent.

Under Australian law, anyone who uses knowledge of migration procedures to offer immigration assistance to a person wishing to obtain a visa to enter or remain in Australia must be registered or exempt from registration (see page 38).

All registered migration agents are bound by the Migration Agents Code of Conduct, which requires agents to act professionally in their clients' lawful best interests. A list of registered migration agents is available from the Office of the Migration Agents Registration Authority (Office of the MARA) website [www.themara.com.au](http://www.themara.com.au)

You can contact the Office of the MARA at:

E-mail: [themara@themara.com.au](mailto:themara@themara.com.au)

PO Box Q1551  
QVB NSW 1230  
AUSTRALIA

Telephone: 61 2 9299 5446

Fax: 61 2 9299 8448

The Office of the MARA investigates complaints against registered migration agents and may take disciplinary action against them. If you have a concern about a registered migration agent, you should contact the Office of the MARA. The Code of Conduct and complaint form are available from the Office of the MARA website.

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# Terms you need to know

<b>Applicant</b>	The applicant is the person (or persons) applying for the visa.
<b>ASCO</b>	Australian Standard Classification of Occupations (Second Edition) published by the Australian Bureau of Statistics.
<b>Child</b>	Child (when used in relation to another person) means: <ul style="list-style-type: none"><li>• a natural (biological) child; or</li><li>• an adopted child within the meaning of the <i>Migration Act 1958</i>; or</li><li>• a child conceived through an artificial conception procedure (ACP); or</li><li>• a child born under surrogacy arrangements, where parentage has been transferred by court order under a prescribed state or territory law.</li></ul>
<b>De facto partner</b>	A person is the de facto partner of another person (whether of the same sex or a different sex) if the person is in a de facto relationship with the other person.
<b>De facto relationship</b>	A person is in a de facto relationship with another person if: <ul style="list-style-type: none"><li>• they are not in a married relationship (for the purposes of the <i>Migration Act 1958</i>) with each other;</li><li>• they are not related by family;</li><li>• they have a mutual commitment to a shared life to the exclusion of all others;</li><li>• the relationship between them is genuine and continuing;</li><li>• they live together or do not live separately and apart on a permanent basis; and</li><li>• the relationship has continued for the period of 12 months immediately preceding the date of application.</li></ul> <p><b>Note:</b> The 12-month relationship requirement at time of application lodgement does not apply if you can establish that there are compelling and compassionate circumstances for the grant of the visa.</p>
<b>Department</b>	Department of Immigration and Citizenship.
<b>DEEWR</b>	Department of Education, Employment and Workplace Relations.
<b>DIISR</b>	Department of Innovation, Industry, Science and Research.
<b>ENS</b>	Employer Nomination Scheme.
<b>ENSOL</b>	Positions nominated under the Employer Nomination Scheme (ENS) must correspond to an occupation that is on the ENS list of occupations. The ENSOL is available on form 1121i, which is available from the department's website <a href="http://www.immi.gov.au/allforms/pdf/1121i.pdf">www.immi.gov.au/allforms/pdf/1121i.pdf</a>

# Terms you need to know (continued)

<b>ETA</b>	Electronic Travel Authority. Further information on the ETA is available on the department's website <a href="http://www.immi.gov.au/e_visa_eta.htm">www.immi.gov.au/e_visa_eta.htm</a>
<b>LA</b>	Labour Agreement.
<b>MRT</b>	Migration Review Tribunal.
<b>Married relationship</b>	Persons are in a married relationship if: <ul style="list-style-type: none"> <li>• they are married to each other under a marriage that is valid for the purposes of the <i>Migration Act 1958</i>;</li> <li>• they have a mutual commitment to a shared life as husband and wife to the exclusion of all others;</li> <li>• the relationship between them is genuine and continuing; and</li> <li>• they live together or do not live separately and apart on a permanent basis.</li> </ul>
<b>Nomination</b>	An employer nomination made on form 785 (ENS), 1054 (RSMS) or 1192 (LA) seeking approval for a nominated position within the employer's business.
<b>Nominator</b>	The employer who is seeking to sponsor the applicant in order to fill a skilled vacancy in their business.
<b>Nominee</b>	The person who has been nominated by the employer to fill the position.
<b>Offshore visa</b>	Applicants for an offshore visa are currently residing outside Australia. An offshore visa can only be granted when the applicant is outside Australia.
<b>Onshore visa</b>	Applicants for an onshore visa are usually temporarily residing in Australia. An applicant usually needs to currently hold a substantive visa, usually a qualifying visa, at the time they make the application for an onshore visa. If the applicant no longer holds a substantive visa, the substantive visa should have expired no later than the specified period for the onshore visa they are applying for. An onshore visa can only be granted when the applicant is in Australia.
<b>Partner</b>	A spouse or de facto partner.
<b>Qualifying visa</b>	A qualifying visa is a visa that applicants may be required to hold, or last held no more than a specified period, prior to making an application for an onshore visa.
<b>RSMS</b>	Regional Sponsored Migration Scheme.
<b>Spouse</b>	A person is the spouse of another person if they are in a married relationship.
<b>Substantive visa</b>	A substantive visa is a visa other than a bridging visa, criminal justice visa or enforcement visa.



# PART 1

## General information

### Basic requirements

#### Categories

Employers can sponsor highly skilled overseas workers, or workers who are currently in Australia on a temporary basis, for permanent residence to fill vacancies in their business.

There are 3 employer sponsored programs:

#### Employer Nomination Scheme (ENS)

- subclass 121 visa
- subclass 856 visa

#### Regional Sponsored Migration Scheme (RSMS)

- subclass 119 visa
- subclass 857 visa

#### Labour Agreement (LA)

- subclass 120 visa
- subclass 855 visa.

Visa subclasses 119, 120 and 121 are offshore visas. Visa subclasses 855, 856 and 857 are onshore visas.

#### IMPORTANT

**There are some differences in the lodgment and eligibility criteria for the offshore and onshore visa subclasses. Please read through this booklet carefully before you make an application for an ENS, RSMS or LA visa.**

#### Definition of offshore visas

If you are currently outside Australia, or in Australia as the holder of a non-qualifying visa, you may be able to apply for an offshore visa subclass 119, 120 or 121. If you have already made a valid application for a certain General Skilled Migration visa prior to 1 September 2007, you could be 'deemed' to have made an offshore ENS or RSMS visa application (see *Deemed visa application (offshore visas only)* on page 7).

You, as well as any migrating family members, can be in or outside Australia when lodging the visa application.

You, as well as any migrating family members, must be outside Australia before the visa can be granted.

## Definition of onshore visas

If you are currently in Australia as the holder of a qualifying visa, you may be able to apply for an onshore visa subclass 855, 856 or 857. If you have already made an application for a certain General Skilled Migration visa, after 1 September 2007, you may be eligible to make a 'fee-free' onshore ENS, RSMS or LA visa application (see *Fee-free visa applications* on page 8).

You, as well as any migrating family members, must be in Australia when lodging the visa application. Any migrating family members who are outside Australia at the time of lodgment can only be included in an application once they arrive in Australia.

You, as well as any migrating family members, must be in Australia before the visa can be granted.

## Qualifying visa

In order to apply for an onshore visa, you must hold, or have held no more than 28 days before your application, any of the following qualifying visas:

- Business (Temporary) Class TB
- Cultural/Social (Temporary) Class TE
- Educational (Temporary) Class TH
- Family Relationship (Temporary) Class TL
- Interdependency (Temporary) Class TM
- Medical Practitioner (Temporary) Class UE
- Special Category (Temporary) Class TY
- Supported Dependant (Temporary) Class TW
- New Zealand Citizen (Family Relationship) (Temporary) Class UP
- Confirmatory (Temporary) Class TD
- Graduate - Skilled (Temporary) Class UO
- Student (Temporary) Class TU
- Working Holiday (Temporary) Class TZ
- Visa subclass 457 Business (Long Stay)

If your qualifying visa is a Student (Temporary) Class TU visa, you must have completed the diploma or higher level course for which the student visa was granted.

## Other qualifying visa

There may be other qualifying visas depending on the visa you are applying for.

### ENS and RSMS only

- Skilled – Independent Regional (Provisional) Class UX.
- Skilled (Provisional) Class VC, which includes the Subclass 485 visa.
- Skilled (Provisional) Class VF, which includes the Subclass 476 visa.
- Visa subclass 161 Senior Executive (Provisional).
- Visa subclass 164 State/Territory Sponsored Senior Executive (Provisional)

### RSMS only

- Visa subclass 471 Trade Skills Training.

### LA only

- Visa subclass 476 Skilled – Recognised Graduate.
- Visa subclass 485 Skilled – Graduate.

## IMPORTANT

**A bridging visa is not a substantive or qualifying visa. If you have held a bridging visa for more than 28 days since the expiry of your last substantive visa, you should apply for an offshore visa.**

## Nomination

Employers who are considering nominating persons under the ENS, RSMS or LA may locate suitable nominees in various ways, including:

- through their efforts in testing the Australian labour market;
- personal contact and/or experience with the nominee;
- recommendation from third parties; or
- through the Skill Matching Database.

**SKILL MATCHING** is a scheme that allows Australian employers to sponsor overseas migrants who have applied for a permanent general skilled migration visa and are prepared to be sponsored by an employer, and live and work in an area of Australia where their skills are in demand.

The education, employment and work details of these applicants are placed in the department's Skill Matching Database. It is used by state and territory governments and employers who have been unable to recruit suitably skilled personnel from the local labour market. An abridged version of the Skill Matching Database is available from the department's website [www.immi.gov.au/skills/](http://www.immi.gov.au/skills/). The applicants remain on the database for up to 2 years, or until they migrate to Australia. If the applicants are nominated by an employer under the RSMS, ENS or a LA they do not need to lodge another application. These applicants are automatically deemed to have an RSMS, ENS or LA application and can be processed accordingly.

All prospective applicants must first be nominated by their direct employer in Australia. The nomination must be received by a Centre of Excellence in Australia (please see the list of Centres of Excellence on page 35). If the nomination is approved, the employer will advise the nominee and provide them with a copy of the nomination approval letter from the department.

The nomination should be lodged **before or at the same time** as the visa application. At the latest, the visa application must be lodged within **6** months of the approval of the nomination.

