

PERMANENT EMPLOYER-SPONSORED PROGRAM FROM 1 JULY 2012

On 1 July 2012, the Employer Nomination Scheme (ENS-Subclasses 856/121) and Regional Sponsored Migration Scheme (RSMS-Subclasses 857/119) of the employer-sponsored visa program were collapsed into the following two new visa classes:

- Employer Nomination (Class EN) - **Employer Nomination Scheme** (Subclass 186); and
- Regional Employer Nomination (Class RN) - **Regional Sponsored Migration Scheme** (Subclass 187), which is for skilled workers who wish to live and work in regional Australia (ie not in the Gold Coast, Brisbane, Newcastle, Sydney, Wollongong and Melbourne).

For each of the above two new visa subclasses, there are three different streams:

- ***The Temporary Residence Transition stream*** – which is for subclass 457 visa holders who have worked for their employer in the nominated position for at least two out the last three years;
- ***The Direct Entry stream*** – which is for applicants who have not worked for at least two years in Australia for their nominating employer, or who are applying directly from outside Australia; and
- ***The Agreement stream*** – which is for applicants who are being sponsored for a subclass 457 visa through a labour agreement or regional migration agreement.

KEY CRITERIA – SUBCLASS 186 - EMPLOYER NOMINATION SCHEME

Temporary Residence Transition stream	
Visa & Employment status	The nominee/primary visa applicant is and has been a subclass 457 visa holder working in the nominated occupation for the nominating employer in Australia for at least two of the past three years.
Age	The nominee/primary visa applicant is less than 50 years of age, unless exemption applies.
English	The nominee/primary visa applicant has at least Vocational English, unless exemption applies.
Skills	Skills assessment is not required.
Nominated position	The nominated occupation/position: <ul style="list-style-type: none"> • is on the Consolidated Sponsored Occupation List; • will be available to the nominee for at least 2 years; • is a full time position; • is consistent with the position held by the nominee while holding a subclass 457 visa; and • pays the nominee a market salary rate.
Employer	The nominating employer: <ul style="list-style-type: none"> • is actively and lawfully operating a business in Australia; • has a genuine need for a paid employee to fill a skilled position that is on the Consolidated Sponsored Occupation List on a full-time basis and for at least two years; • complies with Australian immigration and workplace relations laws; • has no adverse information against it or its directors; and • has met and continues to meet its Subclass 457 training obligation.
Direct Entry scheme	
Age	The nominee/primary visa applicant is less than 50 years of age, unless exemption applies.
English	The nominee/primary visa applicant has at least competent English, unless exemption applies.
Skills & Work experience	The nominee/primary visa applicant has been assessed by a relevant assessing body as having suitable skills for the nominated position, and has at least three years of relevant work experience, unless exemption applies.
Nominated position	The nominated occupation/position: <ul style="list-style-type: none"> • is on the Consolidated Sponsored Occupation List; • will be available to the nominee for at least 2 years; • is a full time position; and • pays the nominee market rate guaranteed earnings.

Employer	<p>The nominating employer:</p> <ul style="list-style-type: none"> • is actively and lawfully operating a business in Australia; • has a genuine need for a paid employee to fill a skilled position that is on the Consolidated Sponsored Occupation List on a full-time basis and for at least two years; • complies with Australian immigration and workplace relations laws; • has no adverse information against it or its directors; and • meets DIAC's training benchmark.
<i>Labour Agreement stream</i>	
	<ul style="list-style-type: none"> • The Labour Agreement stream is for visa applicants whose nominating employer holds a labour agreement for the occupation in which they are being nominated. • Visa Applicants applying under a labour agreement will need to meet skills and experience, English language proficiency, age and other requirements as specified in the nominating employer's labour agreement.

KEY CRITERIA – SUBCLASSES 187 - REGIONAL SPONSORED MIGRATION SCHEME

Temporary Residence Transition stream	
Visa & Employment status	The nominee/primary visa applicant is and has been a subclass 457 visa holder working in the nominated occupation for the nominating employer in regional Australia for at least two of the past three years.
Age	The nominee/primary visa applicant must be less than 50 years of age, unless exemption applies.
English	The nominee/primary visa applicant must have at least vocational English, unless exemption applies.
Skills	Skills assessment is not required.
Nominated position	The nominated occupation/position: <ul style="list-style-type: none"> • is consistent with or similar to the position held by the nominee/primary visa applicant while on a Subclass 457 visa; • will be available to the nominee for at least 2 years; • is a full time and ongoing position; and • pays the nominee a market salary rate.
Employer	The nominating employer: <ul style="list-style-type: none"> • is actively and lawfully operating a business in regional Australia; • has a genuine need for a paid employee to fill a skilled position on a full-time basis and for at least two years; • complies with Australian immigration and workplace relations laws; • has no adverse information against it or its directors; and • has met and continues to meet its Subclass 457 training obligation.
Direct Entry stream	
Age	The nominee/primary visa applicant must be less than 50 years old, unless exemption applies.
English	The nominee/primary visa applicant must have competent English, unless exemption applies.
Skills	Unless exemption applies, the nominee/primary visa applicant's nominated position is classified as being a skill level 1-3 occupation in ANZSCO. The applicant requires a relevant Australian or overseas qualification(s). Trade occupations at skill level 3 will require a Trades Recognition Australia (TRA) assessment if they do not hold an Australian qualification.
Nominated position	The nominated occupation/position: <ul style="list-style-type: none"> • must be an occupation that is classified at skill level 1 to 3 in the ANZSCO; • will be available to the nominee for at least 2 years; • is a full time and ongoing position; and • pays the nominee a market salary rate.

Employer	<p>The nominating employer:</p> <ul style="list-style-type: none"> • is actively and lawfully operating a business in regional Australia; • has a genuine need for a paid employee to fill a skilled position on a full-time basis and for at least two years; • complies with Australian immigration and workplace relations laws; • has no adverse information against it or its directors; and • seeks advice from a Regional Certifying Body in relation to the nominated position. The resulting advice can be submitted before or after the employer nomination application is submitted to DIAC.
<i>Labour Agreement stream</i>	
	<ul style="list-style-type: none"> • The Labour Agreement stream is for visa applicants whose nominating employer holds a labour agreement for the occupation in which they are being nominated. • Visa Applicants applying under a labour agreement will need to meet skills and experience, English language proficiency, age and other requirements as specified in the nominating employer's labour agreement.

We have prepared the above summary for general information and reference purposes. If you need assistance or have any questions concerning a subclass 186/187 visa, please contact Amber Migration on +61 2 9146 5280 or at info@ambermigration.com.au.

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