

## How to Employ Skilled Foreign Workers in your Business

Do you have the perfect international job candidate, but don't know how to bring them on board?

Do you need help with a strategy to have that key staff member in place right away?

Relax!

Aspire Australia's comprehensive employer sponsorship package will guide you, and your candidate, through the application and approval process.

Through employer sponsorship an Australian business can obtain either short or long term visas for candidates who are either in Australia or still overseas.

Every day, Aspire Australia's team of experts helps employers secure visas, both permanent and temporary, so they can employ and retain skilled staff from overseas.

Our team has more than 25 years' experience supporting and guiding employers through the sponsorship and nomination processes, so they can get their staff quickly in place.

Why not let us help you solve this dilemma?

## Choosing a Pathway

Employers have three pathways to choose from:

- The **temporary** 482 visa programme
- The **permanent** 186 Employer Nomination Scheme
- The permanent and **regionally** based 187 Regional Sponsored Migration Scheme

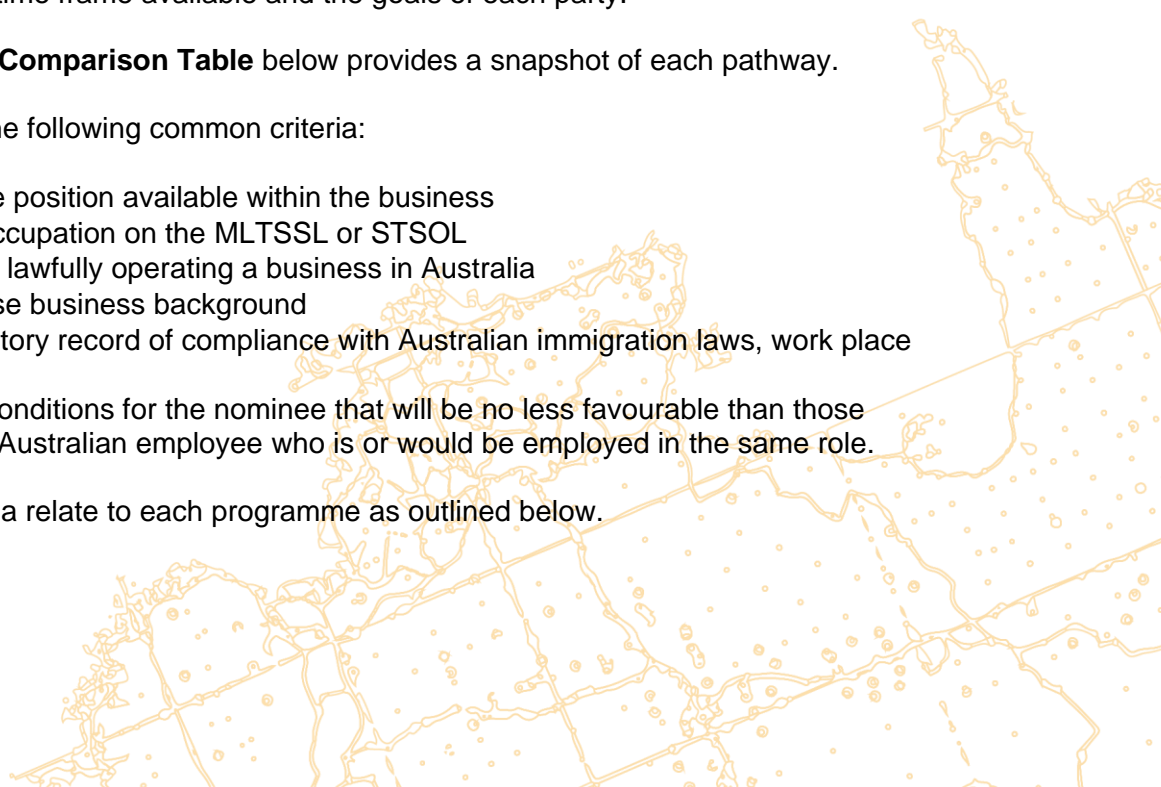
Selecting the appropriate pathway will depend on the eligibility of both the employer and the proposed nominee, the time frame available and the goals of each party.