The same nomination must be approved before the visa application can be approved.

Information about nominations specific to each category can be found in Part 2.

## Deemed visa application (offshore visas only)

You may be eligible to make a 'deemed' application for an offshore ENS, RSMS or LA visa if an employer has lodged an employer nomination specifying you as the nominee and you have a valid visa application for any of the following visas:

- Visa subclass 126 Independent
- Visa subclass 134 Skill Matching
- Visa subclass 136 Skilled – Independent
- Visa subclass 138 Skilled – Australian Sponsored.

Your visa subclass 126 or 136 visa application should already have been assessed against a points test, and you must have scored at least the 'pool mark' that was applicable at the time the assessment was made. For all other visa subclasses mentioned above, you must have made a valid visa application.

In these circumstances, you do not have to complete form 47ES or pay the first instalment of the Visa Application Charge.

Regardless of whether you have made a deemed visa application, you must still satisfy the visa requirements for the relevant employer sponsored visa.

## Fee-free visa application

You may be eligible to make a fee-free application for an ENS or RSMS visa if an employer has lodged an employer nomination specifying you as the nominee and you have a valid application for one of the following General Skilled Migration visas:

Valid application for General Skilled Migration visa type	Eligibility to make a fee-free application
Skilled – Independent Overseas Student (Residence) Class DD	You may be eligible to make a fee-free application for an onshore RSMS visa
Skilled (Migrant) Class VE <ul style="list-style-type: none"> <li>• Skilled – Independent (subclass 175)</li> <li>• Skilled – Sponsored (subclass 176)</li> </ul>	You may be eligible to make a fee-free application for an offshore ENS or RSMS visa Special Category (subclass 444) visa holders may also be eligible to make a fee-free application for an onshore ENS or RSMS visa
Skilled – Onshore Independent New Zealand Citizen (subclass 861)	You may be eligible to make a fee-free application for an onshore RSMS visa
Skilled – Australian Sponsored Overseas Student (subclass 881)	You may be eligible to make a fee-free application for an onshore RSMS visa
Skilled – Independent (subclass 885)	You may be eligible to make a fee-free application for an onshore ENS or RSMS visa
Skilled – Sponsored (subclass 886)	You may be eligible to make a fee-free application for an onshore ENS or RSMS visa

People with a valid application for a subclass 861 visa should already have been assessed against a points test, and have scored at least the ‘pool mark’ applicable at the time of assessment. For all other visa subclasses mentioned above, you must have made a valid visa application.

In these circumstances, you will need to complete form 47ES but you do not have to pay the first instalment of the Visa Application Charge.

Regardless of whether you have made a fee-free visa application, you must still satisfy the visa requirements for the relevant employer sponsored visa. If you are applying for a fee-free onshore ENS or RSMS visa, this will include the requirement that you hold, or last held no more than 28 days ago, an eligible substantive visa (which includes a qualifying visa).

### IMPORTANT

**A bridging visa is not a substantive or qualifying visa. You should apply for an offshore ENS, RSMS or LA visa if you have held a bridging visa for more than 28 days prior to preparing this visa application.**

## English language requirements

The English language requirements for the employer sponsored programs are generally based on the International English Language Testing System (IELTS), and further details can be found on the IDP Education website [www.idp.com](http://www.idp.com)

You will need to satisfy one of the following English language levels, depending on the visa you are applying for:

- Vocational English language level for an ENS visa, which is equivalent to IELTS score of 5 on each of the four competency modules.
- Functional English language level for an RSMS visa, which is equivalent to an average of IELTS 4.5 across all four competency modules.

You may still be able to satisfy the English language requirement if you do not have a recent IELTS result, provided you have other legally prescribed evidence or can demonstrate exceptional circumstances apply to your case.

Exceptional circumstances cannot be sought if you are making a deemed or fee-free visa application. If you have been sponsored by an employer through a Labour Agreement, you can only seek consideration of exceptional circumstances if this is allowed within the agreement.

Further details of other prescribed evidence you can use, or the issues you should consider when seeking consideration of exceptional circumstances, can be found in the relevant visa program section of this booklet.

Regardless of whether any exceptional circumstances apply to your case, you will be required to pay the second instalment of the Visa Application Charge if you do not have at least functional English.

### **Migrating family members**

Migrating family members who are 18 years of age or older must either have functional English or pay the second instalment of the Visa Application Charge. Functional English is described on page 25 in the RSMS section of this booklet.

## **Costs and charges associated with your application**

Listed below are some of the costs and charges which you should find out about before applying.

### **Visa Application Charge**

You must pay the first instalment of the Visa Application Charge when you lodge your visa application. The current charges can be found on form 990i Charges, which is available on the department's website at [www.immi.gov.au/allforms/pdf/990i.pdf](http://www.immi.gov.au/allforms/pdf/990i.pdf)

Migrating family members who are applying for the visa at the same time can be included on your visa application. Only one application charge is payable for the family unit.

Family members who are not migrating with you or are not eligible to be included in your application (eg. if you are applying for a subclass 855, 856 or 857 (onshore) visa and your family members are offshore) must still be declared in your visa application.

### **Adding family members after lodgment**

Family members may be included as part of your visa application after lodgment. This most commonly occurs when:

- you have applied for an onshore visa but the family member or relative was outside Australia at the time but have since arrived; or
- you wish to include a family member or relative who did not previously wish to migrate.

If a decision has not yet been made on your visa application:

- a spouse, de facto partner, dependent child or newborn child can be added to your original visa application without additional charges; and
- any other eligible relatives (other than spouse, de facto partner and children) must apply on a separate form 47ES and pay the first instalment of the Visa Application Charge.

## Method of payment

### In Australia

To make a payment, please pay by credit card, debit card, bank cheque or money order made payable to the Department of Immigration and Citizenship. Debit card and credit card are the preferred methods of payment.

### Outside Australia

Before making a payment outside Australia, please check with the Australian Government office where you intend to lodge your application as to what methods of payment and currencies they can accept and to whom the payment should be made payable.

## Nomination fee

Employers who wish to sponsor workers through the ENS must pay a fee when they lodge an employer nomination. There are no fees for employer nominations lodged through the RSMS or Labour Agreement programs.

The current charges can be found on form 990i *Charges*, which is available on the department's website [www.immi.gov.au/allforms/pdf/990i.pdf](http://www.immi.gov.au/allforms/pdf/990i.pdf)

## Second instalment of Visa Application Charge

You will need to pay the second instalment of the Visa Application Charge if you do not have functional English. This also applies to any migrating family member or relative who is 18 years of age or older.

## Other costs

You should also be prepared to pay any other costs associated with your visa application, such as the cost of certified translations of some documents, medical and x-ray examinations, English language testing, and skills assessment.

Employers may also have to pay a fee to a Regional Certifying Body for certifying employer nominations lodged through the RSMS.

# Dependants

Your application may cover a family unit, namely a main applicant and, if applicable, partner and dependants. It is important to note that your dependants must satisfy health and character requirements before your application can be approved.

**Note:** Special arrangements may apply to health assessments for family members who held a subclass 495, 475 or 485 visa at the time of application for an RSMS visa.

## Partner

Your partner is your spouse or de facto partner.

For holders of an SIR visa applying for a subclass 857 visa, family relationships are based on the situation when their SIR (Provisional) (Class YX) visa was approved.

## Dependent children

A dependent child may be your child or step-child. 'Step-child' means a child of your current partner or a child of your former partner when the child is under 18 years and you have a legal responsibility to care for that child (for example, when your former partner is deceased and you have legal custody of your former partner's child). You will need to provide a certified copy of the overseas or Australian court order which you have in relation to the child.

A child of any age is not considered dependent if he or she is married or in a de facto relationship or is engaged to be married.

A child 18 years of age or over will not be considered dependent unless you can show that they are wholly or substantially reliant on you for financial support for their basic needs of food, shelter and clothing. You must also show that you have provided that support for a substantial period and that the child is more reliant on you than on any other person or source. Unless you can provide evidence of this, they should apply separately. You should also be aware that a child aged 25 or over will generally not be considered dependent.

Children of any age who have a total or partial loss of bodily or mental functions which stops them earning a living are regarded as dependent and part of the family unit (whether or not they migrate with you). Give details of such children and whether they are in your care or in an institution.

**In all cases you should attach evidence of your child's dependency on you.**

## Other dependants

You may include other relatives in your application if they are wholly or substantially reliant on you for financial support for their basic needs of food, shelter and clothing and they have been reliant on you for that support for a substantial period. They must also be more reliant on you for support than on any other person or source.

A relative may also be considered dependent on you if they are reliant on you for financial support because they have a mental or physical disability which stops them from earning a living to support themselves.

Other relatives dependent on you or your partner may include, for example, an aged, unmarried relative.

**If you have dependants who are 18 years of age or over, please obtain a form 47A *Details of child or other dependent family member aged 18 years or over*. A form 47A must be completed for each dependant 18 or over, whether migrating or not.**

## Custody requirement

The department will seek to ensure that allowing a child to migrate is not in contravention of Australia's international obligations in relation to the prevention of child abduction. If your application includes a child under 18 years of age and the child's other parent is not migrating with you or there is any other person who has the legal right to determine where the child can live, you will need to provide a statutory declaration from each of them giving permission for the child to migrate. Alternatively, you can provide a certified copy of a valid court order showing that you/your partner has the legal right to remove the child from the country.

# Living in Australia

The following information is about some of the important things you should consider before deciding to apply to migrate to, or remain permanently in, Australia. The information provided here is a general guide only and it is entirely your own responsibility to investigate your settlement prospects in Australia.

## Cost of living in Australia

The cost of living in Australia is high when compared to many other countries. It is essential that you think about how you will provide for yourself, and any family members, for at least the first 2 years.

The cost of relocating is high. There are significant costs involved in travelling to Australia, moving household goods and setting up a home.

## Waiting periods for social security

All new Australian permanent residents must generally wait for a specific period of time before they are eligible for social security payments.

A 2 year waiting period applies to the following social security benefits:

- unemployment assistance (Newstart Allowance, Sickness Allowance);
- student assistance (Austudy, Youth Allowance);
- carer assistance (Carer Payment);
- disabilities assistance (Mobility Allowance);
- hardship assistance (Crisis Payment);
- concession cards (Health Care Card, Commonwealth Seniors Health Card).

