



Australian Government  
Department of Immigration  
and Citizenship

# Employer Sponsored Migration

5

---

## 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. In addition to this booklet, information about partner migration can also be found on the Department of Immigration and Citizenship (the department) website [www.immi.gov.au/migration/family/partners/](http://www.immi.gov.au/migration/family/partners/). Less detailed information can be found at Fact sheet 30 *Family Stream Migration – Partners*, which is available on the website [www.immi.gov.au/facts/](http://www.immi.gov.au/facts/), from any office of the department or Australian mission.

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 Migration
- 8 Special Migration
- 9 Temporary Business (Long Stay) (subclass 457) visa
- 11 SkillSelect

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

Further information about the department is available from the website [www.immi.gov.au](http://www.immi.gov.au) or telephone **131 881** in Australia (for the cost of a local call) or contact the nearest Australian mission.

## 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 31).

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.mara.gov.au](http://www.mara.gov.au)

You can contact the Office of the MARA at:

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

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

Mail: PO Box Q1551  
QVB NSW 1230  
AUSTRALIA

In person: Level 8  
22 Market Street  
SYDNEY NSW  
AUSTRALIA

Office hours are 9am – 5pm Australian Eastern Standard Time (AEST)

Telephone: 1300 226 272 or +61 2 9078 3552

Fax: +61 2 9078 3591

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.

---

<b>Important terms</b>	<b>2</b>
<b>Part 1 – Introduction</b>	<b>5</b>
Basic requirements	5
Information relevant to a nominator	6
Information relevant to a nominee	6
Bridging visas	7
Dependants	8
Costs and charges associated with your application	9
<b>Part 2 – Nomination</b>	<b>12</b>
Making an Employer Nomination application	12
Program and stream specific criteria	15
Assessment by a Regional Certifying Body	16
Independent contractors	17
<b>Part 3 – Categories</b>	<b>19</b>
Making a Visa Application	19
Step 1: Visa assessment criteria	19
Step 2: Health and character	22
<b>Part 4 – Preparing your application</b>	<b>25</b>
<b>Part 5 – Processing visa applications</b>	<b>27</b>
Communication with the department	31
<b>Part 6 – Regional areas by postcodes for RSMS</b>	<b>33</b>

# Important terms

<b>Agreement stream</b>	The Agreement stream is for applicants who are being sponsored by an Australian employer through a tailored and negotiated labour agreement or regional migration agreement.
<b>Applicant</b>	The applicant is the person (or persons) applying for the visa.
<b>Application</b>	A visa application made online via the e-lodgement facility.
<b>ANZSCO</b>	Australian and New Zealand Standard Classification of Occupations (second edition) published by the Australian Bureau of Statistics.
<b>ATO</b>	Australian Taxation Office
<b>Bridging visa</b>	A Bridging visa is a temporary visa that allows a person to remain lawfully in Australia for various reasons, such as while awaiting the outcome of a substantive visa application. The type of Bridging visa granted will depend on the person's specific circumstances.
<b>Centre of Excellence</b>	A Centre of Excellence is a processing centre where applications are processed.
<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 when 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>CSOL</b>	The Consolidated Sponsored Occupation List (CSOL) is a list of eligible occupations for positions nominated under the Direct Entry stream of the Employer Nomination Scheme (ENS). This list is available on the department's website <a href="http://www.immi.gov.au/skilled/sol">www.immi.gov.au/skilled/sol</a>
<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>Direct Entry stream</b>	The Direct Entry stream is for applicants who are untested in the Australian labour market and have not held a subclass 457 visa for at least 2 years or who are applying directly from outside of Australia.
<b>Employer Nomination Scheme</b>	The Employer Nomination Scheme is a permanent employer sponsored visa program which allows Australian employers to sponsor foreign skilled workers to fill vacancies in their business.
<b>Expression of interest</b>	Expression of interest is a formal process of indicating your interest in SkillSelect.
<b>Labour agreement</b>	A labour agreement is a formal agreement between an Australian employer and the Australian government which allows for the recruitment of a specified number of skilled workers from overseas in response to identified skills shortages in the Australian labour market.
<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 online via the e-lodgement facility for a position within the employer's business
<b>Nominator</b>	The employer who is seeking to nominate a foreign skilled worker to fill a skilled vacancy in their business
<b>Nominee</b>	The person who has been nominated by the nominator to fill the position
<b>Partner</b>	A spouse or de facto partner
<b>Regional migration agreement</b>	A regional migration agreement (RMA) is an agreement between the Australian Government and a regional representative, for example the relevant state or local government, council or other local organisation. The RMA will act as an overarching arrangement under which employers will sign individual labour agreements. This will ensure that the employers are responsible for sponsorship obligations.
<b>Regional Sponsored Migration Scheme</b>	The Regional Sponsored Migration Scheme is a permanent employer sponsored visa which allows Australian employers in regional, remote or low population growth areas of Australia to sponsor foreign skilled workers to fill vacancies in their business.

---

**Spouse**

A person is the spouse of another person if they are in a married relationship

**Substantive visa**

A substantive visa is a visa other than a Bridging visa, Criminal Justice visa or Enforcement visa

**Temporary Residence  
Transition stream**

The Temporary Residence Transition stream is for subclass 457 visa holders who have worked with an Australian employer for at least the last 2 years in the nominated occupation and their employer wants to offer them a permanent position in the same occupation.