The **Employment Visa Comparison Table** below provides a snapshot of each pathway.

Employers must meet the following common criteria:

- Have a genuine position available within the business
- Align with an occupation on the MLTSSL or STSOL
- Be actively and lawfully operating a business in Australia
- Have no adverse business background
- Have a satisfactory record of compliance with Australian immigration laws, work place relations laws
- Offer working conditions for the nominee that will be no less favourable than those available to an Australian employee who is or would be employed in the same role.

Additional specific criteria relate to each programme as outlined below.



## EMPLOYMENT VISA COMPARISON TABLE

SPONSORSHIP / NOMINATION			
Element / Criterion	482	ENS	RSMS
Visa duration	STSOL – 2 years renewable once onshore MLTSSL / ROL – 4 years	Permanent visa Position must be available for two years	Permanent visa Position must be available for two years
Location	Anywhere in Australia except for ROL occupations	Anywhere in Australia	Regional Australia
No adverse business background	✓	✓	✓
Compliance with Australian immigration and workplace laws	✓	✓	✓
Skilling Australia fund	✓	✓	✓
Genuine need for paid employee in active and lawful business in Australia	✓	✓	✓
Occupation	MLTSSL or STSOL	MLTSSL	MLTSSL or ROL
Full time position	✓	✓	✓
Labour Market Testing	✓	x	✓
Annual Market Salary Rate	✓	✓	✓
Minimum salary level	TSMIT – currently \$53 900	TSMIT – currently \$53 900	TSMIT – currently \$53 900
English	Required for nomination transfers		

## EMPLOYMENT VISA COMPARISON TABLE

VISA			
Element / Criterion	482	ENS	RSMS
Age	n/a	Up to 45 years unless exception TRT applicants who held a 457 visa or had an undecided 457 visa as at 18 April 2017: age limit 50 years	Up to 45 years unless exception TRT applicants who held a 457 visa or had an undecided 457 visa as at 18 April 2017: age limit 50 years
English language	Short term: Minimum 4.5 on each for IELTS and 5 overall Medium term: IELTS 5 on each OR English education OR gazetted passport holder	Competent English OR English education OR gazetted passport holder	Competent English OR English education OR gazetted passport holder
Skills assessment	Some trades / some nationalities	Direct entry - yes	Direct entry – trade occupations where no relevant Australian qualification held
Work experience	2 years	3 years  (except for those holding a 457 visa as at 18 April 2017 or who had a pending application on that date – 2 years)	3 years
Public interest criteria	✓	✓	✓
Genuine Temporary Entrant	✓ - if on STSOL	x	x

## The 482 Programme

This programme enables a **business operating in Australia** to employ a non-resident for a period of **up to four years**.

There are three steps:

1. approval of the company as a **business sponsor**
2. **nomination** of the activity to be undertaken
3. approval of the **visa** application

### 1. Business Sponsorship

To gain approval, employers provide details about the business and its operations, employees - including number of non-residents employed, scope of the business, organization chart, plans for the future, financial status.

Once approved, the sponsorship will allow the business to nominate positions over a five-year period.

Sponsors will have ongoing obligations to meet including employment of the nominee, record keeping and notifying the Department of Home Affairs of certain changes.

### 2. Nomination

Employers must provide a description of the position: whether it is new or existing, why the position has become available, where it falls within the hierarchy of the organization, the duties and responsibilities of the position and how they align with a skilled occupation.

The position must be advertised through comprehensive labour market testing (LMT).

The base salary to be offered must be equivalent to what an Australian would be paid in the same role and must be at least \$53 900 per annum.

The duration of the nomination approval – and hence the visa – will be limited by the occupation. For occupation on the MLTSSL the period will be up to four years but for the STSOL will be a maximum of two years.

A number of occupations have additional caveats including the following. All caveats must be met for a nomination to be approved. Caveats include limitations relating to regional area, turnover of the business, number of employees, work environment, base salary or duties.