A 10 year waiting period applies to Age Pension and Disability Support Pension.

Other social security payments have 'qualifying residence' requirements which are separate to the waiting period.

It is very important to understand that you should have enough money to support yourself, and any family members, for at least 2 years in Australia. If you have a sponsor, you should ask them about the support they are willing to provide prior to your arrival in Australia.

## Waiting period exemptions

A payment called Special Benefit may be available during the waiting period if you are in hardship because you have suffered a substantial change of circumstances beyond your control. This payment is only available in very limited circumstances. An inability to find a job or remain in employment is not considered a change of circumstances.

If you become widowed, disabled or a single parent after you have commenced living in Australia as a permanent resident, you may be eligible for an allowance or pension.

You may also be able to get a pension without having lived in Australia for 10 years if you are covered by an international social security agreement. A list of countries which have social security agreements with Australia can be found on the Centrelink website [www.centrelink.gov.au/internet/internet.nsf/publications/int002.htm](http://www.centrelink.gov.au/internet/internet.nsf/publications/int002.htm)

## Help for families with children

New migrants with dependent children may be able to receive Family Assistance payments to help with the cost of raising children. Generally, you must hold a permanent visa in order to be eligible, but there are some exceptions. There is no waiting period for these payments. Family Assistance payments are intended only as an income supplement and do not provide enough to live on.

Family Assistance benefits include Family Tax Benefit Part A, Family Tax Benefit Part B, Child Care Benefit and Child Care Tax Rebate. The amount of Family Tax Benefit you may be entitled to depend on the age and number of children in your family and on your family's total annual income over the current income year.

Child Care Benefit may be paid to help with the cost of putting your child into child care. The amount of Child Care Benefit you may receive will depend on your family's annual income over the current income year, the type of child care you choose (approved or registered), the number of children in child care, the reason you are using care and how many hours of child care you use. Your child must also be up-to-date with immunisation or have an immunisation exemption for you to be eligible to receive the Child Care Benefit.

The Child Care Tax Rebate is 30% of your out-of-pocket child care costs (the amount you pay for child care after your Child Care Benefit amount is taken out), up to AUD4,000 (indexed) per child per year.

From 1 July 2008, the Child Care Tax Rebate increased from 30% to 50% of out-of-pocket costs (the amount you pay for child care after your Child Care Benefit amount is taken out), up to AUD7,500 (indexed) per child per year. You may be eligible for the Child Care Tax Rebate if you use approved child care, are eligible for Child Care Benefit and you and your partner pass the work, training, study test.

There are also 2 other forms of extra assistance for families with babies. The Baby Bonus Payment provides money to help with the extra costs of a new baby. Maternity Immunisation Allowance is a separate payment for families with children who are up-to-date with immunisation or are exempt from the immunisations requirements.

In Australia, you will find the Family Assistance Office in all Medicare offices, Centrelink Customer Service Centres and Australian Taxation Office shopfronts.

Further information can be obtained from:

Website: **[www.familyassist.gov.au](http://www.familyassist.gov.au)**

Telephone: 136 150 (in Australia)  
131 202 (for information in languages other than English)

## Further information on social security

Centrelink contributes to the social and economic outcomes set by government by delivering services to assist people to become self-sufficient and supporting those in need. There are many rules which affect all Centrelink administered entitlements. The information provided here is a general guide only and you must discuss your specific needs with Centrelink.

You can find Centrelink office locations and telephone numbers in the local telephone directory. You can speak to Centrelink staff and have your questions answered in languages other than English by calling 131 202. This is not an interpreter service. Calls to this number are charged at the cost of a local call from anywhere in Australia. Calls made from public pay phones or mobile phones may be charged at a higher rate.

More information about social security payments or international agreements before arriving in Australia can be obtained from:

Website: **[www.centrelink.gov.au](http://www.centrelink.gov.au)**

Mail: Manager  
International Services  
Centrelink  
GPO Box 273  
HOBART TAS 7001  
AUSTRALIA

Telephone: 131 021 (within Australia to make an appointment)  
131 202 (within Australia for information in languages other than English)  
61 3 6222 3455 (outside Australia)

## Health

The Australian Government provides help with medical expenses and hospital care through a scheme called Medicare. The government also subsidises the cost of most medicine under the Pharmaceutical Benefits Scheme (PBS). Medicare and the PBS are administered by Medicare Australia.

To find out if you are eligible, and to enrol in Medicare, visit your local Medicare office with your passport, travel documents and permanent visa. If you are not already the holder of a permanent visa, you will also need to provide details of any permanent visa/migration applications you have lodged.

Most temporary visa holders are not eligible to enrol in Medicare, however there are some exceptions, for example, people who have applied for a permanent visa and meet the necessary criteria. You should visit your local Medicare office to find out if you are eligible. If all eligibility requirements are met, you may be given your Medicare card number to use until your card arrives in the mail in about 3 weeks. In most cases, you will pay for medical care then receive a refund for some of the payment.

Medicare Australia administers the Australian Childhood Immunisation Register. If you have a child under 7 years of age, please make sure that you bring their immunisation records to help your doctor in Australia determine if their immunisations are up-to-date. This is a requirement for some Family Assistance payments.

Medicare Australia administers the Australian Organ Donor Register (the Donor Register). People who are over 16 years of age can register their organ donation decision on the Donor Register. For people with serious or life-threatening illness, organ or tissue transplantation may mean a second chance at life.

In addition, Medicare Australia provides help with Family Assistance payments and services. Some of the payments available at your local Medicare office include Family Tax Benefit, Baby Bonus, Child Care Benefit, and Maternity Immunisation Allowance.

Medicare Australia has an information kit which is translated into 19 languages and is available in English large print, Braille and on audio CD and cassette. The kit has information about Medicare Australia's services and explains the eligibility requirements for benefits and payments. Copies of the kit are available from the Medicare Australia website or from your local Medicare office.

For more information:

Website: **[www.medicareaustralia.gov.au](http://www.medicareaustralia.gov.au)**

E-mail: [info@medicareaustralia.gov.au](mailto:info@medicareaustralia.gov.au)

Telephone

(in Australia): 132 011\* – Medicare  
1800 020 613\*\* – Pharmaceutical Benefits Scheme  
1800 653 809\*\* – Australian Childhood Immunisation Register  
1800 777 203\*\* – Australian Organ Donor Register  
1800 552 152\*\* – Hearing and speech impaired  
131 450\* – Translating and Interpreting Service

Mail: Medicare Eligibility  
Medicare Australia  
PO Box 1001  
TUGGERANONG DC ACT 2901  
AUSTRALIA

## Private health insurance

Many Australians choose to take out private health insurance. This covers some or all of the cost of treatment as a private patient in private or public hospitals, and can extend to some services that Medicare does not cover, such as dental care, most optical care and ambulance transport. If you are considering taking out private health insurance you should be aware of the following:

- The 30 percent rebate – All Australians are eligible to claim the 30 percent rebate if they are eligible for Medicare and have a complying health insurance policy that provides hospital treatment, general treatment ('ancillary' or 'extras') cover or both. The rebate will generally give you back 30 percent of the total cost of your private health insurance with the following exceptions:
  - for people aged 65–69 years, the rebate is 35 percent
  - for people aged 70 years and over, the rebate is 40 percent.
- The Medicare Levy Surcharge – Most Australian taxpayers have a Medicare Levy included in the amount of tax they pay. The Medicare Levy Surcharge is an additional one percent surcharge imposed on people who earn over a certain income threshold and do not have hospital insurance.

You should check the website for current information on income thresholds for singles and couples/families.

- Lifetime Health Cover – Lifetime Health Cover (LHC) is a financial loading that may be payable in addition to the normal premium for private health insurance hospital cover. To avoid the LHC loading, you must purchase hospital cover before your LHC deadline. The deadline is generally 1 July following your 31st birthday, but as a new migrant to Australia your LHC deadline may be later, depending on your age when you arrive in Australia.

If you purchase hospital cover after your deadline, you may be required to pay a LHC loading which is an extra 2 percent on your premium for each year you are over 30 at the time you commence cover. For example, if you wait until you are 40 years old, you could be paying an extra 20 percent on the cost of your hospital cover.

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\* Call charges apply

\*\* Call charges apply from mobile and pay phones only.

New migrants to Australia who are already over 31 years old do not pay an increased cost if they purchase private hospital cover within 12 months from the day they are registered as eligible for Medicare. It is important to consider taking out hospital cover in the first year after you are registered for Medicare. If you choose to wait more than 12 months after you are registered for Medicare, then you will be required to pay a LHC loading in addition to your premium. If you are aged under 31 years when you arrive in Australia, then your LHC deadline will be the same as everybody else's (1 July following your 31st birthday).

More information about private health insurance can be obtained from:

Website: **[www.privatehealth.gov.au](http://www.privatehealth.gov.au)**  
E-mail: [privatehealth@health.gov.au](mailto:privatehealth@health.gov.au)  
Mail: MDP 86  
Department of Health and Ageing  
GPO Box 9848  
CANBERRA ACT 2601  
AUSTRALIA

## Other information about Australia

The *Living in Australia* web pages **[www.immi.gov.au/living-in-australia/](http://www.immi.gov.au/living-in-australia/)** provide detailed information about services for prospective and newly arrived migrants.

The *Beginning a Life in Australia* booklets are provided for each state and territory and are available in English and 24 community languages. They also provide detailed information about services for prospective and newly arrived migrants and can be downloaded from the web pages at **[www.immi.gov.au/living-in-australia/settle-in-australia/](http://www.immi.gov.au/living-in-australia/settle-in-australia/)**

# PART 2

# Categories

## Employer Nomination Scheme (ENS)

### Background

The Employer Nomination Scheme (ENS) allows Australian employers to sponsor workers from overseas, or who are currently in Australia, to fill skilled full-time vacancies in their business.

The objectives of the ENS are to enhance Australia's ability to compete globally by satisfying genuine skill shortages in the Australian labour market and to maintain training opportunities for Australian workers.

