Australian Government
Department of Home Affairs

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Guide to Submitting a Decision-Ready Employer Sponsored Nomination Application

This guide is designed to help you to submit complete and fully documented, decision-ready nomination applications for the:

- Employer Nomination Scheme (ENS) (subclass 186) visa,
- Skills in Demand (SID) (subclass 482) visa, and
- Skilled Employer Sponsored Regional (SESR) (Provisional) (subclass 494) visa.

The following information outlines key matters to minimise processing delays:

- As there is no legislative requirement for a decision maker to request further information, we strongly encourage you to lodge a **decision-ready** application, including all supporting documentation and evidentiary requirements, at the time of lodgement.
- If information is missing, your application may be delayed or decided based on the information available at the time of assessment. If there is any information you cannot provide, clearly identify what is missing, explain the reason, specify when it will be available, and include an estimated timeframe.
- Under legislation, certain criteria must be met at the time of lodgement. Where applicable, ensure you have included relevant, current, and valid information to prevent an unfavourable decision.
- Your application may be delayed if any documents expire before a decision is made and they are not updated. Ensure your documents remain valid throughout the assessment process.
- To support efficient processing and outcomes, the Department continues to encourage the simultaneous lodgement of decision-ready nomination **and** visa application(s).
- Due to the high volume of applications, please do not request status updates, as this can slow down processing. Instead, check the Department's Skilled visa processing priorities for guidance on the order of processing and Global visa processing times for an estimate of how long assessments are currently taking.

EMPLOYER NOMINATION CHECKLIST:

- As the information you need to provide will depend on your individual business circumstance, refer to the relevant visa subclass stream webpage on the Department of Home Affairs website.
- Assess your circumstances against the requirements outlined in the *'Eligibility'* tab. If eligible, ensure your application is decision-ready by:
  - Referring to the Applying for a skilled visa webpage,
  - Following the instructions under the *'Step by Step'* tab,
  - Providing all the required information and documents listed under the *'Gather your documents'* section, and
  - Ensuring you Check twice, submit once

The following information is general guidance on the documentation required for nomination applications:

PRE-LODGEMENT

- For SID and SESR, sponsors must be, or have applied to be, a Standard Business Sponsor (SBS) to lodge a nomination application.
  - We recommend you assess if you qualify for Accredited Status as a sponsor.
- Check that the worker you are nominating meets all the eligibility requirements.
- If required, carry out Labour Market Testing (LMT) and provide evidence of compliance. Sponsors relying on an International Trade Obligation (ITO) must identify the obligation and provide supporting evidence.
- Determine the Annual Market Salary Rate (AMSR) for the nominated position and ensure the salary meets the current relevant Skilled Migration Income Threshold.
- Carefully select the most appropriate occupation for the nominated role.

NOMINATION BASICS

- Identify the business using its registered legal entity name, as recorded under the Australian Business Number (ABN).
- Ensure sufficient evidence is submitted to demonstrate that the sponsoring business is actively and lawfully operating.
- If caveats apply, provide clear information and supporting evidence to demonstrate the business meets the caveat criteria.
- Ensure the employment contract detailing the nominated position is signed and dated by both parties. Ensure that clear evidence of a direct employer-employee relationship is submitted.
- Provide clear information and supporting evidence demonstrating that the nominated position is genuine, or that there is a genuine business need for the employee, in line with the requirements of the relevant visa program. Clearly explain how the nominated position fits within the business structure. Providing a structure chart (or similar) is recommended,
- For the SESR program, ensure the Regional Certifying Body (RCB) certification is obtained no more than three months prior to lodgement of the nomination application.
- Provide evidence of compliance of any licensing/registration requirements for the nominated occupation.
- Declare any relevant adverse information and outline actions taken to address the issues and prevent recurrence.
- Regularly check your ImmiAccount inbox for updates and requests and respond in specified timeframes if requested to provide more information. See: After you apply

NOMINATE THE OVERSEAS WORKER

- You must nominate the overseas worker.
- While a visa application cannot be lodged before a nomination application, we strongly encourage visa applications being lodged at the same time as the nomination application, to allow us to process applications together.

NOMINATED OCCUPATION

- Sponsors must select the most appropriate occupation for the role, ensuring the nominee's duties align with the selected occupation. Note that post lodgement changes **cannot** be made and it may not be possible to provide a refund.

NOMINATOR'S BUSINESS NAME

- The legal entity name, not the trading name, must be used consistently across the nomination, visa application and supporting documents (clearly showing how they relate to the nominating entity).
- If the business operates under a trust structure, use the trustee of the trust. Make sure to include relevant trust documents.