## Basic requirements

### Categories

The permanent employer sponsored visa program allows employers to sponsor highly skilled foreign workers who are currently in Australia on a temporary basis or located outside of Australia for permanent residence to fill vacancies in their business.

There are 2 employer sponsored visa categories:

- the Employer Nomination (Class EN) Employer Nomination Scheme (Subclass 186)
- the Regional Employer Nomination (Class RN) Regional Sponsored Migration Scheme (Subclass 187).

### Overview

The permanent employer sponsored program:

- allows Australian employers to satisfy genuine skills shortages by recruiting skilled workers
- enhances Australia's ability to compete globally
- ensures integrity of the skilled migration program
- generally ensures there is a net benefit to Australia.

Each visa category is made up of 3 streams:

- the **Direct Entry** stream is for applicants who are untested in the Australian labour market and have not held a subclass 457 visa for at least the last 2 years or who are applying directly from outside Australia.
- the **Temporary Residence Transition** stream is for subclass 457 visa holders who have worked for their employer for at least the last 2 years in the nominated occupation and the employer wants to offer them a permanent position in that same occupation.
- the **Agreement** stream is for applicants who are being sponsored by an employer through a tailored and negotiated labour agreement or regional migration agreement.

### Employer Nomination Scheme

The Employer Nomination Scheme (ENS) allows Australian employers to sponsor foreign skilled workers for permanent residence to fill vacancies in their business.

### Regional Sponsored Migration Scheme

The Regional Sponsored Migration Scheme (RSMS) encourages migration to areas outside the metropolitan centres. It allows Australian employers in regional, remote or low population growth areas of Australia to sponsor foreign skilled workers for permanent residence to fill skilled vacancies in their business.

The employer's business, as well as the nominated position, must be located in a regional area. The RSMS covers all of Australia except Brisbane, the Gold Coast, Sydney, Newcastle, Wollongong and Melbourne. See page 33 for a list of postcodes that are considered 'regional' for the RSMS.

---

## Information relevant to a nominator

### Employer

The employer is a person who seeks to nominate a skilled worker who is either overseas or in Australia on a temporary visa, for a skilled position within their business. Whether or not a skilled position is eligible under the Direct Entry stream will depend on the scheme used:

- for the ENS, the nominated position must correspond to an occupation in the Consolidated Sponsored Occupation List
- for the RSMS, the nominated position must correspond to an occupation at skill level 1 to 3 within the ANZSCO framework.

### Nomination

Employers who are considering nominating a person under the ENS or RSMS may locate suitable people in various ways, including:

- through their efforts of testing the Australian labour market
- personal contact and/or experience with the nominee
- recommendation from third parties
- through the SkillSelect database.

All prospective applicants must first be nominated by their direct employer in Australia. The nomination must be received through the department's website using e-lodgement.

## Information relevant to a nominee

### Employee

An employee is a person nominated by an employer in Australia for a skilled position within the employer's business. This person may lodge a visa application under the appropriate stream of the ENS or RSMS.

### SkillSelect

SkillSelect is a web-based interface that enables skilled workers interested in migrating to Australia to record their details to be considered for a skilled visa through an Expression of Interest (EOI). Australian employers or state and territory governments can find intending migrants through SkillSelect and nominate workers to apply for skilled visas.

An EOI may increase the chances of a skilled worker finding an employer who is willing to nominate them for migration for a skilled visa. SkillSelect is available from the department's website

[www.skillsselect.gov.au](http://www.skillsselect.gov.au) You may remain on the database for up to 24 months, or until your migration to Australia.



---

## Applying in Australia

To be eligible to apply for an ENS or RSMS visa while you are in Australia, you must hold a valid substantive visa, or a Bridging visa A, B or C.

## Applying outside Australia

You are eligible to apply for an ENS or RSMS visa from outside of Australia.

## Bridging visas

**If you are in Australia when you make a valid application for your ENS or RSMS visa**, you will usually be granted an associated Bridging visa that will allow you to remain lawfully in Australia until a decision is made on your ENS or RSMS visa application. If you hold a substantive visa when you make a valid application for the ENS or RSMS visa, you are likely to be granted a Bridging visa A.

However, if you do not hold a substantive visa but a Bridging visa A or Bridging visa C, you are likely to be granted a Bridging visa C.

Bridging visas A and C do not allow you to leave and return to Australia. If you hold a Bridging visa A and you need to travel outside Australia while your ENS or RSMS visa application is being processed, you must apply for a Bridging visa B by completing form 1006 *Application for a Bridging visa B to seek permission to travel*, which is available from the department's website at [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

If you hold a Bridging visa C, you cannot be granted a Bridging visa B.

There is no charge to apply for Bridging visas A or C. However, there is a charge to apply for a Bridging visa B see form 990i *Charges*.

**If you are outside Australia when you make a valid application for your ENS or RSMS visa** you will **not** be automatically granted an associated Bridging visa. If you already hold another substantive visa when you make the valid application for the ENS or RSMS visa and you wish to use that visa to travel to Australia, you can apply after you have entered Australia for a Bridging visa A, which, if granted, will allow you to remain in Australia. To apply for a Bridging visa A, you need to complete form 1005 *Application for a Bridging visa*, which is available from the department's website at [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

However, if you did not hold a substantive visa when you made the valid application for the ENS or RSMS visa, you will not be eligible to be granted an associated Bridging visa when you arrive in Australia. If you want to stay in Australia while your ENS or RSMS visa is being processed, you must apply, and satisfy the criteria, for another type of substantive visa.

