

## FACT SHEET - SKILLED MIGRATION (EMPLOYER SPONSORED)

Employer Sponsored Visas provide an option for employers to sponsor and employ skilled workers who have recognised qualifications and skills/or experience in particular occupations required in Australia. There are specific requirements that both the employer and potential employee must meet for both temporary and permanent visas.

### **Temporary Business (Long Stay) - Standard Business Sponsorship (Subclass 457)**

With this visa you can employ overseas workers for a period of between one day and four years.

With this visa those people you employ from overseas can:

- work in Australia for a period of between one day and four 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 is a list of approved occupations - check ComLaw (IMMI 10/085) to ensure that your nominated position matches one of the occupations on the list.

### **Permanent Visas – Employer Nomination Scheme (Subclass 121/856)**

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

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

The nominated position must meet the following requirements:

- be full-time, ongoing and available for at least three 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 (ENSOL)  
**See:** [Skilled Occupation Lists](#) (formerly known as Form 1121i)  
**Note:** An employer cannot nominate a position which does not relate to an occupation on the ENSOL.
- meet the minimum salary level for ENS.

Positions on the ENSOL include engineers, plumbers, drainers, environmental scientists and electricians.

### **Regional Sponsored Migration Scheme (Subclass 119/857)**

This visa is for employers operating in regional and low population growth areas of Australia, who want to sponsor skilled workers to fill skilled vacancies in their business.

The employees applying for a visa can be either of the following:

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

An eligible position must meet the following requirements.

- is located in a regional area
- cannot be filled by an Australian employee
- is a genuine full-time vacancy
- is available for at least 2 consecutive years
- requires a person with qualifications equivalent to at least Australian diploma level (unless exceptional circumstances apply).

**Note:** A Trade Certificate with full apprenticeship is accepted as equivalent to or higher than a diploma qualification

## Labour Agreements

Situations where an employer may consider accessing a Labour Agreement include:

- occupations that are not on the list of approved occupations for the Temporary Business (Long Stay) Subclass 457 visa, permanent Employer Nomination Scheme (ENS) or Regional Sponsored Migration Scheme yet a genuine skills shortage exists or occupations are not covered under the Australian and New Zealand Standard Classification of Occupations (ANZSCO)
- where a business recruits labour for the supply to an unrelated business and/or the hiring of labour to unrelated businesses
- meat companies - Migration Regulations were amended on 15 October 2007 to exclude this group from the standard business sponsorship program.

With this program you can employ a number of overseas workers on temporary and/or permanent visas.

For further information and details on the employer requirements for sponsoring visas visit the Department of Immigration and Citizenship website. <http://www.immi.gov.au/skilled/skilled-workers/>

This information is current as of 12/9/2011, for more up to date information visit the Department of Immigration website listed above.

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