

PERMANENT VISAS

There are four Permanent Visa categories for employer-sponsored migration to Australia: -

The **Employer Nomination Scheme (ENS)** has been developed for Australian employers to recruit permanent, highly-skilled staff from overseas or from people temporarily in Australia, when the employers have been unable to fill a vacancy from within the Australian labour market or through their own training programs.

This process involves 2 stages.

Firstly the Employer must demonstrate that: -

- > They have a need for a paid employee, that the business is located in Australia and that it is operated by the employer.
- > the vacancy requires the appointment of a 'highly-skilled person'.
- > if applicable, the highly-skilled person is eligible for any mandatory licensing, registration or professional body membership where required.
- > the position is a full time, fixed-term appointment of at least 3 years, which does not exclude the possibility of renewal.
- > the employer has a satisfactory training record, or for a new business, must make satisfactory provision for future training.
- > the employer must have demonstrated that the position cannot be filled through the Australian labour market, unless the position is on the Migrant Occupations in Demand List (MODL).
- > the terms and conditions of employment must be in accordance with the standards for working conditions provided under Australian industrial laws.

Secondly the nominee makes an application for a visa which will be assessed against the following criteria:

- > the nominee has the skills relevant to the nominated position;
- > the nominee meets the definition of a 'highly-skilled person';
- > the nominee is able to satisfy any mandatory licensing, registration or professional membership requirements;

- > the employment as outlined in the approved nomination is still available;
- > the nominee is less than 45 years of age;
- > the nominee has vocational English language ability; and
- > the nominee and all family unit members meet mandatory health and character requirements

The **Regional Sponsored Migration Scheme (RSMS)** is designed to help employers in regional or low population growth areas of Australia, who are unable to fill skilled vacancies from the Australian labour market.

This scheme enables employers in regional or low population growth areas of Australia to fill skilled positions that they are unable to fill from the local labour market.

An employer can take part in the scheme if their business is in any area except Brisbane, Gold Coast, Newcastle, Sydney, Wollongong, Melbourne and Perth.

Employers considering nominating persons under the RSMS may identify suitable nominees in various ways, including:

- > through their efforts in testing the local labour market;
- > personal contact and/or experience with the nominee;
- > recommendation from third parties;
- > through the Department of Immigration's Skill Matching program. This program is made possible by the Skill Matching Database. It contains the educational, occupational and personal details of Skilled–Independent category applicants and Skill Matching visa applicants.

Employers can use the database to identify suitable applicants for nomination under the RSMS or Labour Agreements. Applicants nominated from the database do not need to lodge a further visa application.

The RSMS process consists of three stages:

- > certification of the nomination/vacancy;
- > nomination by the employer; and
- > nominee's application for a visa.

Labour Agreements enable Australian employers to recruit (either permanently or temporarily) a specified number of workers from overseas in response to identified or emerging labour market (or skill) shortages in the Australian labour market.

Invest Australia Support Skills program is designed to encourage international firms to choose Australia as a location for foreign direct investment. It allows companies that make a significant investment in Australia to bring out essential key expatriate managerial and specialist employees from within the company group (this program replaced Regional Headquarters agreements from 1 July 2002).

TEMPORARY VISAS

There are also several Temporary Visas for short term employment in Australia.

The main visa in this category is **Temporary Business Long Stay – Standard Business Sponsorship (subclass 457)** and is a visa for employers to sponsor approved skilled workers to work in Australia on a temporary visa.

Employers can nominate a number of positions for different occupations under the same sponsorship application.

With this visa you can employ overseas workers for a period of between three (3) months and four (4) years.

With this visa those people you employ from overseas can:

- >work in Australia for a period of between three (3) months and four (4) years
- >bring any eligible secondary applicants with them to Australia – secondary applicants can work and study
- >after entering Australia, have no limit on the number of times they travel in and out of Australia.

There are also other temporary visa categories for medical practitioners' and educational workers as well as for employees who sell various services on behalf of their employers

There are four categories for employer-sponsored migration to Australia:

Full details of these visa categories may be obtained at the Department of Immigration ,Multicultural Affairs web site at this link :-

<http://www.immi.gov.au/skilled/skilled-workers/index.htm>

For further information regarding these Employment Visas, please contact us [HERE](#) on our secure enquiry form.