---

## Dependants

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

### Partner

Your partner is your spouse or de facto partner.

### Dependent children

A dependent child may be your child or stepchild. Stepchild 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, engaged to be married or in a de facto relationship.

Where a dependent adult child was included on the subclass 457 visa, and they are not married, in a de facto relationship or engaged to be married, they will be considered dependent for the Temporary Residence Transition stream.

## English requirements

The English language requirements for the permanent employer sponsored program is based on the International English Language Testing (IELTS). More information is available on the IDP Education website at [www.idp.com](http://www.idp.com)

The English language level you must satisfy will depend on the stream you apply for.

- **Temporary Residence Transition** stream applicants must possess vocational English. This is equivalent to a minimum IELTS score of 5 in each of the 4 test components of speaking, listening, writing and reading.
- **Direct Entry stream** applicants must possess competent English, which is equivalent to a minimum IELTS score of 6 on each of the 4 test components.
- **Agreement stream** applicants will need to meet the English language requirement specified in the relevant agreement for the position.

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 if you are considered to be exempt. See page 22 of this booklet for more information on English language exemptions.

If you have been sponsored by an employer through the Agreement stream, exemptions to the English requirement will only be possible if this is allowed within the relevant agreement.

Even if you qualify for an English language exemption, you must pay the second instalment of the visa application charge if you do not have at least functional English.

---

## Functional English

A functional level of English is required by migrating family members who are 18 years of age or older. Ways to demonstrate this level of English language proficiency include:

- an average IELTS score of 4.5 for the 4 test components (speaking, reading, listening and writing). IELTS test scores are valid for 3 years. The nearest test centre can be found on the IDP Education website [www.idp.com](http://www.idp.com)
- an Occupational English test score which is at least equivalent to IELTS 4.5
- evidence you have been assessed by an Adult Migrant English Program provider in Australia as having functional English
- completion of at least 5 consecutive years of full-time study in a secondary and/or higher education institution where all the tuition was delivered in English
- you hold a current passport from the United Kingdom, United States, New Zealand, Canada or the Republic of Ireland.

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.

## 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 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/](http://www.immi.gov.au/allforms/)

Migrating family members who are applying for the visa at the same time can be included on your visa application. The visa application charge covers you and all additional migrating family members included in the application.

Family members who are not migrating with you or who are not eligible to be included in your application must still be declared in your application.

Any visa application lodged without an associated nomination will be refused. Visa applications that are refused or withdrawn are not refundable.

### 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 or older.

---

## Adding family members after lodgement

Family members may be included as part of your visa application after lodgement. 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 an additional charge; and
- any other eligible relatives must apply through the e-lodgement facility and pay the first instalment of the visa application charge.

For further information on charges visit the department's website on [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

## Method of payment

### In Australia

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

Pay by credit card or bank cheque made payable to the Department of Immigration and Citizenship. Credit cards are the preferred method of payment.

## Nomination fee

Employers who wish to nominate skilled workers through the ENS must pay a charge when they lodge an employer nomination, except for nominations lodged through the Agreement stream. If an employer nomination is refused or withdrawn the payment is not refundable.

There are no charges for employer nominations lodged through the RSMS.

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

## Certification by a Regional Certifying Body charge

Employers who wish to sponsor workers through the RSMS Direct Entry stream may have to pay a charge to seek advice from a Regional Certifying Body (RCB) on a nominated position in their business. Contact the relevant RCB for more information.

