

# JUST THE JOB!

Employer sponsored migration pathways offer huge opportunities for those interested in migrating permanently to Australia, writes Michelle Le'Fevre....

The predominant pathway to Australia is to be nominated by a sponsoring employer. Employer sponsored migration in Australia is vast, with 45,395 Temporary Work (Subclass 457) visas being issued in 2015-16 and 48,250 permanent employer sponsored visas granted. This pathway is a huge opportunity for those migrating to Australia.

The infamous Temporary Work (Subclass 457) visa is arguably the most popular temporary visa application in Australia. Further, aside from family visas, the Employer Nomination Scheme and Regional Sponsored Migration Scheme is one of the more prevalent avenues to Australian permanent residence.

Before we delve into the complexity of applying for either of these visas, it is important to be aware that you must have

an occupation on either the Short-Term Strategic Skilled List (STSOL) or the Medium to Long Term Skilled Occupation List (MLTSSL)– or as we fondly refer to them “the schnitzel list or the meatball list”. Hint, you’ll want to be working in an occupation on the MLTSSL – see below for reasons why...

## TEMPORARY WORK (SUBCLASS 457) VISA

The notorious Subclass 457 visa is currently on its last legs in Australia. Due to its subjective reputation, the Subclass 457 is being ‘revamped’ and essentially re-branded to the Temporary Skill Shortage (TSS) visa come March 2018.

As the title of this article suggests, yes, you must be nominated by an employer in Australia in order to meet one (of the many) essential components of this visa. >>



There are generally three applications that accompany this process. They include the company becoming (if not already) approved as a Standard Business Sponsor, submitting their nomination application of you and (finally) your visa application.

Sponsoring companies must become a Standard Business Sponsor in order to nominate you for a Subclass 457 and subsequently submit their own nomination application of you.

The nomination application addresses a number of queries of particular interest to the Department of Immigration & Border Protection (DIBP), including whether the company conducted labour market testing; ensuring they are paying market salary rates for your nominated position; ensuring your nominated position fits within the role they have nominated for you; ensuring the nominated position fits within the scale and the scope of the business; and demonstrating their genuine need for a remarkable individual like you.

from the STSOL or MLTSSL. With the visa application, this is where you demonstrate that you're an invaluable asset (which you are of course) to Australia. The aim is to essentially show your employment experience and tertiary qualifications, and if applicable, show that you meet the skill level for your nominated occupation and that you've been an upstanding citizen of your own country.

Now, as promised, here's the scoop about the occupation lists and why you really should have become an Aeronautical Engineer... Those who have an occupation on the STSOL will only receive a two-year Subclass 457 visa (or TSS after March 2018), whilst those on the MLTSSL will receive a four-year visa.

If your occupation is on the STSOL and you can only receive a two-year Subclass 457 visa, you have the opportunity to renew this visa for a further two-year period, however, there's

## Sponsoring companies must become a Standard Business Sponsor in order to nominate you for a Subclass 457

As mentioned above, the sponsoring employer must ensure they are paying you the market salary rate for the role, and the market salary rate for the nominated role must be at least equivalent to the temporary skilled migration income threshold (TSMIT) which is currently A\$53,900 base plus super. The occupation they nominate must also be an occupation

no transition to permanent residency as of 1 March 2018. If your occupation is on the MLTSSL you're eligible for a four-year Subclass 457 visa and there will be a transitional pathway to permanent residence for you.

### QUITE A CATCH ISN'T IT

It is worth noting that 70 per cent of the

Architects are on the Short-Term Strategic Skilled List



Accountants are on the Medium to Long Term Skilled Occupation List

457 visa scheme is currently made up of those on the STSOL!

Another side note, a lot of temporary visas in Australia come with conditions imposed. The Subclass 457, for instance, comes with two main conditions.

The first is that you must hold satisfactory health insurance throughout your stay in Australia.

