

### **EMPLOYER NOMINATED PERMANENT VISAS – SUBCLASS 121/856**

#### **MIGRATE TO AUSTRALIA AS A SKILLED PERSON**

**Ferguson Cannon are Migration Lawyers and Registered Migration Agents (Registered Number 0105779) located on the Sunshine Coast and Brisbane in Queensland, Australia. We specialise in complex and difficult applications.**

The Employer Nomination Scheme allows Australian employers to sponsor employees who are foreign nationals for a permanent visa to work in Australia.

This visa is for Australian employers who want to sponsor highly skilled workers for a permanent visa to work in Australia. The employees can be either:

- highly skilled workers from overseas
- highly skilled temporary residents currently in Australia.

This visa allows you and any dependent family members included in your visa application to live as permanent residents in Australia.

Australian permanent residents can:

- live and work in Australia on a permanent basis
- study in Australia at school or university
- receive subsidised healthcare through Medicare and the Pharmaceutical Benefits Scheme (PBS)
- access certain social security payments (subject to waiting periods)
- be eligible for Australian citizenship (subject to the residency eligibility criteria)
- sponsor people for permanent residence.

#### **Employer requirements**

To participate in the Employer Nomination Scheme, the employer must:

- be actively and lawfully operating a business in Australia
- have a genuine need for a paid employee to fill a position in their business
- follow all relevant Australian laws and have a satisfactory record of meeting immigration laws (if applicable)
- have a current training strategy for existing Australian employees, or if a newly established business, have a training plan for future training of Australian employees
- provide the employee with an offer of permanent employment.

### Position requirements

The nominated position must meet the following requirements:

- be full-time, ongoing and available for at least 3 years
- provide working conditions that are no less favourable than provided for under the relevant Australian legislation and awards
- be a highly skilled occupation that is on the Employer Nomination Scheme Occupation List
- meet the minimum salary level for ENS.

### Minimum salary level

There are minimum salary levels which must be met. The minimum salary is:

\$59,477 for the following occupations:

- 1224-11 Information Technology Manager
- 2231-11 Systems Manager
- 2231-13 Systems Designer
- 2231-15 Software Designer
- 2231-17 Applications and Analyst Programmer
- 2231-19 Systems Programmer
- 2231-21 Computer Systems Auditor
- 2231-79 Computing Professionals (not elsewhere classified)

\$43,440 for all other gazetted occupations.

The minimum salary levels are for gross annual salary and must not include:

- accommodation or rental assistance, board, upkeep, meals or entertainment
- incentives, bonuses or commissions
- shares or bonus shares
- travel, holidays, health care/insurance
- vehicles or vehicle allowances
- communications packages
- Living-Away-from-Home-Allowance
- superannuation contributions (either voluntary employee or compulsory employer contributions)
- any other non-salary benefits not included in the above, with the exception of Medicare rebates.

Employers can offer any of these benefits to employees provided they are above and beyond the minimum salary.

### Employee Eligibility

To be eligible for permanent residency under this visa, the employee must meet one of the following requirements:

- have worked full-time in Australia in the nominated occupation on a Subclass 418, 421, 422, 428, 444, 457 or 461 temporary residence visa for the last two years prior to the visa application being made (including at least the last 12 months with the nominating employer)
- have been nominated to fill a highly paid senior executive position with a salary of more than \$165,000 per annum (excluding superannuation or allowances)
- have had their skills assessed as suitable by the relevant skills assessing authority and, unless exceptional circumstances apply, have at least three years full-time work experience in the occupation immediately before the visa application is lodged. A list of assessing bodies can be found in the Employer Nomination Scheme Occupation List (ENSOL).

The employee must also:

- have an employer who is willing to sponsor them for permanent residency
- demonstrate that they have the appropriate skills, qualifications and/or experience to fill the position
- meet any mandatory licensing, registration or professional membership requirements
- be under 45 years of age
- have Vocational English language ability
- provide a letter of appointment or a contract signed by both the employer and employee.

### Exemption from eligibility requirements

Under some circumstances, visa applicants may seek exemption from skill, language or age eligibility requirements.

### Health and character requirements

The employee and all dependent family members must meet the health and character requirements.

### Australian Values Statement

If you are aged 18 years or over, you are required to sign an Australian values statement. The statement is included in your visa application form and all applicants aged 18 years and over will need to sign it to confirm that they will respect the Australian way of life and obey Australian laws. Before signing this statement you are required to have read, or had explained to you, material made available by the government on life in Australia which is contained in the Life in Australia book.