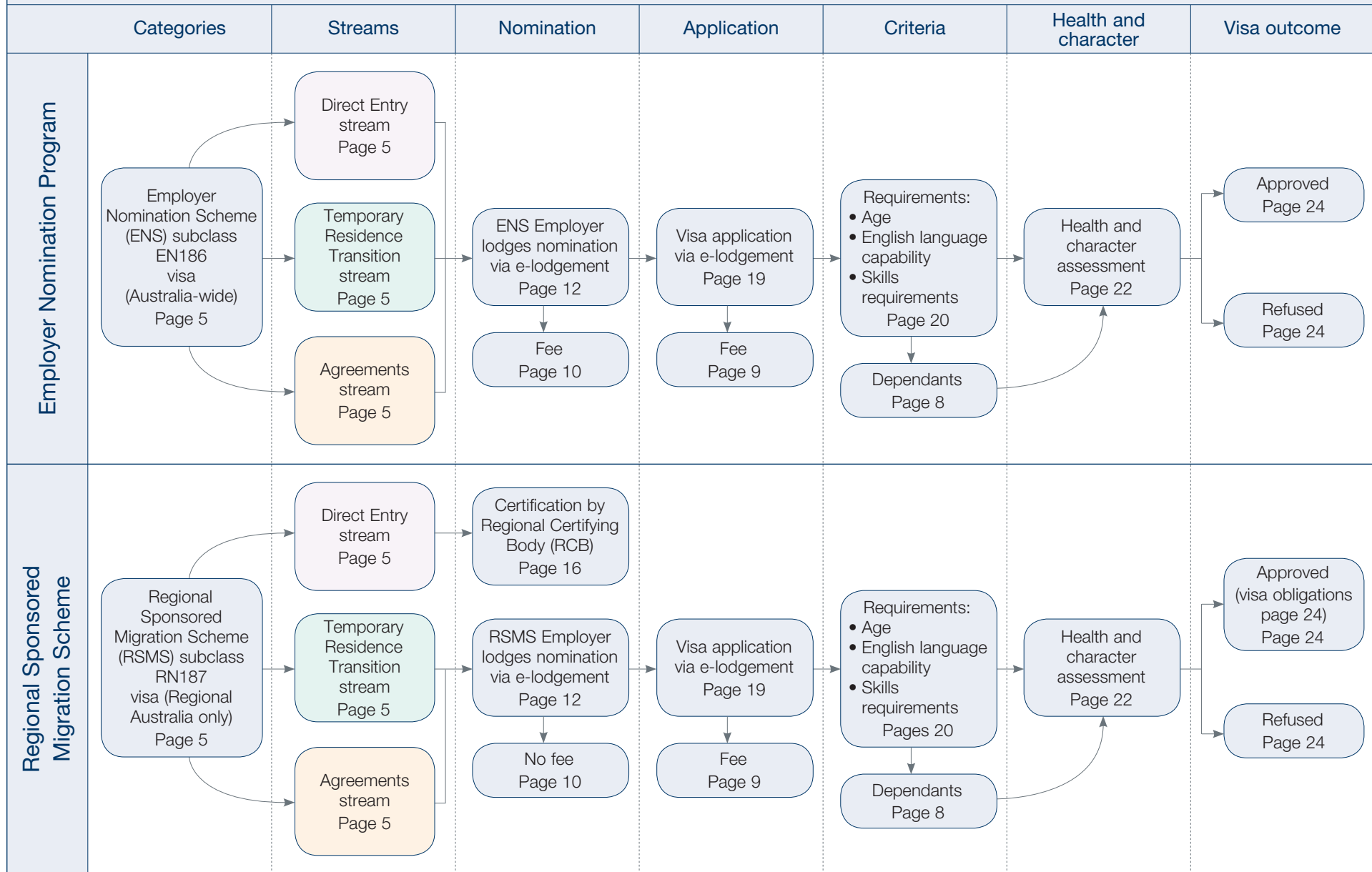
## Visa evidencing

When your visa is granted you do not require a visa label to be placed in your passport. Your visa and any conditions associated with it, including when your visa will expire, will be linked to the passport details you provide. The department can provide a visa label if required. Charges apply.

You can check your visa details online through the Visa Entitlement Verification Online (VEVO) system.

For more information on VEVO or the charges visit the department's website at [www.immi.gov.au/e-visa/vevo.htm](http://www.immi.gov.au/e-visa/vevo.htm)

# Employer Sponsored Program



# Part 2 – Nomination

When making an employer nomination application under the Employer Nomination Scheme (ENS) or Regional Sponsored Migration Scheme (RSMS), you must meet all the requirements outlined under common criteria and additional criteria that are relevant to the stream you wish to nominate a position against.

## Making an Employer Nomination application

The employer lodges a nomination through the department's website using e-lodgement and provides all the supporting documentation. The employer nomination will be assessed by a case officer at a Centre of Excellence located in Perth, Melbourne or Sydney depending on the location of the nominating organisation's head office.

The department will advise the employer if the nomination is approved.

The nominee must lodge a visa application within 6 months of the nomination approval date.

When the nomination is under the Direct Entry stream, the employer can change the nominee at any time during the 6 months period by advising the department in writing. If the nomination has been approved but the nominee's visa application has been 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 Migration Review Tribunal (MRT). Further information is available on the MRT website [www.mrt-rrt.gov.au/](http://www.mrt-rrt.gov.au/)

## Criteria For Direct Entry And Temporary Residence Transition streams

### Common criteria

All employer nominations under the Direct Entry and Temporary Residence Transition streams are assessed against the following common criteria:

- the employer's business is actively and lawfully operating in Australia
- the position is available to the nominee for at least 2 years
- the terms and conditions of employment are the same as those that would apply to an Australian citizen or Australian permanent resident performing the same work in the same location
- there is no adverse information known to the department about the employer or a person associated with the employer
- the employer has complied with relevant workplace relations laws.

---

## Active and lawful operation

### Lawful operation

The employer must demonstrate that the business and its activities are registered with relevant authorities.

Depending on the structure of the business and related business arrangements, registration requirements may include:

- registration for tax purposes with an Australian Business Number (ABN)
- registration with the Australian Securities and Investment Commission (ASIC) which consists of an Australian Company Number (ACN) or Australian Registered Body Number (ARBN)
- registration of business (or trading) name.

### Active operation

In addition to the employer's business being legally established, it must also be actively operating.

Businesses that have been legally established but do not have any business activity will not meet the requirement to be actively operating.

The employer must demonstrate that their business has been actively operating for a period of at least 6 months before lodging a nomination.

A business would be considered to have commenced 'active operation' once all the infrastructure necessary for the activities of the business is in place and the business has commenced providing services to customers/clients. The entity must have operated for at least 6 months from the time it 'actively commenced operations' to satisfy the requirement to be actively operating.

The evidence needed to establish the date of active operation commenced depends on the type of business activity undertaken. For example:

- a person operating a restaurant would be considered to have commenced active operation on the day on which the restaurant was officially opened to the public
- a person providing a consultancy service would be considered to have commenced active operation on the day they were awarded their first consultancy contract.

A business that has operated for less than 12 months must provide Business Activity Statements for each complete quarter from the time of commencement of operations to the time of lodgement of the nomination, to demonstrate that active operation.

