

Documentary Requirements

Request for Assessment in RDA Far West region – June 2017

Visa sub-class 187 (Direct Entry Stream)

RDA Far West (RDA FW) is required to provide an assessment for the Regional Sponsored Migration Scheme (RSMS) visa as a Regional Certifying Body (RCB). This visa enables skilled migrants to work for a regional employer for a minimum of 2 years and enjoy the lifestyle of regional Australia.

The programme aims to attract young, skilled, English speaking migrants to areas of Australia where they are most needed. Generally, skilled migrants are under 50 years of age, have competent English, at least diploma/trade level qualifications or above.

The nominated position must be an ANZSCO skill level 1-3 occupation and have relevant work experience.

The Direct Entry stream is for:

- people who have been nominated by their employer under the Direct Entry stream
- people who have never, or only briefly, worked in Australia
- temporary residents who do not qualify for the Temporary Residence Transition stream.

Information provided in the application will be used to determine if the three requirements under the Migration Regulations 5.19(4) as outlined on DIBP Form 1404 following criteria is satisfied:

1. 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 area of Australia.
2. 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.
3. The nominated position cannot be filled from the local labour market.

Essential Documents

- DIBP Form 1404 Completed - <http://www.immi.gov.au/allforms/pdf/1404.pdf>
- Form 956 submitted by Migration Agent (if applicable)
- A copy of the [Nomination Application](#) lodged with the DIBP (or draft if not already lodged) -
- Evidence of payment of \$280 processing fee to RDA Far West as the Regional Certifying Body

Supporting Documents

1. To assess need for a paid employee in the nominated position within the business activities of the employer

- Business Registration – ABN or ACN
- Organisation Chart
- Job Description
- Employment Contract or Letter of Offer (inc. Award/Agreement, base salary & entitlements)

- Letter of Support from Accountant *or*
- Audited financials for the last two years
- Copy of Lease of premises *or* proof of ownership

You should ensure that the position:

- Is available for at least 35 hours per week
- Is a permanent role which will be available for at least 2 years
- Requires a trade certificate, diploma or degree - skill level 1- 3 ANZSCO framework
- Cannot be filled using the local labour market

You should ensure that the person:

- Meets the functional English language requirements by completing an approved test. For information these tests go to : <http://www.border.gov.au/about/corporate/information/faqs/how-can-i-prove-i-havefunctional-english>
- Is under the age of 50 years
- Has skills and qualifications to the level required for the position. Overseas qualifications need to be assessed by the appropriate Assessing Authorities. Refer to the Consolidated Sponsored Occupation List published by DIBP
- Is of good health and character, including their dependents

Regional employers may request an exemption from the following requirements in certain circumstances:

- Skill level of at least trade certification, diploma or degree - This relates to the position being filled OR the skill of the nominated employee.
- Age of nominated employee is more than 50 years
- English ability of nominated employee is at least 'competent' level

Submission on the Business

- evidence of time business has been operating
- outline of goods and services produced
- evidence of previous occupant of position who has left position *or*
- evidence position is filled by the nominee (usually 457 visa) *or*
- evidence position is new (supporting evidence to prove increased turnover, overtime worked in nominated position by other employees and/or additional operating hours)

Submission if a New (in active operation for less than 12 months) or Diversifying Business

- evidence of appropriate market research
- business plans
- financial budgets
- copy of BAS from commencement of business
- copy of bank statements from commencement of business
- availability of funds
- new business contracts
- lease or purchase of equipment
- lease or purchase of business premises

2. To assess whether the terms and conditions of employment are no less favourable than those that are or would be provided to an Australian citizen or Australian permanent resident performing equivalent work in the same workplace at the same location.

- Employment contracts / payslips / agreements for Australian employees in equivalent positions
 - Industrial Award
 - Base salary, core hours, entitlements, superannuation and total remuneration package for employees in equivalent positions
 - Letter of Offer of Employment
1. *There is a genuine need for the nominator to employ a paid employee to work in the position under the nominator's direct control; and*
 2. *The terms and conditions of employment applicable to the position will be no less favourable than the terms and conditions that are provided to, or would be provided to, an Australian citizen or permanent resident for performing work in the person's workplace at the same location; and*
 3. *The position cannot be filled by an Australian citizen or permanent resident who is living in the same local area where the nominated position exists.*

Where there is no equivalent Australian employee

- evidence from ABS
- remuneration surveys
- job vacancy ads with salary given
- data from unions or employer associations

3. To assess that the nominated position cannot be filled by an Australian citizen or Australian permanent resident who is living in the same local area as the nominated position

- Evidence of advertising for the position in the past 6 months, locally or via a well-recognised reputable online employment site for at least one month. Advertising on websites that are not recruitment specific (eg. Gumtree) will not satisfy the recruitment activity requirement
- Evidence of response to ads including all applicants, selection criteria, rationale behind successful employees selection (including reasons no Australian Citizen or Permanent Resident was not selected)
- Confirmation that the nominated occupation is on the current Australia and New Zealand Standard Classification of Occupations ([ANZSCO](#)) list Levels 1, 2 or 3

Other documents

- Copy of nominees passport bio page,
- Resume and proof of qualifications
- Details of applicant, DOB, country of origin etc
- Copy of current Visa
- Copy of IELETS test
- Copy of licenses or registrations required to fulfill the position

Process

Requests for RSMS assessments should be lodged with Regional Development Australia Far West if the nominated position is located in this region see www.rda.gov.au regions for all RDA locations.

***Please note that RDAFW does not have its own paper based or electronic form. Please lodge your *unstapled* application with form 1404 Regional Sponsored Migration Scheme: Regional Certifying Body advice.**

Assessments will be provided usually within 3 weeks of lodgement of the request for assessment. RDA Far West may request additional information where necessary to complete its assessment. On finalisation of the assessment, the DIBP Form 1404 (completed by certifying body) will be emailed to the business sponsor or migration agent and all documents returned by express post to the sponsor or migration agent. The nomination application should then be submitted to DIBP by the applicant or Immigration Agent (if not already done so).

Where the assessment is that the nomination does not satisfy the requirements outlined on DIBP Form 1404, RDA Far West will provide this advice to DIAC. This advice will be considered by a DIBP case officer when he/she assesses the application. Applicants will have a further opportunity at that time to make a further submission to DIAC on this matter.

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.

If you require more information on the 187 Visa, visit the [Department of Immigration and Border Protection](#).

Note: The RDA Far West is not a registered Migration Agent. We are unable to give you general immigration advice and can only assist you during the employer nomination phase.

For immigration advice please contact the Department of Immigration & Border Protection.

<https://www.border.gov.au/>

For immigration advice please contact the NSW Sponsoring Head Office for DIBP: nsw.pse@border.gov.au

Payment

Non-refundable administration fee of \$280 (incl. GST) payable to RDA Far West by cheque or Direct Credit
Broken Hill Community Credit Union
BSB : - 802-377
Account No : 37737673
Account Name : Regional Development Australia Far West Inc

Regional Development Australia Far West Inc
55 Oxide Street, PO Box 1010
BROKEN HILL NSW 2880
Phone 08 8087 8383
Fax 08 8087 8413
Email admin@rdafarwestnsw.org.au
Web www.rdafarwestnsw.org.au