

Changes to the Permanent Employer - Sponsored Program - July 2012 reforms

From 1 July 2012, the permanent employer-sponsored program will undergo significant changes. The current 6 employer-sponsored visa classes and subclasses will be replaced by 2 new subclasses - Employer Nomination Scheme (ENS/subclass 186) and Regional Sponsored Migration Scheme (RSMS/subclass 187). Within each of these 2 subclasses there will be 3 eligibility pathways: Temporary Residence Transition, Direct Entry and Agreements streams. RSMS is only available to applicants employed in certain regional areas such as South Australia, while ENS is available to applicants in all other non-regional areas such as Sydney and Melbourne.

RSMS - Temporary Residence stream

- For applicants who have worked for an employer for at least 2 years as a 457 visa holder in a nominated occupation, where the employer agrees to sponsor them in a permanent residence visa application performing the same or similar position.
- Applicant must have vocational English (IELTS 5 in all 4 components)
- Employer must pay market salary rate
- No need to obtain certification from Regional Certifying Body.

RSMS - Direct Entry stream

- Applicant must have competent English (IELTS 6 in all 4 components)
- Skill Assessment may be required, depending on the nominated occupation
- The employer must pay market salary rate
- Need to obtain certification of the nominated position from Regional Certifying Body. In South Australia, employers must provide Labour Market Testing evidence (i.e. open recruitment for the nominated position) to obtain certification

RSMS - Agreements stream

- Applicants who worked in semi-skilled occupations and/or are not able to meet the English, age or skill requirements may be sponsored through this stream
- Agreement is negotiated between the employer and the government
- Criteria to be satisfied are specified in the agreement.

The above 3 streams are also available to ENS visas. However, in addition to the above requirements, ENS also requires employers to meet training benchmarks and (for direct entry stream) the employees must obtain positive skills assessment and have relevant work experience.

Overall, the new regime sets the bar higher for applicants. While waivers for age, skill/qualification or English requirements will still be available, the scope of available exemptions has been considerably narrowed and will have fairly limited application.

However, the age limit under the new regime will be raised from 45 to 50 years old and RSMS applicants applying through the temporary residence stream will no longer be subject to the certifying process.

For further advice regarding the new permanent employer-sponsored program, please contact Maria Ho on 08 82101274 or Anna Hsiao on 08 82171357.

2012年7月1日起雇主担保永居政策改革

从2012年7月1日起，雇主担保永居政策将有重大改变。现有的六个雇主担保签证类别将会合并成两个类别 - 雇主提名（ENS/186 签证）和偏远地区雇主提名（RSMS/187 签证）。在这两个类别中又分别有三种可行的途径：临时居民过渡类（Temporary Residence Transition）、直接申请类（Direct Entry）和协议类（Agreements）。

偏远地区雇主担保（下文简称 RSMS）是针对就职于偏远地区的申请人（例如南澳大利亚），而在非偏远地区工作的申请人（例如悉尼和墨尔本）则只可以申请雇主提名类别。

RSMS - 临时居民过渡类

- 以 457 签证持有者的身份为现有雇主工作两年以上，并且雇主同意担保申请者以现有或类似的职位来申请永久居民签证
- 雅思每门分数不能低于 5 分
- 雇主必须支付市场薪酬
- 无需向偏远地区认证机构申请认证

RSMS - 直接申请类

- 雅思每门分数不能低于 6 分
- 可能需要进行技术评估（取决于提名的职业）
- 雇主必须支付市场薪酬
- 需要向偏远地区认证机构申请认证。在南澳大利亚，雇主需提供劳动市场测试（Labour Market Testing），即公开招聘其提名职位的证据以获得认证。

RSMS - 协议类

- 主要针对从事半技术职业，或无法满足英语、年龄、技术要求的申请人
- 由雇主与政府协商并签署协议
- 协议中会列出申请人需满足的条件

以上三种途径同样适用于雇主提名类别(ENS)。但是，除了以上的要求以外，ENS 类别还要求雇主满足培训要求，而选择直接申请的申请人还必须进行技术评估和拥有相关的工作经验。

总体来说，新颁布的政策提高了申请的门槛。虽然对满足年龄、职业或学历、英语要求的豁免还在，但豁免的范围已经明显的缩小了，严重限制了适用的情况。

但另一方面，新政策把申请人的年龄上限从 45 岁提升到 50 岁，而且选择 RSMS 临时居民过渡类的申请人也无需向偏远地区认证机构申请认证。

如果您想得到更多关于雇主担保永居新政策的信息，请联系何卓琳律师，联系电话 08 82101274 或肖安娜律师，联系电话 08 82171357。