In addition, they may provide a combination of the following documentation, depending on the nature of the business activity:

- contract of sale relating to the purchase of the business (where the nominator purchased an existing business)
- lease agreement relating to business premises
- evidence of lease or purchase of machinery, equipment, furniture etc.
- contracts to provide services
- evidence of employment of staff
- business bank statements covering the period of operation
- letter of support from the accountant to the business.

---

## No adverse information

There must be no adverse information known about the business or a person associated with the business. The department may disregard any adverse information if it is satisfied that it is reasonable to do so.

However, any adverse information which is known to the department will be taken into account in deciding the applicant's sponsorship application.

## Terms and conditions of employment

### Equivalent terms and conditions of employment (market salary rate)

Nominating employers must show that they will provide no less favourable terms and conditions of employment to the nominee than they would to an equivalent Australian in their workplace at the same location. This is known as the 'market salary rate'.

### How do I determine the market salary rate for the nominated position?

The way in which you demonstrate the market salary rate differs depending on whether there is an Australian performing equivalent work in the workplace.

#### There is an Australian performing equivalent work in the workplace

In this case, you can demonstrate the market salary rate by referring to the terms and conditions that apply to that Australian worker. If the terms and conditions of the Australian performing equivalent work are directly set by an industrial instrument (such as a modern award or enterprise agreement) then this may be used to demonstrate the market salary rate. If the Australian worker is not covered by an industrial instrument because they are employed under a common law contract, then the terms and conditions in the common law contract may be used to demonstrate the market salary rate.

#### There is no Australian performing equivalent work in the workplace

In this case, you can demonstrate the market salary rate by referring to an industrial instrument (such as a modern award or enterprise agreement) that directly sets the terms and conditions of Australians performing equivalent work. Applicable industry awards may be used to demonstrate the market salary rate where the awards directly set the terms and conditions of Australians performing equivalent work.

If you are referring to an award to demonstrate the market salary rate you must provide evidence that Australians performing equivalent work are being paid the award rate. If there is no equivalent worker or relevant industrial instrument, the onus will be on you to provide a range of evidence to demonstrate the market salary rate. Some relevant evidence may include, but is not limited to:

- data from reputable remuneration surveys
- published earnings data (for example Australian Bureau of Statistics (ABS) data)
- evidence of what employees performing equivalent work are paid in similar workplaces in that location.

You must satisfy the department that the proposed terms and conditions of employment are appropriate for that location and industry.



---

## Program and stream specific criteria

### Direct Entry stream

In addition to the common criteria, Direct Entry stream nominations will also be assessed against the following criteria.

### For ENS and RSMS

The employer must demonstrate that there is a need to employ a paid employee to work under their direct control.

### For ENS

Additional specific requirements are:

- the nominated position relates to an occupation that is included on the consolidated sponsored occupation list
- nominating employers will need to prove that they provide training to Australians.

If your business has been operating in Australia for 12 months or more, you must be able to demonstrate that you meet the prescribed benchmark for the training of Australian citizens or Australian permanent residents. If your business has been operating for less than 12 months, you must be able to demonstrate that you have an auditable plan to meet this training benchmark.

### For RSMS

Additional specific requirements are:

- the nominated position relates to an occupation that is classified at skill level 1 to 3 within the Australian and New Zealand Standard Classification of Occupations (ANZSCO) framework
- the nominated position is located in regional Australia
- the employer demonstrates that the position cannot be filled by an Australian citizen or Australian permanent resident living in the same local area
- the nominating business is located in the regional area in which the nominated position exists
- a Regional Certifying Body has assessed the nomination and provided advice to the department as to whether certain specific requirements for the nomination have been met.

---

## Assessment by a Regional Certifying Body

Regional Certifying Bodies (RCBs) are a diverse network of state and territory government agencies, local chambers of commerce, local government councils and regional development bodies.

A nomination made under the RSMS Direct Entry stream cannot be approved by the department unless an RCB has provided their advice in regard to the application.

The advice provided by an RCB is intended to ensure all RSMS Direct Entry stream nominations have been scrutinised by a third party who is familiar with local labour market conditions and who may be able to provide information on regional matters which the department may not be aware of.

Some RCBs have established processes specific to their organisations, for managing requests for assessment in regard to RSMS nominations.

These processes may require the employer to complete specific paper-based or electronic applications. Employers intending to lodge RSMS nominations under the Direct Entry stream must comply with specific requirements (if any), imposed by the relevant RCB in regard to making applications/requests for assessment.

Where an RCB does not have its own paper-based or electronic form, the nominator must lodge the request for assessment on form 1404 *Regional Sponsored Migration Scheme: Regional Certifying Body advice*.

The RCB assesses the nomination against 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 a regional or low population growth area of Australia
- the terms and conditions of employment are the same as those that would apply to an Australian citizen or Australian permanent resident performing the same work in the same location
- the nominated position cannot be reasonably filled from the local labour market.

The RCB will provide the employer with their advice. The employer will need to submit the advice to the department by attaching the form, using the e-lodgement facility, to the corresponding nomination application.

The RCB assessment must be obtained before or after lodgement of the nomination. An RCB assessment should not be dated more than 3 months prior to lodgement of the nomination as you may be requested to obtain a fresh RCB assessment.

### **IMPORTANT**

The department will also assess the nomination. Employers should not assume that the department will approve a nomination just because positive advice has been provided by an RCB.

