

## Subclass 186 Employer Nomination Scheme: Temporary Residence Transition Stream FACT SHEET

The purpose of the Employer Nomination Scheme (ENS) is to allow Australian employers to fill highly skilled positions with suitably qualified migrants. The scheme is designed to assist employers who are unable to meet their skilled Australian workforce needs from the local labour market.

The requirements for the Temporary Residence Transition stream of this visa are set out below:

### TEMPORARY RESIDENCE TRANSITION STREAM

#### Employer

The business seeking to employ you must:

- still be actively and lawfully operating in Australia
- **genuinely need you** to work in the nominated position under its direct control, and have the capacity to employ you in this position for at least two years

#### Position

The position to be filled must:

- be **full-time** and available for **at least 2 years** from the time your visa is granted
- be an occupation included on the current Medium and Long-term Strategic Skills List (MLTSSL)

**NOTES:** This requirement does not apply if on 18 April 2017 you held (or had applied for, and were subsequently granted) a subclass 457 Temporary Work (Skilled) visa.

Certain occupations on the MLTSSL will be subject to additional requirements (e.g. salary, type of business operated by employer, nature of position). Please contact us for further details based on your particular circumstances.

- have a salary that is:
  - at least **\$53,900** per year (excluding any non-monetary benefits) **AND**
  - at least the **annual market salary rate (AMSR)** for your nominated occupation

**NOTES:** the **AMSR** for your nominated occupation (excluding non-monetary benefits) must also be no less than \$53,900 per year.

The AMSR is the salary that an Australian earns (or would earn) for performing equivalent work on a full-time basis for a year in the same workplace at the same location.

You will be exempt from the AMSR requirement if your salary is more than \$250,000 per year.

- be subject to conditions of employment (other than earnings) that are no worse than those that apply (or would apply) to Australians performing equivalent work in the same location.

### Visa Applicant

As the visa applicant, you must:

- have held one of the following visas to work on a full-time basis in the nominated position (or a very closely related position) for the nominating employer in Australia for **at least 3 years during the last 4 years**:
  - subclass 457 Temporary Work (Skilled) visa **OR**
  - subclass 482 Temporary Skill Shortage (TSS) visa in the Medium-term stream **OR**
  - subclass 482 TSS visa in the Short-term stream, if on 18 April 2017 you held (or had applied for, and were subsequently granted) a subclass 457 visa

**NOTE:** If on 18 April 2017 you held (or had applied for, and were subsequently granted) a subclass 457 visa, then you only need to meet the above criteria for 2 years during the last 3 years.

- be genuinely performing the tasks of your nominated occupation
- have **competent English** i.e.
  - hold a valid passport issued by the UK, USA, Canada, New Zealand or the Republic of Ireland (and you are a citizen of that country) **OR**
  - an IELTS test score of at least 6 in EACH test component **OR**
  - an OET test score of at least B in EACH test component **OR**
  - a TOEFL iBT test score of at least 12 for listening, 13 for reading, 21 for writing and 18 for speaking **OR**
  - a PTE test score of at least 50 in EACH test component **OR**
  - a CAE (C1 Advanced) test score of at least 169 in EACH test component

**NOTES:** In each case, the test must have been undertaken within the last three years.

- be **under 45** years of age (unless exempt from this requirement)

**NOTE:** If on 18 April 2017 you held (or had applied for, and were subsequently granted) a subclass 457 visa, then you must only be under 50 years of age

- meet any mandatory licensing, registration or professional membership requirements
- satisfy the relevant health and character criteria

## APPLICATION PROCESS

### Stage 1: Nomination Application

This application is lodged with the Department of Home Affairs (the DOHA) on behalf of your employer and relates to the skilled position that you have been offered, which must meet the requirements referred to above. Your employer is required to supply documents to the DOHA in support of this application, the nature and extent of which will vary depending upon the circumstances of the business.

#### **Skilling Australians Fund Levy**

Employers must pay a one-off Skilling Australians Fund (SAF) levy for EACH subclass 186 nomination lodged with the DOHA. The amount payable varies based on the employer's annual turnover:

- For employers with an **annual turnover of LESS THAN AU\$10 million**, the SAF levy is **AU\$3,000 per nomination**.
- For employers with an **annual turnover of AT LEAST AU\$10 million**, the SAF levy is **AU\$5,000 per nomination**.

The SAF levy must be paid upfront, at the time that the nomination is lodged.

**Please contact our office for further information regarding the SAF levy.**

### Stage 2: Visa Application

Your visa application is lodged with the DOHA either at the same time as the nomination application, or within six months of the DOHA's approval of the nomination. The main criterion is that you fulfil the above requirements, including the standard health and character checks.

Once the DOHA has approved both applications, you will be granted a permanent visa. You may be in Australia or outside Australia when your visa is granted.

**PLEASE NOTE:** We estimate that it may take several weeks to prepare and lodge your application, with the time taken largely dependent on how promptly you (and your sponsor, if applicable) provide us with the necessary supporting information and documents.

The time that it takes the DOHA to process your application is dependent upon its processing time service standards, and may also vary due to a number of other factors, including the complexity of your case, perceived risk factors and processing priorities. Please contact us for current information regarding likely processing timeframes for this type of application.

**Do you have additional questions regarding the subclass 186 ENS visa? Please feel free to contact us by email at [customerservice@mmmigration.com.au](mailto:customerservice@mmmigration.com.au), or by phone on 02 9299 0203.**