At the time of application of the nomination a levy will be payable to the Skilling Australians Fund as follows:

- \$1 200 p.a. for businesses with a turnover of less than \$10m
- \$1 800 p.a. for businesses with a turnover of more than \$10m.

Employers may transfer a nomination for an existing 482 visa holder in the same occupation, but the nominee may only commence employment once the nomination has been approved. In other cases, the visa applicant must also make a visa application, delaying the ability to take up the new position.

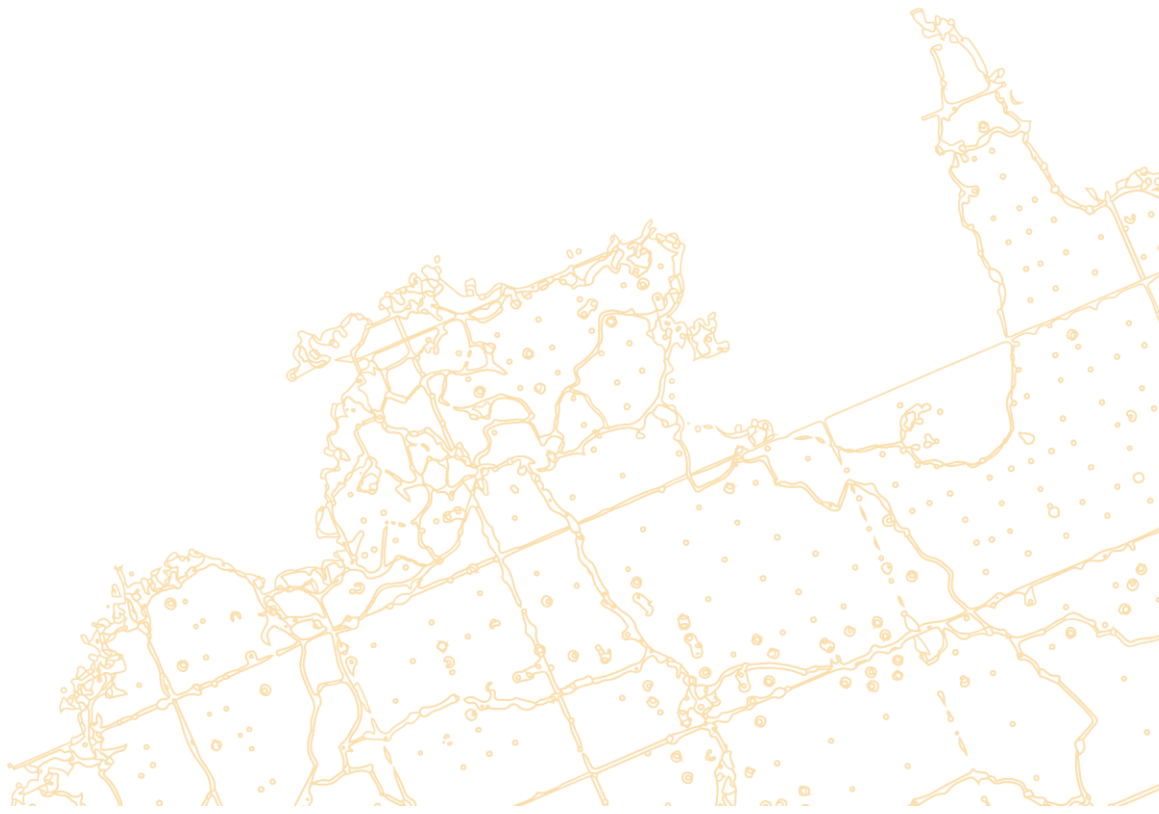
### 3. Visa Application

The nominee must provide evidence that s/he has the skills – qualifications and/or experience – to undertake the duties of the nominated position. The visa applicant must have two years' relevant experience.

Applicants must meet English thresholds and they and their family unit member must meet public interest criteria – health and character – and must have health insurance for the duration of their visa. Some applicants are required to undertake formal skills assessments, depending on their occupation and nationality.

Occupations on the Short Term Skilled Occupations List (STSOL) lead to a visa available for one or two years. Visa holders will have capacity for only one onshore visa renewal with no pathway to permanent residence through the ENS Transitional pathway.