---

## Temporary Residence Transition stream

In addition to the common criteria, Temporary Residence Transition stream nominations will also be assessed against the following criteria.

### For ENS and RSMS

The Temporary Residence Transition stream provides a streamlined pathway to employer sponsored permanent residence for persons who have been employed by the nominating employer in the nominated occupation, for a period of at least 2 years preceding the nomination. The following specific requirements apply:

- the nomination must identify the nominee (full name and date of birth)
- the nominee must hold a subclass 457 visa granted to them as a primary applicant under a standard business sponsorship
- the tasks of the nominated position must be in the same ANZSCO minor group as the tasks of the occupation performed by the nominee while holding the subclass 457 visa.

The employer must also demonstrate that they have met and continue to meet the training requirements on the basis of which their Standard Business Sponsorship under the subclass 457 visa program was approved.

## Employment for the period of 2 years preceding the nomination

The nominated person must have been employed and actively performing the duties of the nominated position for at least a period of 2 years in the period of 3 years, immediately preceding the nomination.

Periods of absence on leave to which the nominee would be entitled under relevant employment provisions (such as annual leave, paid maternity leave, paid sick leave) is counted as time actually worked.

## Independent contractors

A nomination of a position where the nominated person is to be employed as an independent contractor may be approved under the Temporary Residence Transition stream provided:

- the nominated person had been nominated by the nominator under the subclass 457 visa program as an independent contractor
- they have been employed in that occupation for a period of at least 2 years within the period of 3 years immediately preceding the nomination.

This provision allows for a pathway to permanent residence for persons who have been sponsored under the subclass 457 visa program as independent contractors.

To meet relevant requirements, the nominating employer must be the same entity that sponsored the nominated person as an independent contractor under a standard business sponsorship.

---

## Agreement stream

A labour agreement is a formal agreement between an Australian employer and the Australian government which allows for the recruitment of a specified number of skilled workers from overseas in response to identified skills 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 ENS subclass 186 visa or RSMS subclass 187 visa, 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.

An employer wishing to enter into a labour agreement will be asked to provide information including:

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

People who are currently on the SkillSelect database may be nominated by an employer under a labour agreement.

The negotiation period for a labour agreement can be around 6 months. The agreement 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 process all employer nominations and visa applications lodged under a labour agreement. The employer will be notified which Centre of Excellence will be responsible for their Labour Agreement.

In the case of a labour agreements, nominations will be assessed against the criteria specified in the relevant labour agreement.

# Part 3 – Categories

When making an application, you are required to meet the criteria outlined in:

- Step 1: Visa assessment criteria
- Step 2: Health and character.

## 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.

## Making a Visa Application

Your application for an Employer Nomination Scheme (ENS) or Regional Sponsored Migration Scheme (RSMS) visa must be lodged through the department's website [www.immi.gov.au](http://www.immi.gov.au), using the e-lodgement facility.

You must lodge a visa application within 6 months of the approval of the employer nomination for the nominated position you are applying against.

You may lodge a visa application before the employer nomination is approved. However, should the employer nomination be refused your visa application will then also be refused. The visa application charge is not refundable.

A decision on the application will be based on information you have provided and the legal requirements which apply. If your circumstances have changed in any way after you have lodged your application, you must inform the relevant Centre of Excellence in writing.

## Step 1: Visa assessment criteria

### Assessment

#### Common criteria

The following assessment criteria are common to the Temporary Residence Transition, Direct Entry and Agreement streams:

- you hold, or are eligible to hold, any mandatory registration, license or professional membership which allows you to perform the required tasks in your nominated position. 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
- the nominated position is still available to you. You must provide evidence of an employment contact that has been signed by the employer and you
- you, as well as all migrating family members, must meet mandatory health and character requirements. These requirements are required even if you have already provided health and character checks to obtain a temporary residence visa. All non-migrating family members may also be required to meet mandatory health and character requirements.

The department will assess your visa application against the stream you have selected in your visa application form.

---

## Criteria specific to the Temporary Residence Transition stream

If you apply for an ENS or RSMS visa through the Temporary Residence Transition stream, you will be assessed against the following additional criteria:

- you must be less than 50 years old when you lodge your visa application, unless you are exempt from meeting this requirement.
- you have vocational English, unless you are exempt from meeting this requirement. Evidence of your English language competency must be provided when you make your application. Vocational English is equivalent to an IELTS score of at least 5 for each of the 4 test components (speaking, reading, listening and writing). IELTS tests are valid for a period of 3 years. Your nearest test centre can be found by contacting IDP Education Australia, the British Council or an Australian overseas mission (see English language capability on page 22).

