



Checklist for applying for nomination certification

Skilled Employer Sponsored Regional (Provisional) visa (subclass 494) – Employer Sponsored stream

The following must be submitted in order for the nominated position to be assessed.

- Form 1404 with questions one to ten completed (from homeaffairs.gov.au)
 - Online application form
 - Application fee of \$200
- Applications for certification of a position for the Skilled Employer Sponsored Regional (Provisional) visa (subclass 494) (SESR visa) under the Employer Sponsored (ES) stream must be made online at migration.wa.gov.au/services/skilled-migration-western-australia/rsms-form.

To have a nomination certified for the SESR under the ES stream, employers are asked to provide relevant documents to assist with the assessment of an application.

In addition to the documents suggested below, consideration will be given to any other relevant material submitted with the application. The onus is on the business to provide enough information to enable the regional certifying body (RCB) WA Migration Services to assess the nomination.

1. Details of the nomination

Where a business is seeking RCB advice to support their ES nomination under the SESR visa program, the following information must be submitted to the RCB as indicated on the online application:

- registered name of the nominating business/organisation;
- ABN and ACN of the nominator;
- contact address of nominating business/organisation;
- full name and contact details of representative of nominating business/organisation;
- ANZSCO code relating to the occupation of the nominated position;
- position title for proposed nominee;
- nominated salary; and
- full name of nominee (if known).

If the nomination application has been lodged or a draft application is available, nominating employers are requested to provide a copy of that application.

2. We must be satisfied that the identified person will be paid at least the annual market salary rate for the occupation.

The annual market salary rate is defined by the Department of Home Affairs as the earnings an Australian worker earns, or would earn, for performing equivalent work on a full time basis for a year in the same workplace at the same location. For more information, visit immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/sponsoring-workers/nominating-a-position/salary-requirements

Supporting evidence required.

- A letter of offer or employment contract (or a draft letter of offer or employment contract if the nominee is not yet known) which includes:
 - a full time position available for two years; and
 - the ANZSCO code of the nominated position; and
 - the salary for the position.
- Evidence demonstrating the annual market salary rate for the occupation.
 - a If there is an Australian worker performing equivalent work to the nominee, in the same workplace and at the same location as the nominee and:
 - i the salary is determined in accordance with an enterprise agreement or industrial Award or similar, then the nominator must provide the name of the enterprise agreement or industrial Award in the form of a fair work instrument, state industrial instrument or transitional instrument or similar and/or registered with the Fair Work Commission, where applicable. The salary level/occupation group that applies to the nominated position must be specified.

or
 - ii where an enterprise agreement or industrial Award does not apply, then the nominator must provide an explanation of salary arrangements with supporting evidence (copies of relevant employment contracts and pay slips for other Australian workers performing equivalent work in that workplace). If a nominator has a more or less experienced worker than the nominee, doing similar work at a lower or higher pay grade, then they are not considered an equivalent Australian worker. Nominators who only provide generic market salary data/salary surveys will not satisfy the information required to determine the annual market salary rate if there is an equivalent Australian worker.

or
 - b If there is no Australian worker performing equivalent work to the nominee, in the same workplace and at the same location as the nominee and:
 - i the salary is determined in accordance with an enterprise agreement or industrial Award or similar, then the nominator must provide the name of the enterprise agreement or industrial Award in the form of a fair work instrument, state industrial instrument or transitional instrument or similar and/or registered with the Fair Work Commission, where applicable, that would apply. The salary level/occupation group that applies to the nominated position must be specified.

or
 - ii an enterprise agreement or industrial award does not apply, then the annual market salary rate would be what applies to an equivalent Australian worker, which must be determined by reference to relevant market information.

Evidence of how the nominator has used relevant information to determine what an equivalent Australian worker would be paid must be provided, such as:

- Information in relation to statutory minimum entitlements, fair work instruments, state industrial instruments and transitional instruments that apply to Australian citizens or Australian permanent residents in similar workplaces;
or
- at least two of the following:
 - detailed information from Job Outlook (joboutlook.gov.au);
 - a copy of at least one job advertisement from the last six months for equivalent positions in the same location (eg state, urban versus regional area);
 - remuneration surveys completed by a reputable organisation; or
 - written advice from registered unions or employer associations.

We must be satisfied the nominator has provided sufficient information to demonstrate they have determined the annual market salary rate.

The regional certifying body, WA Migration Services (through the Department of Training and Workforce Development), may request further information to assist officers assess your application.

November 2019