Secondly, you can only work for the employer whom has sponsored you. This is important guys! If you're made redundant or are looking to quit, you must find another employer willing to nominate you or apply for another Australian visa.

Many people have had their Australian Subclass 457 visa cancelled because they got tired of their boss Kevin, quit and couldn't find another nominating employer or regulate their visa status in another way.

We're aware of your obvious intelligence and good looks – but definitely take our advice here!

As for the health insurance requirement, UK passport holders are eligible for reciprocal Medicare and this meets the condition of the 457 visa.

### PERMANENT EMPLOYER NOMINATION VISAS

Moving on to permanent employer nomination visas, as mentioned above, there are two main pathways, Employer

Nomination Scheme (ENS) or Regional Sponsored Migration Scheme (RSMS).

### EMPLOYER NOMINATION SCHEME (SUBCLASS 186)

There are two components to this process. Similar to the Subclass 457, an employer must submit their nomination application of you and you must submit your visa application.

There are three 'streams' within the Employer Nomination Scheme (ENS) and you and your employer nominate which stream you'll be sponsored under. There is Temporary Residence Transition, Direct Entry and Labour agreement.

### TEMPORARY RESIDENCE TRANSITION (TRT)

This stream is where you've worked for your employer for at least two years, in the last three years, on a Subclass 457. The employment must have been full time, in the nominated occupation and you must be the main 457 visa holder.

This is the predominant pathway to permanent residence under the ENS scheme. When you've worked for your employer for two years whilst holding your Subclass 457, you're eligible to apply under the Temporary Residence Transition stream for permanent residency.

As it is permanent residence, it's a more intense application with particular

scrutiny placed upon your English language ability, health and character. Importantly, the Australian Government (surprise) has made, and will be making, more changes to this stream.

As of 1 March 2018, all those with occupations on the STSOL are ineligible to apply for this stream and those with occupations on the MLTSSL will be required to wait three years, instead of two, before they can apply for permanent residency through this stream.

### DIRECT ENTRY (DE)

Dissimilar to TRT, you're not required to have previously worked for your sponsor on a Subclass 457 before applying. However, there are more rigorous requirements in terms of demonstrating your skill level.

You're required to undergo a 'skills assessment' with the relevant skills assessing body for your occupation, and you must demonstrate three years of "skilled" experience in your nominating

occupation. Another catch, as of 1 March 2018, is only those with an occupation on the MLTSSL are eligible for this stream of permanent residency.

### LABOUR AGREEMENT

A rarely used stream, Labour agreement is for visa applicants whom are party to a labour agreement in Australia and this agreement allows for your transition to permanent residency.

### REGIONAL SPONSORED MIGRATION SCHEME (SUBCLASS 187)

The Regional Sponsored Migration Scheme (RSMS) is, at present, both more and less difficult than the ENS. Instead of a two-stage process, it is three stages.

As its name suggests, you must be sponsored in a regional area. This is determined by the Australian Government and encompasses certain postcodes all over Australia.

You're required to obtain approval from a regional certifying body (RCB) that your occupation is 'genuinely needed' in this regional area, your employer must submit a nomination application of you and you submit your visa application as well.

The streams are also applicable and are the same as ENS, all except the Direct Entry stream.

When applying for the Direct Entry Stream in a regional area, you're not required to obtain a skills assessment or demonstrate three years of experience in your occupation but you do have to evidence you meet the skill level as per ANZCO for your occupation. Trade occupations, however, do need to have a positive skill assessment.

However (as has been the theme here), this is being changed and applicants will need to show three years of experience shortly. We hope the above has provided insight into employer sponsored migration in Australia! 🇺🇸



■ Michelle Le'Fevre is the director of First Class Migration Australia. First Class Migration Australia is a boutique migration consultancy based in Sydney. Its team of MARA registered migration agents are dedicated to providing a professional, caring and first class service. Web: [www.firstclassmigration.com.au](http://www.firstclassmigration.com.au). Tel: 0061 2 9999 6668