## Criteria specific to the Direct Entry stream

If you apply for an ENS or RSMS visa through the Direct Entry stream, you will be assessed against the following additional criteria:

- you must be less than 50 years old when you lodge your visa application, unless you are exempt from meeting this requirement.
- you meet the skill requirement for the visa category that you are applying for, or are exempt:
  - If you are applying for an ENS visa under this stream you need a satisfactory skills assessment from an Australian assessing authority which is specified for your nominated occupation and you have at least 3 years of post-qualification work experience in your nominated occupation.
  - If you are applying for an RSMS visa under this stream you need to have qualifications and skills relevant to your nominated occupation. If you are nominated to fill a trade occupation and possess overseas qualifications or rely on work experience, you must have a satisfactory skills assessment from the relevant assessing authority unless you are exempt.
  - Skills assessments must be provided at the time you lodge your visa application.
- you have competent English, unless you are exempt from meeting this requirement. Evidence of your English language competency must be provided when you make your application. Competent English is equivalent to an IELTS score of at least 6 for each of the 4 test components (speaking, reading, listening and writing). IELTS test scores are valid for a period of 3 years. Your nearest test centre can be found by contacting IDP Education Australia, the British Council or an Australian overseas mission (see English language capability on page 22)

## Criteria specific to the Agreement stream

If you apply for an ENS or RSMS through the agreement stream, you will be assessed against the following additional criteria:

- you must be less than 50 years old at the time you lodge your visa application unless the labour agreement under which you are nominated provides that persons who have turned 50 may be employed under that agreement. The relevant labour agreement will specify the additional criteria that you need to meet if you have turned 50 years of age prior to the lodgement of your visa application.
- you have qualifications, skills and other attributes specified in the labour agreement.
- you must satisfy the English language requirement specified in the labour agreement.

---

## Exempt categories

If you are applying for an ENS or RSMS Direct Entry Stream or Temporary Residence Transition stream visa you may be eligible for age, English language or skill exemptions.

### Age

To meet the age requirement you must be less than 50 years of age, or exempt.

Exemptions will be available to applicants:

- nominated as a senior academic by a university in Australia
- nominated as a scientist, researcher or technical specialist by an Australian Government Agency (for instance, Commonwealth Scientific Industrial Research Organisation (CSIRO) or the Australian Nuclear Science and Technology Organisation ANSTO)
- nominated as a Minister of Religion by a religious institution
- applying through the **Temporary Residence Transition** stream, who have been working for their nominating employer as the holder of a subclass 457 visa for the last 4 years and whose earnings were at least equivalent to the Fair Work Australia High Income Threshold<sup>1</sup> over that period.

### Skills

Skill exemptions only apply to the **Direct Entry** streams of the ENS or RSMS.

Visa applicants applying through the **Temporary Residence Transition** stream will not need to have their skills assessed as they are considered to have met the skill requirement based on the time they have spent working on their subclass 457 visa in their nominated occupation for their nominating employer.

Exemptions for the **ENS Direct Entry** stream will require applicants to:

- be nominated as an academic by a university in Australia
- be nominated as a scientist, researcher or technical specialist by an Australian Government Agency (for instance, CSIRO or ANSTO)
- be nominated as a Minister of Religion by a religious institution
- have nominated earnings at least equivalent to the current Australian Tax Office top individual income tax bracket<sup>2</sup>
- in Australia as the holder of a subclass 444 or 461 visa and have worked with their nominating employer in their nominated occupation for the last 2 years.

Exemptions for the **RSMS Direct Entry** stream will require applicants to:

- have nominated earnings at least equivalent to the current Australian Tax Office top individual top income tax bracket<sup>3</sup>
- in Australia as the holder of a subclass 444 or 461 visa and have worked with their nominating employer in their nominated occupation for the last 2 years.

---

1 The current Fair Work Income Threshold is AUD118,100 as at 1 July 2011

2 The current ATO top individual tax income tax bracket is AUD180,001 as at 1 July 2011

3 The current ATO top individual tax income tax bracket is AUD180,001 as at 1 July 2011

---

## English Language capability

Applicants are required to show that they have the required English language proficiency for the visa they are applying for, or be exempt.

In addition to achieving the required International English Language Test Score (IELTS) applicants can show that they meet the English language criteria by:

- obtaining a score of at least 'B' in each component of the Occupational English Test (OET)
- holding a passport for the United Kingdom, the United States of America, Canada, the Republic of Ireland or New Zealand.

To be considered exempt from the English language requirement an applicant must be:

- nominated as a Minister of Religion by a religious institution
- have nominated earnings at least equivalent to the current Australian Tax Office top individual income tax bracket <sup>4</sup>
- applying through the Temporary Residence Transition and they have completed at least 5 years of full-time study in a secondary and/or higher education institution where all of the tuition was delivered in English.

## Step 2: Health and character

### 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.

Non-migrating dependent family members will also be required to have medical checks.

### Medical examination

You may be asked to be examined by a doctor, selected by Australian authorities. This usually involves a chest x-ray, medical examination and possibly some laboratory or specialist tests. A Commonwealth Medical Officer will decide what is required. Any costs are your responsibility. All members of your immediate family must meet the standards for your application to be successful. Dependents 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 in 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/)

You may have already had a health assessment for the visa you currently hold. However, the department reserves the right to request additional health assessments as part of this visa application process.

---

<sup>4</sup> The current ATO top individual tax income tax bracket is AUD180,001 as at 1 July 2011



---

## 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 have 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 a Commonwealth Medical Officer believes an applicant's needs are significant, a visa is likely to be refused. 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 and your dependents aged 16 or over (including non-migrating family members) 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 done. 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. This form 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

---

## Outcomes and visa obligations

### Visa approval

If your visa application is approved, you will be advised in writing of the decision. Your permanent resident visa will be valid from date of grant for 5 years, for an indefinite period of stay. You will not be required to have a visa label in your passport. The department can provide a visa label if required. Charges apply. If you have renewed your passport since the time of application, you will need to visit the nearest Department of Immigration and Citizenship office or send in the completed form 929 *Change of address and/or passport details* to have your passport details updated and linked to the visa granted. You can check your visa details online through the Visa Entitlement Verification Online (VEVO) system.