The objectives of the ENS are to:

- allow Australian employers to satisfy genuine skills shortages by recruiting skilled workers;
- enhance Australia's ability to compete globally;
- maintain training opportunities for existing employees;
- ensure the integrity of the skilled migration program; and
- generally ensure there is a net benefit to Australia.

### The process

The ENS has 2 stages:

- Stage 1 – Employer lodges an employer nomination.
- Stage 2 – Nominee (visa applicant) lodges a visa application.

ENS employer nominations and visa applications are processed within Centres of Excellence located in Perth, Melbourne and Sydney.

#### **IMPORTANT**

**The visa application should be lodged after or at the same time the employer nomination is lodged. At the latest, the visa application must be lodged within 6 months after the employer nomination has been approved. You should lodge your visa application with the same Centre of Excellence that processed the employer nomination in order to avoid any delays in processing your visa application (see page 35 Lodging your application).**

## Stage 1: Nomination by the employer

The employer lodges a nomination with a Centre of Excellence located in Perth, Melbourne or Sydney, using form 785 *Employer nomination under the Employer Nomination Scheme* and providing all supporting documentation.

The department assesses the nomination against all of the following criteria:

- there is a genuine need for a paid employee in a business operated by the employer that is actively and lawfully operating in Australia;
- the employer has a satisfactory record of training employees or, in the case of newly established businesses, can demonstrate they have a satisfactory training framework in place;
- the employer has a satisfactory record of compliance with Australian immigration and workplace relations laws;
- the employer does not have any adverse information against it or its officers
- the nominated position corresponds to an occupation specified on the Employer Nomination Scheme Occupation List (ENSOL), which can be found on the department's website **[www.immi.gov.au/allforms/1121i.pdf](http://www.immi.gov.au/allforms/1121i.pdf)**
- the nominated position will provide employment on a full-time basis for at least 3 years from commencement;
- the nominated position provides working conditions which are no less favourable than those provided for under the relevant Australian legislation and awards; and
- the nominated position will pay a salary that is at least the specified minimum salary level for the occupation, which can be found on the department's website **[www.immi.gov.au/skilled/skilled-workers/ens/eligibility-employer.htm](http://www.immi.gov.au/skilled/skilled-workers/ens/eligibility-employer.htm)**

If the nomination is approved, the nominee must lodge a visa application within 6 months of the approval date. The department will advise the employer if the nomination is approved.

The employer can change the nominee at any time during the 6 month period by advising the department in writing. If the nomination has been approved but the nominee's visa application is refused, the employer can nominate another person to fill the position by advising the department in writing. The new nominee must lodge their visa application within six months of the original nomination approval date.

If the nomination is not approved, the employer will be advised in writing of the reasons for the decision. The decision is reviewable by the Migration Review Tribunal (MRT). Further information is available on the MRT website [www.mrt-rrt.gov.au/](http://www.mrt-rrt.gov.au/)

## Stage 2: Nominee's application for visa

Unless you are deemed to have applied for an employer sponsored visa (see *Deemed visa application (offshore visas only)* on page 7), you must complete and lodge form 47ES *Application for employer sponsored migration to Australia*, which is included with this booklet, and pay the first instalment of the Visa Application Charge (see page 9).

Your visa application must be lodged with an office of the department in Australia. You should lodge your visa application at the same Centre of Excellence where the corresponding employer nomination was lodged to minimise any processing delays.

### TIME LIMIT

You must lodge a visa application within 6 months of the approval of the employer nomination.

### ASSESSMENT

A decision on the application will be made on the basis of information you have provided and the legal requirements which apply at the time you lodged your visa application. If your circumstances change in any way after you have lodged your visa application, you will need to inform the relevant Centre of Excellence of your new circumstances.

The department will assess your visa application against one of the following:

- you have been working full-time in Australia in the nominated occupation while holding an eligible temporary residence visa (visa subclasses 457, 418, 422, 428, 421, 444 or 461) for at least the 2 years immediately prior to the lodgment of your visa application, and that you have spent at least the last 12 months employed with your ENS sponsor.
- you have a satisfactory skills assessment from an Australian assessing authority which is relevant to your nominated occupation and you have at least three years of post-qualification work experience in your nominated occupation. You do not need to have the necessary period of work experience if you can demonstrate that exceptional circumstances apply. Additionally, the skills assessment criterion may be satisfied if you have already been fully assessed by the relevant registration body for any mandatory registration, licensing or professional membership requirement for your nominated occupation.
- you have been nominated for a position with a base salary specified by legislative instrument that is at least equivalent to the salary for a highly paid executive position.

The department will also assess your visa application against all of the following:

- you hold, or are eligible to hold, any mandatory registration, license or professional membership which allows you to work independently and without further training. In order to be considered as eligible to hold any mandatory registration, license or professional membership for the nominated occupation, you must already be fully assessed as suitable by the relevant body. This means you must have applied for, and satisfactorily completed, any testing or training required by the relevant body. You should provide written confirmation from the relevant body that you have been fully assessed as suitable.
- the nominated position continues to satisfy the criteria for approval of the appointment and it is still available to you. You will need to provide evidence of a formal letter of appointment or an employment contract that has been signed by the employer and you.
- you are less than 45 years old, unless you can demonstrate exceptional circumstances apply.
- you have vocational English, unless you can demonstrate exceptional circumstances apply.
- you, as well as all migrating family members, satisfy mandatory health and character checks. In all cases, the health and character checks will be required even if you have already provided health and character checks for a temporary residence visa you currently hold. In some cases, non-migrating family members may also be required to satisfy mandatory health and character checks.

#### **IMPORTANT**

**You should not make any travel arrangements or finalise your affairs until the department has advised you in writing that your visa application has been approved.**

## **Exceptional circumstances – ENS**

All requests for consideration of exceptional circumstances in relation to the work experience, age or English language criteria are assessed at the visa application stage. You may ask your ENS sponsor to provide information to support any claims of exceptional circumstances.

#### **IMPORTANT**

**The skill, work experience, age or English language criteria must be satisfied when you first apply for the visa. You should provide evidence that you satisfy the criteria or provide a detailed submission to support a request for exceptional circumstances with your visa application. If you are seeking consideration of exceptional circumstances for more than one criterion, you must provide reasons for each individual criterion. If your application is assessed as being exceptional for one or more criterion, you must still satisfy all other normal criteria.**

## Work experience

If you have a satisfactory skills assessment, but do not have the necessary 3 years post-qualification work experience in your nominated occupation, you may seek to waive the work experience criterion by demonstrating that exceptional circumstances apply to your case.

You, or your employer, will need to provide a detailed submission explaining how the nominated position is so unusual or highly specialised that it is unlikely a suitably skilled person with at least 3 years experience can be found, in Australia or overseas, to fill the vacancy.

## Age

You must be less than 45 years old when you lodge your ENS visa application, unless you can demonstrate that exceptional circumstances apply to your case.

The following guidelines should be considered as part of your detailed submission:

- if you are 45 to less than 50 years old, the circumstances may be considered exceptional if:
  - the position is essential to the operation of the business; and
  - your employer demonstrates that it is not possible to find, in Australia or overseas, a suitably qualified person who is younger than you.
- if you are 50 to less than 55 years old, the circumstances may be considered exceptional if:
  - the position is an ASCO major group 1 to 3 occupation;
  - the position is essential to the operation of the business and
  - your employer demonstrates that it is not possible to find, in Australia or overseas, a suitably qualified person who is younger than you.
- if the applicant is 55 to less than 60 years old, the circumstances may be considered exceptional if the:
  - the position is an ASCO major group 1 to 2 occupation;
  - the position would normally require a person with specialised skills and experience that were acquired over many years (for example senior academics, researchers or scientists); and
  - the employer demonstrates that the position is so unusual or highly specialised that it was not possible to find, in Australia or overseas, a suitably qualified person who is younger than you.

Applicants who are 60 years or older are not generally considered under the exceptional circumstances provisions.

## Vocational English

A 'vocational' level of English is a requirement under ENS. Some methods of demonstrating this level of English language proficiency include:

- you have an IELTS score of at least 5 for each of the four test components (speaking, reading, listening and writing). You must have taken the test no more than 12 months before applying for the ENS visa. Your nearest test centre can be found by contacting IDP Education Australia, the British Council or an Australian overseas mission (see *English language requirements* on page 8).
- an Occupational English Test score relevant to your nominated occupation which is at least equivalent to IELTS 5.
- you are a native English speaker, that is, your first spoken language was English and you hold a current passport from the United Kingdom, United States of America, New Zealand, Canada or the Irish Republic.

If you do not have vocational English, you will need to provide a detailed submission with reasons as to why you believe exceptional circumstances apply to your case. The following issues would need to be considered:

- the nature of the work to be performed, and why vocational English is not required to perform all of the duties;
- how you can transfer your skills to, or otherwise train, other employees regardless of whether the current staff are from the same, or similar, cultural background as the applicant as this may change due to staff turnover or anti-discrimination concerns;
- your ability to understand and comply with occupational health and safety requirements, deal with work emergencies, call for emergency assistance, and communicate with emergency workers when they are alone. A certificate of attendance for an occupational health and safety course should only be considered if it includes an assessment of the applicant's understanding of the course material, regardless of whether an interpreter was present or not (this means that attendance at a course is not sufficient evidence of the applicant's level of understanding);
- your ability to understand and deal with issues relating to their employment and workplace rights, such as what to do about workplace bullying and harassment.
- whether your employer has made any effort to recruit a suitably qualified person with vocational English; and
- you have worked full-time in the nominated position, as the holder of a temporary visa with work rights, for at least the 12 months immediately prior to applying for the ENS visa and you have made a consistent effort to improve your English language skills through an English language course (either through an accredited educational institution or private tutor with recognised teaching qualifications).

## Regional Sponsored Migration Scheme (RSMS)

### Background

The RSMS allows Australian employers in regional and low population growth areas of Australia to sponsor workers for permanent residence in order to fill skilled vacancies in their business.

The employer's business, as well as the nominated position, must be located in regional or low population growth areas, which include all of Australia except for Brisbane, the Gold Coast, Sydney, Newcastle, Wollongong, Melbourne and Perth. See page 40 for a list of postcodes specifying which parts of Australia are 'Regional' for the RSMS.