Occupations on the Medium to Long Term Skills Shortage List (MLTSSL) lead to a four year visa with options for an ENS TRT or DE pathway (refer above).



## Employer Nomination Scheme

The “ENS” is similar to the 482 programme but gives nominees a permanent residence outcome.

Employers and nominees choose one of two pathways:

- **Transitional:** where the nominee has worked on a 482 visa in the one position for three years and is sponsored by the employer. [Note that applicants who held a 457 visa on 18 April 2017 or have a pending 457 visa application on that date need only meet a two year requirement.]
- **Direct Entry:** where the nominee can prove his/her skills via a skills assessment / experience process (some waivers apply) and show three years’ experience in the nominated occupation.

In either pathway the nominating employer must be operating a business and have a genuine position available for the nominee to fill for a period of at least **two years**.

Employers nominating under the ENS will pay a Skilling Australians Funds Levy as follows:

\$3 000 for businesses with a turnover of less than \$10m  
\$5 000 for businesses with a turnover of more than \$10m

In the **Transitional** pathway, employers must provide evidence of having met their training obligations as a 457 sponsor (as above), if applicable.

The nomination is specific to one position and one nominee. Once an employer nomination has been approved, the nominee’s visa application may be lodged within six months.

### Visa Applicant Criteria

The visa application may be lodged at any time after the nomination has been lodged but no later than six months from the date of the approval of the employer nomination.

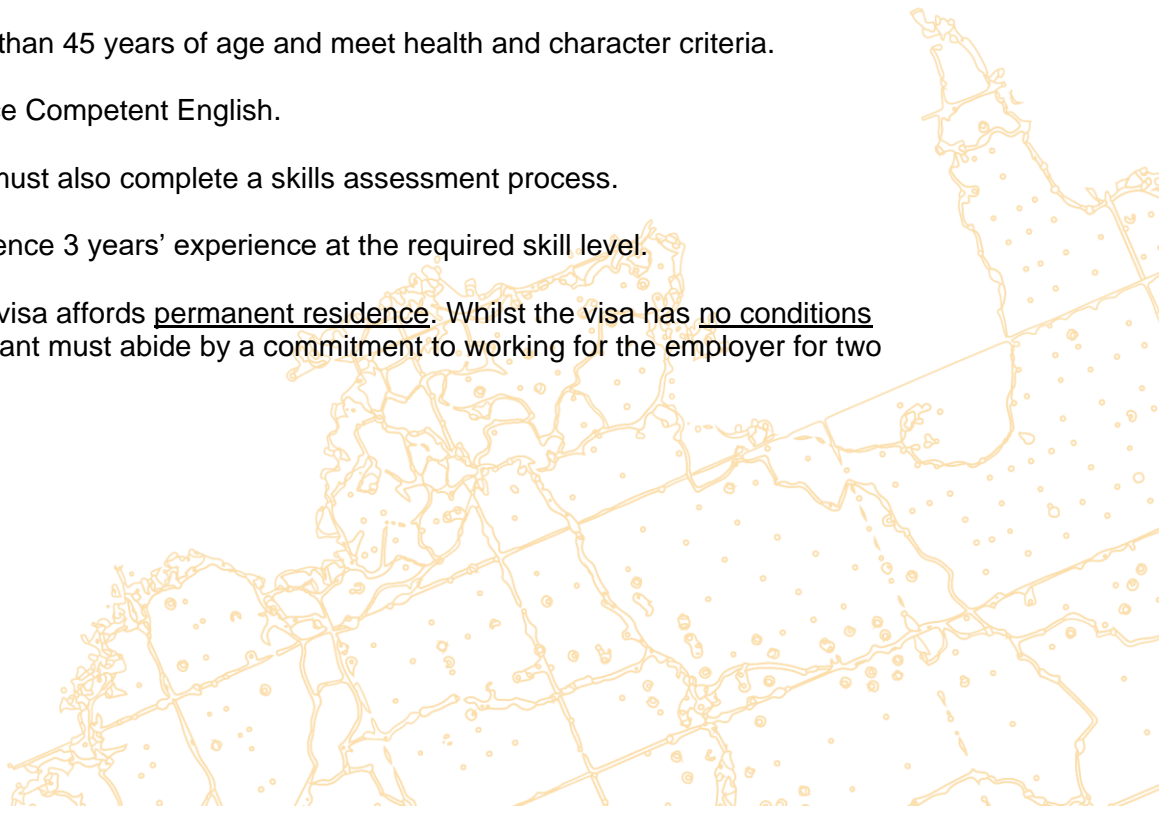
Nominees must be less than 45 years of age and meet health and character criteria.