For further information on Department of Immigration and Citizenship offices visit the website on

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

[www.immi.gov.au/e\\_visa/vevo.htm](http://www.immi.gov.au/e_visa/vevo.htm)

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

### Visa refusal

If your subclass 186 ENS or subclass 187 RSMS visa application is refused and you wish to seek review of the decision, you may be eligible to do so through the Migration Review Tribunal (MRT)

More information is available on the MRT website [www.mrt-rrt.gov.au](http://www.mrt-rrt.gov.au)

## Visa obligations

### 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 to Australia if you were granted an RSMS visa while you were outside of Australia, or
- the visa grant if you were granted an RSMS visa while you were in Australia.

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, or
- 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.

# Part 4 – Preparing your application

To ensure you have provided all the necessary documents with your completed application form it is recommended that you use the checklist on the department's website [www.immi.gov.au](http://www.immi.gov.au) when you prepare your application.

The information below provides you with some general guidance on preparing your application.

## Other documents

You must provide all 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 must 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 more 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

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 from when the employer nomination was approved.

---

## Lodging your application

All applications should be lodged through e-lodgement. 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 the Northern Territory, South Australia, Tasmania and Victoria
- Perth Centre of Excellence process nominations and visa applications from Western Australia.

## Centres of Excellence

### **Parramatta Centre of Excellence**

Street address:

Level 4  
9 Wentworth Street  
PARRAMATTA NSW 2150

Postal address:

GPO Box 9984  
SYDNEY NSW 2001

Fax (02) 8861 4422

### **Melbourne Centre of Excellence**

Street address:

Level 25  
2 Lonsdale Street  
MELBOURNE VIC 3001

Postal address:

GPO Box 241  
MELBOURNE VIC 3001

Fax (03) 9235 3206

### **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  
Fax (08) 9415 9288

## If you have enquiries

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

# Part 5 – Processing visa applications

All applications will be processed at a Centre of Excellence in Australia. This information booklet explains how to make visa applications and how they are processed.

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

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.

## Bridging visas

If you apply in Australia for a substantive visa that can be granted to you in Australia, you will usually be granted an associated Bridging visa to allow you to remain lawfully in Australia until a decision is made on your substantive visa application. This includes if you seek merits review of a decision to refuse your substantive visa application. The type of Bridging visa you would be granted depends on your specific circumstances and visa status when you applied for the substantive visa.

The initial Bridging visa you are granted will only allow you to remain in Australia and will cease immediately if you leave Australia. If you wish to travel overseas while your substantive visa application is being processed, you should contact the case officer who is dealing with your application, to discuss your options.

## Where to get information

In Australia, you can get information about visas, charges and forms at the 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.imm.gov.au/immigration.htm](http://www.imm.gov.au/immigration.htm)

## SkillSelect

If you have been invited to lodge a visa application from an Expression of Interest (EOI) you have submitted in SkillSelect, you will have 60 days to make an application online before the invitation expires. If you do not make a valid application after receiving 2 invitations, your EOI will be removed from SkillSelect. More information on SkillSelect is available from the department's website [www.skillsselect.gov.au](http://www.skillsselect.gov.au)

---

## How to apply for a visa

To make a valid application you must:

- indicate the class of visa that you want
- lodge an application through the department's website (e-lodgement)
- provide your residential address
- pay the required charge (where applicable).

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 or Bridging visa A, B or C, or
- you have had a visa cancelled or refused since you last arrived in Australia.

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 hold (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 Centre of Excellence applicable to your location. (See page 26 for further details).

---

## 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 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.

## Changing 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 the 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 the date stated in the request.

## 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 a merits review of the decision. You will be notified of your time to seek review of 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 working 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 emailed 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

You should inform the department if you intend you travel (either to or from Australia) during processing of your application.

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.



---

# Communication with the department

## 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 *Advice by a migration agent/exempt person of providing immigration assistance* if appointing a migration agent/exempt person to be the authorised recipient, or form 956A *Appointment or withdrawal of an authorised recipient* if appointing an authorised recipient that is not a migration agent/exempt person. For an explanation of what a migration agent or exempt person 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 your 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 person 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 this way.

To process your application, the department may need to communicate with you about sensitive information (for example, health, police checks, financial viability or personal relationships). Electronic communications, unless adequately encrypted, are not secure and may be viewed or interfered with. 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.

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. The only exception to this is where there is a legal obligation or necessity to use them for another purpose, or you have consented to their use for another purpose. Your details 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.

For further information please see form 1025i *Making and processing visa applications* available from the department's website [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

# Part 6 – Regional areas by postcodes for RSMS

If you are applying for a Regional Sponsored Migration Scheme (RSMS) visa, you will need to ensure the nominating business is located in one of the following postcodes to qualify as a regional employer for the purposes of RSMS.

A Regional Certifying Body will need to assess the nomination against set criteria if you are applying under the RSMS Direct Entry stream. For more information on RCBs please go to page 16 of this booklet or visit the department's website [www.immi.gov.au/skills/regional-certifying-bodies.htm](http://www.immi.gov.au/skills/regional-certifying-bodies.htm)

For further information on RSMS please consult page 5 of this booklet or visit the department's website [www.immi.gov.au/skills/](http://www.immi.gov.au/skills/)

## 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**

Entire state