The objectives of the RSMS are to encourage migration to areas outside the major metropolitan centres and enhance Australia's ability to compete globally by satisfying genuine skill shortages in regional and low population growth areas of Australia.

The objectives of the RSMS are to:

- allow Australian employers to satisfy genuine skills shortages by recruiting skilled workers;
- enhance Australia's ability to compete globally;
- ensure the integrity of the skilled migration program; and
- generally ensure there is a net benefit to Australia.

## The process

The RSMS has 3 stages:

- Stage 1 – Certification of the employer nomination.
- Stage 2 – Employer lodges an employer nomination.
- Stage 3 – Nominee (visa applicant) lodges a visa application.

RSMS employer nominations and visa applications are processed within centres of excellence located in Perth, Melbourne and Sydney.

### IMPORTANT

**The visa application should be lodged after or at the same time the employer nomination is lodged. At the latest the visa application must be lodged within 6 months after the employer nomination has been approved. You should lodge your visa application with the same Centre of Excellence that processed the employer nomination in order to avoid delays in processing your visa application. (See p.35 Lodging your application)**

## Stage 1: Certification of the nomination

A nomination made under the RSMS cannot be approved by the department unless it has been certified by a Regional Certifying Body at the time of lodgment.

Employers will need to submit a form 1054 *Employer nomination under the Regional Sponsored Migration Scheme* to a Regional Certifying Body specified on the department's website [www.immi.gov.au/skills/regional-certifying-bodies.htm](http://www.immi.gov.au/skills/regional-certifying-bodies.htm)

The Regional Certifying Body assesses the nomination against the following criteria:

- there is a need for a paid employee in a business operated by the employer that is actively and lawfully operating in a regional or low population growth area of Australia;
- the nominated position is located in a regional or low population growth area of Australia and will provide employment on a full-time basis for at least 2 years from commencement; and
- unless the appointment is exceptional, the work to be performed in the nominated position requires the appointment of a person with a relevant Australian equivalent diploma or higher qualification, which is equivalent to any occupation within ASCO major group 1–4 (a trade qualification is considered, under departmental policy, to be the equivalent of a diploma qualification for ASCO major group 4 occupations).  
Employers who are seeking approval of occupations outside ASCO major group 1–4 must provide a detailed submission explaining why they believe the appointment should be approved as exceptional.

### IMPORTANT

**The department must also assess the nomination against the same criteria considered by the Regional Certifying Body. Employers should not assume that a nomination which has been certified by a Regional Certifying Body will be approved by the department.**

## Stage 2: Nomination by the employer

The employer lodges the certified nomination, with all supporting documentation, with a Centre of Excellence located in Perth, Melbourne or Sydney.

In addition to the certification criteria mentioned previously, the department assesses the nomination against the following criteria:

- the employer has a satisfactory record of compliance with Australian immigration and workplace relations laws;
- the employer does not have any adverse information against it or its officers; and
- the nominee will be employed on a salary and working conditions that accord with the relevant Australian legislation and awards.

If the nomination is approved, the nominee must lodge a visa application within 6 months of the approval date. The department will advise the employer if the nomination has been approved.

The employer can change the nominee at any time during the 6 month period by advising the department in writing. If the nomination has been approved but the nominee's visa application is refused, the employer can nominate another person to fill the position by advising the department in writing. The new nominee must lodge their visa application within 6 months of the original nomination approval date.

If the nomination is not approved, the employer will be advised in writing of the reasons for the decision. The decision is reviewable by the MRT. Further information is available on the MRT website [www.mrt-rrt.gov.au/](http://www.mrt-rrt.gov.au/)

### Stage 3: Nominee's application for visa

Unless you are deemed to have applied for an employer sponsored visa (see *Deemed visa application (offshore visas only)* on page 7), you must complete and lodge form 47ES *Application for employer sponsored migration to Australia*, which is included with this booklet, and pay the first instalment of the Visa Application Charge (see page 9).

Your visa application must be lodged with an office of the department in Australia. You should lodge your visa application at the same Centre of Excellence where the corresponding employer nomination was lodged to minimise any processing delays.

#### TIME LIMIT

You must lodge a visa application within 6 months of the approval of the employer nomination.

#### ASSESSMENT

A decision on the application will be made on the basis of information you have provided and the legal requirements which apply at the time you lodged your visa application. If your circumstances change in any way after you have lodged your visa application, you will need to inform the department of your new circumstances.

The department will assess your visa application against the following:

- you have a relevant Australian equivalent diploma or higher qualification, unless you can demonstrate exceptional circumstances apply. A trade qualification is considered, under departmental policy, to be the equivalent of a diploma qualification for ASCO major group 4 occupations.
- you hold, or are eligible to hold, any mandatory registration, license or professional membership which allows you to work independently and without further training. In order to be considered as eligible to hold any mandatory registration, license or professional membership for the nominated occupation, you must already be fully assessed as suitable by the relevant body. This means you must have applied for, and satisfactorily completed, any testing or training required by the relevant body. You should provide written confirmation from the relevant body that you have been fully assessed as suitable.
- the nominated position continues to satisfy the criteria for approval of the appointment and it is still available to you. You will need to provide evidence of a formal letter of appointment or an employment contract that has been signed by the employer and you.
- you are less than 45 years old, unless you can demonstrate exceptional circumstances apply.
- you have functional English, unless you can demonstrate exceptional circumstances apply.
- you, as well as all migrating family members, satisfy mandatory health and character checks. In all cases, the health and character checks will be required even if you have already provided health and character checks for a temporary residence visa you currently hold. In some cases, non-migrating family members may also be required to satisfy mandatory health and character checks.

#### IMPORTANT

**You should not make any travel arrangements or finalise your affairs until the department has advised you in writing that your visa application has been approved.**

## Exceptional circumstances – RSMS

All requests for consideration of exceptional circumstances in relation to the skill, age or English language criteria are assessed at the visa application stage. You may ask your RSMS sponsor to provide information to support any claims of exceptional circumstances.

### IMPORTANT

**The skill, age or English language criteria must be satisfied when you first apply for the visa. You should provide evidence that you satisfy the criteria or provide a detailed submission to support a request for exceptional circumstances with your visa application. If you are seeking consideration of exceptional circumstances for more than one criterion, you must provide reasons for each individual criterion. If your application is assessed as being exceptional for one or more criterion, you must still satisfy all other normal criteria.**

### Skill

If you do not have a relevant Australian equivalent trade, diploma or higher qualification, you can seek to satisfy the skill criterion by demonstrating that exceptional circumstances apply to your case.

The inability to find a person in Australia with the relevant qualifications is, in itself, insufficient grounds for assessing your circumstances as exceptional. You or your employer must demonstrate there are other factors relating to the nominated position which support consideration of your case as exceptional, for example, the employer could not find a person with the relevant qualifications either in Australia or overseas because the position is highly unusual or specialised.

### Age

You must be less than 45 years old when you lodge your RSMS visa application, unless you can demonstrate that exceptional circumstances apply to your case.

The following guidelines should be considered as part of your detailed submission:

- If you are 45 to less than 50 years old, the circumstances may be considered exceptional if:
  - the position is essential to the operation of the business; and
  - your employer demonstrates that it is not possible to find, in Australia or overseas, a suitably qualified person who is younger than you.
- If you are 50 to less than 55 years old, the circumstances may be considered exceptional if:
  - the position is an ASCO major group 1 to 3 occupation;
  - the position is essential to the operation of the business and
  - your employer demonstrates that it is not possible to find, in Australia or overseas, a suitably qualified person who is younger than you.
- If the applicant is 55 to less than 60 years old, the circumstances may be considered exceptional if:
  - the position is an ASCO major group 1 to 2 occupation;
  - the position would normally require a person with specialised skills and experience that were acquired over many years (for example senior academics, researchers or scientists); and
  - the employer demonstrates that the position is so unusual or highly specialised that it was not possible to find, in Australia or overseas, a suitably qualified person who is younger than you.

Applicants who are 60 years or older are not generally considered under the exceptional circumstances provisions.

## Functional English

A 'functional' level of English is required of RSMS applicants. Some methods of demonstrating this level of English language proficiency include:

- you have an IELTS score of at least 4.5 as an average over the test components (speaking, reading, listening and writing). You must have taken the test no more than 12 months before applying for the ENS visa. Your nearest test centre can be found by contacting IDP Education Australia, the British Council or an Australian overseas mission.
- an Occupational English Test score relevant to your nominated occupation which is at least equivalent to IELTS 4.5.
- you have a qualification or experience for which Part 3 of Schedule 6 of the Migration Regulations 1994 has awarded 10 points or more.
- evidence that you have been assessed by an Adult Migrant English Program provider in Australia as having functional English.
- you are a native English speaker, that is, your first language was English and you hold a current passport from the United Kingdom, United States, New Zealand, Canada or the Republic of Ireland.

If you do not have functional English, you will need to provide a detailed submission with reasons as to why you believe exceptional circumstances apply to your case. The following issues would need to be considered:

- the nature of the work to be performed, and why functional English is not required to perform all of the duties;
- how you can transfer your skills to, or otherwise train, other employees regardless of whether the current staff are from the same, or similar, cultural background as the applicant as this may change due to staff turnover or anti-discrimination concerns;
- your ability to understand and comply with occupational health and safety requirements, deal with work emergencies, call for emergency assistance, and communicate with emergency workers when they are alone. A certificate of attendance for an occupational health and safety course should only be considered if it includes an assessment of the applicant's understanding of the course material, regardless of whether an interpreter was present or not (this means that attendance at a course is not sufficient evidence of the applicant's level of understanding);
- your ability to understand and deal with issues relating to their employment and workplace rights, such as what to do about workplace bullying and harassment.
- whether your employer has made any effort to recruit a suitably qualified person with functional English; and
- you have worked full-time in the nominated position, as the holder of a temporary visa with work rights, for at least the 12 months immediately prior to applying for the RSMS visa and you have made a consistent effort to improve your English language skills through an English language course (either through an accredited educational institution or private tutor with recognised teaching qualifications).

## Visa cancellation

The department has the power to cancel your RSMS visa if you have not made a genuine effort to commence employment with your RSMS sponsor within 6 months of:

- your first entry in Australia for an offshore RSMS visa subclass 119; or
- the visa grant for an onshore RSMS visa subclass 857.

