

## Documentary Requirements Request for Assessment in Central West NSW Region

### Visa sub-class 187 (Direct Entry Stream)

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 \$660 processing fee to RDA Central West effective November 1 2017 (\$440 until 31<sup>st</sup> October 2017) 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

#### **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

**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 -
- Copy of nominees passport bio page, resume and proof of qualifications
- Copy of licenses or registrations required to fulfill the position

**Process**

Requests for RSMS assessments should be lodged with Regional Development Australia Central West if the nominated position is located in this region see [www.rda.gov.au](http://www.rda.gov.au) regions for all RDA locations.

**\*Please note that RDACW 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 within 4-12 weeks of lodgement of the request for assessment. RDA Central 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 Central 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](#).