

Skilled Migration Western Australia



Government of **Western Australia**
Department of **Training**
and **Workforce Development**

Checklist for applying for nomination certification Regional Sponsored Migration Scheme

The following should be submitted in order for the nominated position to be assessed:

- Form 1404 with questions one to ten completed (from border.gov.au).
- Online application form.
- Non-refundable application fee of \$200.

Applications for certification of a position for the Regional Sponsored Migration Scheme (RSMS) must be made online – migration.wa.gov.au/services/skilled-migration-wa/rsms-form

To have a nomination certified under the RSMS employers may be 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 to assess the nomination.

1. We must be satisfied that there is a genuine need for a paid employee in the position under the nominator's direct control.

Provided documentation should include:

- Organisational chart and accompanying explanation which demonstrates how the position is required for the activities of the business.
- Position description which demonstrates the position is consistent with the need of the business.
- Business case supporting the need for the nominated position.
- Letter of offer or employment contract (or draft letter of offer or employment contract in the case where the Nominee is not yet known), as required in part 3 below.
- Evidence of the nominated position being under the direct control of the nominator and the nominator directly operates the business in which the nominated position exists.

Additional requirements for start-up businesses (operating for less than 12 months)

- Business plans including financial budgets covering expenses and anticipated revenue.
- Evidence of lease or purchase of equipment (such as computers).
- Evidence of availability of funding (such as own funds, bank accounts, loans).
- Two photos of the business premises (front and inside).

2. We must be satisfied that the position cannot be filled by an Australian citizen or an Australian permanent resident who is living in the same local area where the nominated position exists.

Provided documentation should include:

- evidence that the position has been advertised within three months and no less than two weeks directly preceding the application for assessment by the RCB. Evidence may include an invoice for the advertisement, a scanned copy of the advertisement or other relevant supporting documentation showing the date of the advertisement (such as from a recruitment company, if used).

Advertising requirements:

- one print advertisement from a newspaper distributed across the region in which the position is located. Print advertisements for positions in the Perth metropolitan area and for fly-in fly-out or drive-in drive-out positions must be advertised in Western Australian newspapers, for example *The West Australian* or *The Sunday Times*. Placement of the advertisement in the newspapers must be appropriate for the advertised position, such as the vacancies classified section; or
- one online jobs advertisement over a minimum two week period on a jobs site such as Seek or CareerOne, an employment section on the company's website or social media such as LinkedIn. Both paid and unpaid online advertisements are acceptable.

- A signed declaration stating that the nominator has made a genuine attempt to fill the position with an Australian citizen or permanent resident and has been unable to find a suitable candidate.

3. We must be satisfied that the terms and conditions of employment applicable to the position will be no less favourable than the terms and conditions that are provided to, or would be provided to, an Australian citizen or Australian permanent resident undertaking the same work in the same workplace at the same location.

Provided documentation should include:

- 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
- ANZSCO code of the nominated position; and
- salary and entitlements; and
- other conditions to be offered to the employees.

- Evidence the nominee will receive a salary equivalent to an Australian citizen or permanent resident.

a) If there is an existing worker within the business who is an Australian citizen or permanent resident performing the same or closely related occupation, the employer should provide documentation showing the salary, entitlements and other conditions afforded to that worker. Documentation can include (but is not limited to):

- most recent copy of an organisation's policy and/or practice regarding pay, entitlements and conditions for employees working in the same or closely related occupations. This document must be signed by an authorised officer of the company; or
- copy of the contract or letter of employment for the existing worker working in the same or closely related occupation; or
- records of wages, allowances and other payments made to employees.

Or

b) If an existing worker (Australian citizen or permanent resident) has been employed in the company for less than one month performing the same or closely related occupation, if an employer cannot provide documentation required in a) above, or there is no existing worker performing the same or closely related occupation, the employer must provide evidence that the nominee will be paid the market salary rate. Documentation can include (but is not limited to):

- i. evidence that the salary and conditions offered meets the minimum working conditions stipulated by the relevant Commonwealth or State Government industrial instrument; and
- ii. one of the following:
 - copies of at least two advertisements for the same or closely related occupation, showing a comparable salary level, entitlements and conditions to be offered to the employee in the same location; or
 - documentation to show the average weekly salary of the position is not lower than that published in a recognised salary scale (such as but not limited to Hays Salary Survey, Robert Walters Salary Scale).

The Regional Certifying Body, Skilled Migration WA (through the Department of Training and Workforce Development), may request further information to assist officers assess your application.