WHERE A CAVEAT APPLIES

- Ensure that comprehensive information, including sufficient evidence, is submitted to demonstrate how the business meets the relevant caveat criteria. Refer to the *'caveats apply'* link of the nominated occupation in the Skilled occupation list
- If submitting photographs, ensure they show all relevant aspects of the business and are accompanied by sufficient descriptions.

PROOF YOUR BUSINESS IS ACTIVELY AND LAWFULLY OPERATING

- Sponsors should provide a brief company profile, a description of business activities, operating locations and role specific information relevant to the nomination.
- Submit Profit and Loss statements and independently verifiable financial documents, such as lodged Business Activity Statement (BAS), or tax returns.
- Sponsors should ensure that any updated documents are attached via ImmiAccount if they become available before a decision is made on the application.

IDENTIFICATION OF EMPLOYEE AND THE EMPLOYMENT LOCATION

- Clearly specify how the nominated position fits within the business structure and operations. This includes identifying the exact location where the nominee will work and detailing the role specific tasks and responsibilities.
- If duties are performed across more than one location, this should be clearly explained.

CONTRACT OF EMPLOYMENT

- Provide a copy of the employment contract signed and dated by both parties, unless the occupation is exempt. The contract should demonstrate full time employment where required, meet any minimum duration requirements and align with nomination details and employment conditions.
- Provide an accurate and detailed position description of the nominated position.
- **Outdated, unsigned or unclear employment contracts are a common cause of application processing delays.**

PROOF THAT THE POSITION IS GENUINE OR THAT YOU HAVE A GENUINE NEED FOR THE EMPLOYEE

- For SID and SESR applications, demonstrate that the position aligns with the nominated occupation, including duties, level of responsibility, and required skills.
- For ENS applications, demonstrate the genuine need for the position within the business.
- Provide a clear business organisation chart and company profile, including, where applicable, trust arrangements (including trust deeds).
- Provide evidence of claims and relevant supporting documents such as staffing structures or rosters, workload analysis, contracts, bookings, client demand or business growth plans.

DIRECT CONTROL

- Ensure that clear evidence of a direct employer-employee relationship is submitted. This may be the employment contract between the sponsor and the visa applicant.
- If the sponsor is involved in on-hire business activities, ensure that the employment contract clearly outlines the sponsor's direct control of the visa applicant's employment.

PROOF YOU WILL PAY THE ANNUAL MARKET SALARY RATE (AMSR) AND INCOME THRESHOLD

- Sponsors must determine the AMSR for the nominated position. This includes identifying any industrial instruments that apply to the nominated occupation, the relevant classification and award rate.
- Sponsors must demonstrate that the nominee will be paid at or above the AMSR, the current relevant Skilled Migration Income Threshold and in accordance with Australian workplace laws.

PROOF OF LABOUR MARKET TESTING (LMT)

- Where LMT is required, sponsors must provide complete evidence demonstrating compliance in accordance with the legislative instrument.
- Nominators must either provide:
  - Two (2) full job advertisements, including their content, dates and duration of advertising; or
  - where alternative requirements apply, evidence or a supporting statement.
- Where reliance is placed on an ITO, sponsors must identify the relevant obligation, explain how it applies to the nominee and position, and provide supporting documentation.

NOMINEE HOLDS LICENCE/REGISTRATION

- Where required, provide evidence that the nominee holds the appropriate licence/registration for the nominated occupation in accordance with the ANZSCO database.
- Ensure all submitted information is relevant to the state or territory where the nominee will work for the employer.

ADVERSE INFORMATION

- Ensure that you have declared any adverse information about the nominator (as defined in Regulation 1.13A) or a person associated with the nominator (as defined in Regulation 1.13B) on any application that you lodge.
- Provide information on anything you have put in place to address the specific matters and what you have done to prevent them from happening again.

ENSURE THAT ALL INFORMATION PROVIDED IS ACCURATE

- Some information provided at lodgement cannot be changed (for example, nominated occupation or applicant details). If updates are needed, a new application must be submitted.
- Provide all required documents and correct information at lodgement. Incomplete or inaccurate applications may result in loss of the application fee and SAF payment, unless a refund applies.

CHANGE OF CIRCUMSTANCES

- Changes of circumstances must be reported to the Department immediately.
- During the processing of nomination applications, sponsors should complete Form 1022 Notification of changes in circumstances and attach it via ImmiAccount. See: After you apply
- Once SID and SESR nomination applications are processed notifications can be submitted via the Notification of sponsor changes form in ImmiAccount or by email to sponsor.notifications@abf.gov.au

MORE INFORMATION

For more information, scan the relevant QR code below:

Nominating a position

Skilled occupation list

Who can help you with your application?

Employing overseas workers

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