The department may also seek to cancel your RSMS visa if you have commenced employment but:

- the employment has terminated within 2 years of commencement; and
- you did not make a genuine effort to remain in the nominated employment for the period.

You will be given an opportunity to provide in writing the reasons why your visa should not be cancelled if the department decides there may be grounds to cancel the RSMS visa.

# Labour Agreements (LA)

## Background

A Labour Agreement is a formal agreement between an employer and the Commonwealth government, represented by the department and DEEWR, allowing the recruitment of a specified number of skilled workers from overseas in response to identified skill shortages in the Australian labour market.

A Labour Agreement is designed to ensure that overseas recruitment supports the longer term improvement of employment and training opportunities for Australians. Employers are required to make commitments to the employment, education, training and career opportunities of Australians as part of the agreement. Employers must also demonstrate there is a genuine employer-employee relationship.

A Labour Agreement can include the permanent resident visa subclasses 120 or 855, as well as the temporary resident subclass 457 Business (Long Stay) visa. The information in this booklet only relates to the permanent resident visa subclasses and is also available on the department's website [www.immi.gov.au/skilled/skilled-workers/la/](http://www.immi.gov.au/skilled/skilled-workers/la/)

It may take time for Labour Agreement negotiations to be finalised. Employers should first consider whether there are any other visa options that could meet their requirements before commencing negotiations for access to a Labour Agreement. Information on the range of temporary and permanent visas that may be applicable is available on the department's website [www.immi.gov.au/skilled/skilled-workers/visa-options.htm](http://www.immi.gov.au/skilled/skilled-workers/visa-options.htm)

## The process

If an agreement has been negotiated, the process consists of 3 stages:

- Stage 1 – Negotiate a Labour Agreement.
- Stage 2 – Employer lodges an employer nomination.
- Stage 3 – Nominee (visa applicant) lodges a visa application.

### Stage 1: Negotiate a Labour Agreement

An employer wishing to enter into a Labour Agreement will be asked to provide information that will include:

- the background of the company;
- the benefits the agreement will provide to Australia;
- the types of occupations and skill level sought;
- evidence of skills shortage;
- the level of English language skills required to perform the work;
- salary and work conditions; and
- the employer's training programs.

People who are currently on the Skill Matching Database may be nominated by an employer under a Labour Agreement.

The negotiation period for a Labour Agreement can take some time and comes into effect when it has been signed by all parties involved with the negotiations.

A Centre of Excellence located in Perth, Melbourne or Sydney will be responsible for processing all employer nominations and visa applications lodged through a Labour Agreement. The employer will be notified which Centre of Excellence will be responsible for their Labour Agreement by the department.

## Stage 2: Nomination by the employer

The employer lodges an employer nomination with the relevant Centre of Excellence using form 1192 *Employer nomination for a permanent appointment (Labour Agreement, Regional Headquarters Agreement or Invest Australia Supported Skills Agreement)*.

The department assesses the employer nomination against all of the following criteria:

- the nominated position relates to occupations and skills which are specified in the agreement;
- the nominated position does not exceed the agreed ceiling for the Labour Agreement;
- salary and work conditions are provided in accordance with the Labour Agreement;
- the nominee is less than 45 years old, unless they can demonstrate exceptional circumstances apply; and
- the nominee satisfies the English language requirement specified in the Labour Agreement.

If the employer nomination is approved, the employer should advise the nominee to lodge a visa application.

## Stage 3: Nominee's application for visa

Unless you are deemed to have applied for an employer sponsored visa (see *Deemed visa application (offshore visas only)* on page 7), you must complete and lodge form 47ES *Application for employer sponsored migration to Australia*, which is included with this booklet, and pay the first instalment of the Visa Application Charge (see page 9).

Your visa application must be lodged with an office of the department in Australia. You should lodge your visa application at the same Centre of Excellence where the corresponding employer nomination was lodged to minimise any processing delays.

### ASSESSMENT

A decision on the application will be made on the basis of information you have provided and the legal requirements which apply at the time you lodged your visa application. If your circumstances change in any way after you have lodged your visa application, you will need to inform the department of your new circumstances.

The department will assess your visa application against the following:

- you have the qualifications and skills specified in the Labour Agreement.
- you hold, or are eligible to hold, any mandatory registration, license or professional membership which allows you to work independently and without further training.
  - In order to be considered as eligible to hold any mandatory registration, license or professional membership for the nominated occupation, you must already be fully assessed as suitable by the relevant body. This means you must have applied for, and satisfactorily completed, any testing or training required by the relevant body. You should provide written confirmation from the relevant body that you have been fully assessed as suitable.
- you are less than 45 years old, unless you can demonstrate exceptional circumstances apply.
- you satisfy the English language requirement specified in the Labour Agreement.
- you, as well as all migrating family members, satisfy mandatory health and character checks. In all cases, the health and character checks will be required even if you have already provided health and character checks for a temporary residence visa you currently hold. In some cases, non-migrating family members may also be required to satisfy mandatory health and character checks.

### IMPORTANT

**You should not make any travel arrangements or finalise your affairs until the department has advised you in writing that your visa application has been approved.**

## Exceptional circumstances

All requests for consideration of exceptional circumstances in relation to age are assessed at the visa application stage. You may ask your employer to provide information to support any claims of exceptional circumstances.

### IMPORTANT

**The age criterion must be satisfied when you first apply for the visa. You should provide evidence that you satisfy the criterion or provide a detailed submission to support a request for exceptional circumstances with your visa application.**

### Age

You must be less than 45 years old when you lodge your Labour Agreement visa application, unless you can demonstrate that exceptional circumstances apply to your case.

The following guidelines should be considered as part of your detailed submission:

- If you are 45 to less than 50 years old, the circumstances may be considered exceptional if:
  - the position is essential to the operation of the business; and
  - your employer demonstrates that it is not possible to find, in Australia or overseas, a suitably qualified person who is younger than you.
- If you are 50 to less than 55 years old, the circumstances may be considered exceptional if:
  - the position is an ASCO major group 1 to 3 occupation;
  - the position is essential to the operation of the business; and
  - your employer demonstrates that it is not possible to find, in Australia or overseas, a suitably qualified person who is younger than you.
- If the applicant is 55 to less than 60 years old, the circumstances may be considered exceptional if the:
  - the position is an ASCO major group 1 to 2 occupation;
  - the position would normally require a person with specialised skills and experience that were acquired over many years (for example senior academics, researchers or scientists); and
  - the employer demonstrates that the position is so unusual or highly specialised that it was not possible to find, in Australia or overseas, a suitably qualified person who is younger than you.

Applicants who are 60 years or older are not generally considered under the exceptional circumstances provisions.

# PART 3

## Health and character

### Health

#### Strict health standards

You and all dependent family members must meet strict health standards designed to protect Australia from high health risks and costs, and overuse of scarce health resources such as organs for transplant.

#### Medical examination

You will be asked to undertake an examination by a doctor, selected by Australian authorities. Usually, a chest x-ray, medical examination and possibly some laboratory or specialist tests and referral to Medical Officers of the Commonwealth for final decision will be required. Costs will be your responsibility. All members of your immediate family must meet the standards for your application to be successful. Dependants who are not planning to migrate must also be examined.

**If you are outside Australia when you apply for your visa**, forms for your medical examination, together with directions to listed doctors, will be provided by staff processing your migration application. If you are pregnant, you are advised not to be x-rayed until after the birth of your baby, meaning that your application may not be finished until then. Alternatively, although not preferred by the Australian Government, you may care to discuss with your radiologist the use of a lead shielded x-ray.

**If you are inside Australia when you apply for your visa**, you should arrange to have the medical examination and any associated tests completed **before** the visa application(s) are lodged. The necessary forms (26 and 160) are available from the department's website [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

#### Health conditions of concern

In view of the World Health Organisation's declaration of a global epidemic of tuberculosis, particular care is taken to screen for this disease including stringent treatment recommendations where signs of earlier infection, however small or old, are apparent.

Australia has one of the lowest rates of tuberculosis in the world and maintains one of the strictest regimes for screening and treatment. Detection of the disease will not lead to automatic rejection, but your application may only continue after recommended treatment and successful retesting.

Other health conditions of concern are those where a person is assessed by Australian authorities as requiring treatment, support or assistance which are considered to be in short supply, or which cost a significant amount. This may differ from treatment in other countries.

## Doctors

Doctors may charge you fees in accordance with their usual practice. They may recommend that you undertake other treatment or specialist consultations. This may be in your own interest because listed doctors know what is required for the assessment of your examination results in Australia.

## Basis for decision

A decision is made on, any detection of tuberculosis, however old or small, and, of medical conditions which are likely to result in significant health treatment and community services costs in Australia, or which may use treatment or services in short supply. Some allowance is made for normal health and welfare costs (calculated as a multiple of average annual costs for an Australian). When the Medical Officer of the Commonwealth is of the opinion that an applicant's costs are beyond these and are therefore significant, this generally leads to refusal. The cost assessment takes no regard of whether a person has or intends to take private health insurance or make other financial or nursing arrangements to lessen the claim on public funds.

It is not the doctor who examines you who determines whether you meet the health requirement, but Australian authorities.

# Character

To enter Australia, applicants must be of good character.

In order for the Australian Government to determine whether you are of good character, you will be asked to provide police checks for each country you have resided in for 12 months or more over the last 10 years. This includes Australia if you have resided in Australia for a total of 12 months or more over the last 10 years.

In some instances, applicants may also be required to provide personal details to enable additional character checks to be undertaken. Please complete and include with your application, a form 80 *Personal particulars for character assessment* for each applicant aged 16 years or over included in your application. Form 80 is available from offices of the department or from the department's website [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

To avoid unnecessary delays in processing your visa application, you can begin to seek police checks before you lodge your application. More information on penal clearances is available from the department's website [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

**Note:** You may send a certified copy of your police check, however, the department may request the original police check at a later date.

# PART 4

# Preparing your application

## Forms

### Provide completed forms

- The appropriate employer nomination form:  
form 785 *Employer nomination under the Employer Nomination Scheme – (ENS)*;  
form 1054 *Employer nomination under the Regional Sponsored Migration Scheme – (RSMS)*; or  
form 1192 *Employer nomination for a permanent appointment – (LA)*.
- The appropriate visa application form(s):  
form 47ES *Application for employer sponsored migration to Australia – (ENS, RSMS, LA)*;  
form 47A *Details of child or other dependent family member aged 18 years or older (for each dependant aged 18 or older)*.