Applicants must evidence Competent English.

Direct Entry applicants must also complete a skills assessment process.

All applicants must evidence 3 years’ experience at the required skill level.

Once granted, the ENS visa affords permanent residence. Whilst the visa has no conditions attached, the visa applicant must abide by a commitment to working for the employer for two years.





## **Regional Sponsored Migration Scheme**

Similar to the ENS programme, the 'RSMS' programme applies to businesses which are actively and lawfully operating in a regional area of Australia. The outcome for the visa applicant is permanent residence.

Regional Australian *excludes* Sydney, Newcastle, Wollongong, Brisbane, Gold Cost, Melbourne and Perth.

The nominating employer must obtain an assessment from the Regional Certifying Body (RCB) which considers:

- i) whether there is a genuine need for the position with the business
- ii) whether there is an Australian who can fill the position – employers must undertake labour market testing
- iii) whether the proposed terms and conditions of employment are satisfactory

While an RCB assessment is required, a negative assessment does not prevent lodgement of the nomination with the Department of Immigration which will re-assess those three criteria.

In either pathway, the nominating employer must be operating a business and have a genuine position available for the nominee to fill for a period of at least two years.

Employers may nominate occupations available on the MLTSSL or ROL only and must meet any occupational caveats.

Once an employer nomination has been approved, the nominee's visa application can be considered.