**Note:** Other forms may be required and will be provided by the office of the department at the appropriate time.

Forms may change from time to time and applicants should check when lodging their application that the most recent version of a form has been used.

## Application charge

- Charges are listed on form 990i *Charges* which is available from the department's website [www.immi.gov.au/allforms/pdf/990i.pdf](http://www.immi.gov.au/allforms/pdf/990i.pdf)

# Other documents

## Other documents you must provide

Other documents you must provide are listed on the following pages.

**You should provide all the documents necessary to support your claims** to eligibility when you make your application.

If you cannot provide all the documents when you make your application, you should tell the department which documents are missing and when you expect to be able to provide them.

If you do not provide all the necessary documents **a decision may be made on the information you have provided**. It is in your interests to support your application with as much information as possible at the time of application.

## Certified copies

Do not supply original documents with your application. If we require an original document at any stage, we will ask for it.

You should provide 'certified copies' of original documents. This means a copy which is authorised as a true copy by a person before whom a Statutory Declaration may be made. Such authorised persons include the following: a magistrate, Justice of the Peace, Commissioner for Declarations, Commissioner for Affidavits, a person before whom a Statutory Declaration may be made under the law of the state in which the Declaration is made, a solicitor, registered medical practitioner, bank manager, postal manager and Australian Postal Corporation Officer with 5 years service.

## English translations

Documents in languages other than English must be accompanied by an English translation completed by a translator accredited by the National Accreditation Authority for Translators and Interpreters (NAATI). You should ask at your nearest office of the department for further information about how to get your documents translated.

We suggest you check off each of the following documents as you attach it to your application to ensure that you include all necessary documents.

## All applicants

**You must provide the following documents with your completed application form.**

- Documents to prove your identity – a certified copy of your birth registration showing both parents' names. If you do not have a birth certificate or are unable to get one, you must provide a certified copy of the identification pages of at least one of the following documents:
  - passport;
  - family book showing both parents' names;
  - identification document issued by the government;
  - document issued by a court that verifies your identity.

If you are unable to provide one of these documents, you must provide other acceptable evidence that you are who you claim to be.

- 2 recent passport sized photographs (45mm x 35mm) of yourself and any other person included in the application (and 4 photos of each person if health examinations have not been completed). These should be of the head and shoulders only, and should show the person facing the camera and against a plain background. You should print the name of the person on the back of each photograph.

- If you or anyone included in the application is or has been married, certified copies of the marriage certificate(s).
- If anyone included in the application has been divorced or widowed, a certified copy of the divorce decree absolute or the death certificate of the deceased partner (as appropriate).
- If anyone included in the application has changed his or her name (eg. by marriage or deed poll), a certified copy of evidence of the name change.
- Certified copies of birth certificates or the family book, showing names of both parents, for all the children included in the application.
- Certified copies of documents to verify custody and access arrangements for children under 18 years unless both parents of the child are included in the application.
- Completed medical and x-ray examinations for all persons included in your application. **[Only if you are inside Australia when you lodge your application (see page 29)]**
- A police check for each person aged 16 years or over included in your application, for each country, including Australia, lived in for more than 12 months over the past 10 years. More information on penal clearances is available from the department's website [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)
- If any child included in the application is adopted, certified copies of the adoption papers.
- If you have served in the armed forces of any country, certified copies of military service record or discharge papers.
- If you are using a migration agent or exempt agent or authorised recipient, a completed form 956 *Appointment of a migration agent or exempt agent or other authorised recipient*.

## ENS

- Evidence of qualifications and experience (certified copies of all qualifications, work references and if applicable, evidence that your qualifications are recognised in Australia). **Note:** Must be provided when application is lodged if required.
- If you have not been working in the occupation for which you have been nominated in Australia for the last 2 years (including at least the last year for your nominating employer) while holding a subclass 457, 418, 422, 428, 421, 444 or 461 visa or visas **and** you have not been nominated for a position that pays more than AUD151,500 base salary, then you **must** provide a completed skills assessment from the assessing authority for your occupation (see form 1121i).
- Form 785 *Employer nomination under the Employer Nomination Scheme* signed by your nominating employer, **or**
- A copy of the approval letter (if the nomination has been decided).

## RSMS

- Evidence of qualifications and experience (certified copies of all qualifications, work references and if applicable, evidence that your qualifications are recognised in Australia).
- Form 1054 *Employer nomination under the Regional Sponsored Migration Scheme* signed by your nominating employer, **or**
- A copy of the approval letter (if the nomination has been decided).

## Labour Agreement

- Evidence of qualifications and experience (certified copies of all qualifications, work references and if applicable, evidence that your qualifications are recognised in Australia).
- Form 1192 *Employer nomination for a permanent appointment (under a Labour Agreement)* signed by an executive of the company, **or**
- A copy of the approval letter (if the nomination has been decided).

# Lodging your application

All applications including visa applications from overseas applicants should be lodged at the Centre of Excellence processing the nomination application of the employer. The Centres of Excellence are located in Sydney, Melbourne and Perth. There is a geographic split of responsibility for processing applications based on the location of the nominating organisation's head office:

- Parramatta Centre of Excellence process nominations and visa applications from the Australian Capital Territory, New South Wales and Queensland;
- Melbourne Centre of Excellence process nominations and visa applications from Northern Territory, South Australia, Tasmania and Victoria;
- Perth Centre of Excellence process nominations and visa applications from Western Australia.

To avoid any delays in processing your application, you are encouraged to lodge this form directly with the relevant Centre of Excellence. The preferred method of lodgement is by mailing your application to one of the Centres of Excellence:

## New South Wales

All ENS and RSMS applications should be sent to the Parramatta Centre of Excellence.

Nominations and visa applications for LAs, IASS and RHQ agreements should be lodged at whichever Centre of Excellence is managing the agreement.

### Parramatta

Parramatta Centre of Excellence

Street address:  
Level 4  
9 Wentworth Street  
PARRAMATTA NSW 2150

Postal address:  
GPO Box 9984  
SYDNEY NSW 2001

General fax:  
(02) 8861 4422

### Sydney

Street address:  
Level 2  
26 Lee Street  
SYDNEY NSW 2000

Postal address:  
GPO Box 9984  
SYDNEY NSW 2001

General fax:  
(02) 8862 6096

## Australian Capital Territory

### Canberra

Street address:  
3 Lonsdale Street  
BRADDON ACT 2612

Postal address:  
GPO Box 717  
CANBERRA ACT 2601

General fax:  
(02) 6248 0479

## Victoria

### Melbourne

Melbourne Centre of Excellence

Street address:  
Level 25  
2 Lonsdale Street  
MELBOURNE VIC 3000

Postal address:  
PO Box 241  
MELBOURNE VIC 3001

General fax:  
(03) 9235 3206

## Tasmania

### Hobart

Street address:  
Level 13  
188 Collins Street  
HOBART TAS 7000

Postal address:  
GPO Box 794  
HOBART TAS 7001

General fax:  
(03) 6223 8247

## Queensland

### Brisbane

Street address:  
299 Adelaide Street  
BRISBANE QLD 4000

Postal address:  
GPO Box 9984  
BRISBANE QLD 4001

General fax:  
(07) 3360 5147

## Western Australia

### Perth

Perth Centre of Excellence

Street address:  
Wellington Central  
Level 3  
836 Wellington Street  
WEST PERTH WA 6005

Postal address:  
Locked Bag 7  
NORTHBRIDGE WA  
6865

General fax:  
(08) 9415 9288

## South Australia

### Adelaide

Street address:  
Level 3  
55 Currie Street  
ADELAIDE SA 5000

Postal address:  
GPO Box 2399  
ADELAIDE SA 5001

General fax:  
(08) 8237 6699

## Northern Territory

### Darwin

Street address:  
Pella House  
40 Cavanagh Street  
DARWIN NT 0801

Postal address:  
GPO Box 864  
DARWIN NT 0800

General fax:  
(08) 8981 6245

## If you have any enquiries:

- Go to the department's website – [www.immi.gov.au/immigration.htm](http://www.immi.gov.au/immigration.htm); or
- **Inside Australia** – telephone **131 881** (for the cost of a local call); or
- **Outside Australia** – contact the nearest Australian mission.

# PART 5

# Processing

# visa applications

## You must have a visa to travel to and stay in Australia

This information booklet explains how to make visa applications and how they are processed.

## It is important that you read this information

It is important that you read this information – it may affect whether you are granted a visa or have your visa cancelled.

You should read all information and instructions about the class of visa you want. If you do not think you can qualify for a visa, you may wish to reconsider whether to apply because any visa charge paid will not be refunded if you are unsuccessful.

## Where to get information

In Australia, you can get information about visas, charges and forms at offices of the department or you can call **131 881** (for the cost of a local call), or you can go to

**[www.immi.gov.au/immigration.htm](http://www.immi.gov.au/immigration.htm)**. Outside Australia, you should contact your nearest Australian mission, or go to **[www.immi.gov.au/immigration.htm](http://www.immi.gov.au/immigration.htm)**

## How to apply for a visa

To make a valid application, you must:

- indicate the class of visa that you want;
- use the correct form; or
- lodge an application via the internet (where applicable);
- provide your residential address;
- pay the required charge (where applicable);
- satisfy any other requirements (for example, you may have to be outside Australia to apply for the visa);
- send or deliver your application to the same Centre of Excellence that processed your employer's nomination.

You must also:

- complete the application in English;
- answer all questions truthfully – if you provide incorrect information or documents, your visa may not be granted;
- provide originals or certified copies of any required documents unless the department advises otherwise.

## Family members

For most visas, family members (partners, dependent children or dependent relatives) who apply at the same time can apply on the same form and pay one charge. A child who is born after an application is made (but before it is decided) will be automatically included in the parent's application, once the department is notified of the details of the newborn child. In some circumstances, a partner or dependent child can be added to an application.

## Limitations on applications

If you are in Australia, you may be prevented from making further applications if, for example:

- you do not hold a substantive visa (which is any visa other than a bridging visa, a criminal justice visa or an enforcement visa) and have had a visa cancelled or refused since you last arrived in Australia;
- your last visa was granted on the condition that you would not be granted a substantive visa while you remain in Australia;
- you hold a sponsored visitor visa;
- you are in immigration detention;
- you have previously applied for a protection visa.

In these cases, the department can provide you with information about which visas, if any, you can apply for.

## More than one application

If you apply for more than one visa, the visa granted last will generally be the visa you have (and the visa granted first will no longer be valid). You can get advice about your situation from any office of the department or nearest Australian mission.

## Communicating with the department

Communication with the department about your application should generally be in writing. You should send the communication to the office where you applied unless the department notifies you of another address.

## Withdrawal of applications

You can withdraw your application by advising the department in writing at any time before a decision is made. Any charges that you paid at time of application are usually not refunded.

## You must correctly identify yourself

If you communicate with the department about your application, you must:

- include your name (as in your application);
- include your date of birth;
- include the client number given to you by the department, or, if you do not have a client number, the department's file number or the application receipt number;
- if your application is made outside Australia, include the name of the office where you applied.

## Residential address

You must provide the address of where you intend to live while your application is being dealt with. Failure to give your residential address will result in this application being invalid. A post office box will not be accepted as your residential address.

## Let the department know if you change your address

If you change your residential address for more than 14 days while your application is being processed, you must tell the department your new address and how long you will be there. The department will send communication about your application to the latest address for correspondence you have provided.

Communication about your application can be sent to another person that you have authorised, but you will be taken to have received the communication that the department sends to that person. The department must be informed (in writing) of any address change for either you or your authorised person.

## Extra information about your application

Additional information can be provided (in writing) at any time, until a decision is made on your application. All relevant information is taken into account.

If you are invited to give additional information or comment on information, you will be given a date by which to do so. After that date, the department can continue processing your application. You cannot delay a decision by saying that you may or will give more information later.

## Interviews

If you are invited to attend an interview, you must attend on the date and time agreed with the department. If you do not, the department can process your application and make a decision on the basis of the information it already has.

## Invitation to comment

If another person gives the department information that could result in you being refused a visa, the department will generally give you an opportunity to comment on the information. You will need to comment by a set date.

### **Advise the department if your circumstances change**

If any of your circumstances change, such that any answer in your application or information given to the department is no longer correct, you must inform the department (in writing) as soon as practicable.

You must continue to do this until a decision is made on your application (or, in the case of a visa granted outside Australia, until you travel to Australia and are cleared by immigration). Your visa may be cancelled if you give incorrect information or fail to advise the department that some information is no longer correct. However, if you advise the department of the correct information before your visa is granted (or in the case of a visa granted outside Australia, before you are immigration cleared), your visa cannot later be cancelled on the basis of that incorrect information.

### **Visa decisions**

Processing times vary between offices. You will be notified by the department when a decision has been made on your application.

If you are refused a visa, you will be notified why you were refused and, if applicable, where you can apply for merits review of the decision. You will be notified of your time to seek review or your time to depart Australia.

When the department advises you, or a person you have authorised to act and receive communication on your behalf, of the decision on your visa application, you will be taken to have received the notification:

- 7 working days after the date of the letter (if sent in Australia); or
- 21 days after the date of the letter (if sent outside Australia).

If the notification is handed to you, you will be taken to have been notified at that moment.

If the notification is faxed or e-mailed to you, you will be taken to have been notified at the end of that day.

### **You must abide by all conditions on your visa**

If your visa is granted subject to conditions (for example, restrictions on work or study) you must abide by those conditions or your visa may be cancelled. If you wish to change those conditions or stay longer than your visa allows, contact the department for information about how to do this.

### **If you wish to leave Australia while your application is being processed, check with the department before you leave**

You should inform the department if you travel (either to or from Australia) during processing of your application. This is because your application may be refused if you are in the 'wrong place' when a decision is made.

For most visas applied for in Australia:

- you must be in Australia; and
- you must be in Australia when a decision is made.

For most visas applied for overseas:

- you must be outside Australia when a decision is made.

In addition, if you have applied in Australia you must ensure before you leave Australia that you have a visa to return. Otherwise you may not be able to return to Australia and, if your application is refused, you may not have a right of review.

### **Bridging visas**

If you apply for a visa in Australia, you will usually be granted a bridging visa to keep you lawful, in case your previous visa ceases before a decision is made on your application. It will also keep you lawful if your visa is refused and you seek merits review of that decision.

However, if you wish to travel overseas, you will need to apply for a specific bridging visa to allow you to return to Australia (unless you already have another visa which allows you to return to Australia).

### Options for receiving written communications

You may authorise another person to receive all communications, both written and electronic, about your application with the department. You will be taken to have received any documents sent to that person as if they had been sent to you.

To do this you will need to complete the section on the application form with the heading *Options for receiving written communications* and form 956 *Appointment of a migration agent or exempt agent or other authorised recipient*. For an explanation of what a migration agent or exempt agent or authorised recipient can do please read the sections below.

### Authorised recipient information

An authorised recipient is someone you appoint to receive written communications about your application with the department.

All written communication about your application will be sent to your authorised recipient, unless you indicate that you wish to have health and/or character information sent directly to you.

The department will communicate with the most recently appointed authorised recipient as you may only appoint one authorised recipient at any time for a particular application.

### Migration agent information

A migration agent is someone who can:

- advise you on the visa that may best suit you;
- tell you the documents you need to submit with your application;
- help you fill in the application and submit it; and
- communicate with the department on your behalf.

If you appoint a migration agent, the department will assume that the migration agent will be your authorised recipient, unless you indicate otherwise.

Your migration agent will be the person with whom the department will discuss your application and from whom it will seek further information when required.

### Exempt agent information

The following people do not have to be a registered migration agent in order to provide immigration assistance, but they must not charge a fee for their service:

- a close family member (spouse, de facto partner, child, parent, brother or sister);
- a sponsor or nominator for this visa application;
- a member of parliament or their staff;
- an official whose duties include providing immigration assistance (eg. a Legal Aid provider);
- a member of a diplomatic mission, consular post or international organisation.

### Consent to communicate electronically

The department may use a range of means to communicate with you. However, electronic means such as fax or e-mail will only be used if you indicate your agreement to receiving communication in this way.

To process your application the department may need to communicate with you about sensitive information, for example, health, police checks, financial viability and personal relationships. Electronic communications, unless adequately encrypted, are not secure and may be viewed by others or interfered with. If you agree to the department communicating with you by electronic means, the details you provide will only be used by the department for the purpose for which you have provided them, unless there is a legal obligation or necessity to use them for another purpose, or you have consented to use for another purpose. They will not be added to any mailing list.

The Australian Government accepts no responsibility for the security or integrity of any information sent to the department over the internet or by other electronic means.

# PART 6

## Regional Certifying Bodies

For an up-to-date list of all Regional Certifying Bodies, please consult the department's website [www.immi.gov.au/skills/regional-certifying-bodies.htm](http://www.immi.gov.au/skills/regional-certifying-bodies.htm)

### Regional Sponsored Migration Scheme (RSMS)

This is a list of postcodes which specify what parts of Australia are regional for the purposes of the RSMS, the Regional subclass 457 visa and the Trade Skills Training visa.

#### RSMS postcodes

##### **Australian Capital Territory**

Entire territory

##### **New South Wales (Except Sydney, Newcastle and Wollongong)**

2250 to 2251 – (Central Coast)  
2256 to 2263 – (Central Coast)  
2311 to 2312  
2328 to 2411  
2420 to 2490  
2536 to 2551  
2575 to 2594  
2618 to 2739  
2787 to 2898

##### **Northern Territory**

Entire territory

##### **Queensland (Except the greater Brisbane area and the Gold Coast)**

4124 to 4125  
4133  
4211  
4270 to 4272  
4275  
4280  
4285  
4287  
4307 to 4499  
4515  
4517 to 4519  
4522 to 4899

##### **South Australia**

Entire state

##### **Tasmania**

Entire state

##### **Victoria (Except Melbourne metropolitan area)**

3211 to 3334  
3340 to 3424  
3430 to 3649  
3658 to 3749  
3753  
3756  
3758  
3762  
3764  
3778 to 3781  
3783  
3797  
3799  
3816 to 3909  
3921 to 3925  
3945 to 3974  
3979  
3981 to 3996

##### **Western Australia (Except Perth and surrounding areas)**

6041 to 6044  
6083 to 6084  
6121 to 6126  
6200 to 6799

## **Australian Government Websites**

assisting business entry and skilled migration

### **Australian Government**

Department of Immigration and Citizenship

[www.immi.gov.au/skilled/business/](http://www.immi.gov.au/skilled/business/)

#### **Including information on:**

- business entry and skilled migration
- contacts for Australian missions overseas
- business trips to Australia

With links to:

- Australian missions overseas
- Australian Government websites
- Useful business websites

### **Business Entry Point**

[www.business.gov.au](http://www.business.gov.au)

### **Australian Taxation Office**

[www.ato.gov.au](http://www.ato.gov.au)

## **State/Territory Governments**

### **Australian Capital Territory**

ACT Government

[www.business.act.gov.au](http://www.business.act.gov.au)

### **New South Wales**

Department of State and Regional Development

[www.business.nsw.gov.au](http://www.business.nsw.gov.au)

### **Northern Territory**

Department of Business, Economic and Regional Development

[www.nt.gov.au/dberd/](http://www.nt.gov.au/dberd/)

### **Queensland**

Department of State Development

[www.statedevelopment.qld.gov.au](http://www.statedevelopment.qld.gov.au)

### **South Australia**

Department of Trade and Economic Development

[www.immigration.sa.gov.au](http://www.immigration.sa.gov.au)

### **Tasmania**

Tasmanian Government

[www.tas.gov.au](http://www.tas.gov.au)

### **Victoria**

Skilled Migration Program

[www.liveinvictoria.vic.gov.au](http://www.liveinvictoria.vic.gov.au)

### **Western Australia**

Small Business Development Corporation

[www.sbdc.com.au](http://www.sbdc.com.au)

# Employer Sponsored Migration

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[www.immi.gov.au](http://www.immi.gov.au)

**people** our business