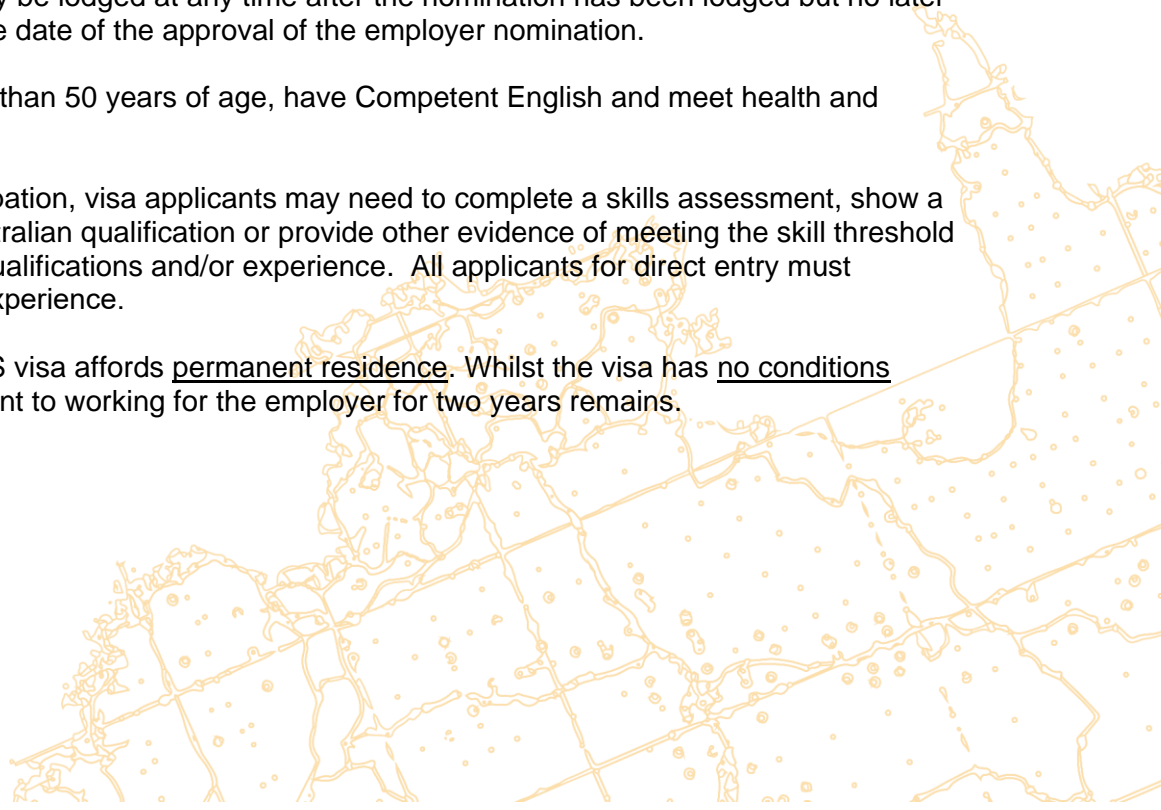
## **Visa Applicant Criteria**

The visa application may be lodged at any time after the nomination has been lodged but no later than six months from the date of the approval of the employer nomination.

Nominees must be less than 50 years of age, have Competent English and meet health and character criteria.

Depending on the occupation, visa applicants may need to complete a skills assessment, show a completed relevant Australian qualification or provide other evidence of meeting the skill threshold for the occupation via qualifications and/or experience. All applicants for direct entry must evidence three years' experience.

Once granted the RSMS visa affords permanent residence. Whilst the visa has no conditions attached, the commitment to working for the employer for two years remains.



## Saving You Time, And Headaches

Applying for sponsorship and nomination approvals can be a headache – it's time-consuming and complex. Aspire Australia simplifies the process to save you time, energy, money...and frustration.

We help organisations of all sizes across multiple industries. We've worked with businesses in hospitality, manufacturing, IT, personal services, retail, advertising, travel and tourism, health, beauty and nutrition, and banking and finance, as well as Australian-based foreign government agencies.

The Aspire Australia team is expert at navigating Australia's complex migration legislation. We know exactly what the Department of Immigration expects. Which means we know how to help you get the result you want.

### 30% of Employer Nominations and 50% of RSMS nominations are refused annually

We'll make sure your sponsorship or nomination application has the best chance of success, thereby reducing the risk of non-approval – which can have major implications for your business operations. With our team providing support, you're far more likely to be able to get the right people working for you, and much more quickly.

All Aspire Australia clients receive a personalised action plan, a strategy tailored to their business' short-term and ongoing needs. With our confidential advice, we guarantee you will have the answers to all your questions and a solution for your staffing issues.

## How We Help You

Aspire Australia's Platinum Service gives peace of mind to clients. We guide and assist with:

- **Nominated Position** – analysis of the tasks, developing the job description in alignment with skilled occupations lists, identifying skills and qualifications required
- **Organisation Chart** – reviewing chart, visa checking of all non-resident employees
- **Employment Contracts** – guide you to include relevant terms and liaise with your HR / employment consultant to meet legislative requirements
- **Training Benchmark** – analyse existing training, sourcing courses and training modules, directing investment in acceptable industry training fund, guiding you to develop auditable training plan
- **Labour Market Testing** – advising on the drafting and scheduling of ads, liaising with your recruitment consultant, provide customised candidate spreadsheet, guide on the analysis and short listing of candidates for interview, researching market conditions, compile LMT Report
- **Market Salary** - conduct research of job market, wages and skills shortages, liaise with your HR consultant to produce Market Salary Report
- **Equivalent Terms of Employment** – conducting research, providing advice, collating evidence
- **Sponsorship obligations** – advice, guidance and support services
- **Candidate suitability** analysis against legislative requirements and position description
- **English** language requirements for the nominee and family members
- **Skills assessment** for candidates where necessary
- And more!



## Your Next Step

To get the ball rolling straight away, to answer your questions, analyse the viability of your proposal and set out your Sponsorship Strategy, call our Client Services team today:

Telephone: 02 9956 6011

Email [visas@aspireaustralia.com.au](mailto:visas@aspireaustralia.com.au)

We look forward to talking to you soon.

