

RDA SOUTHERN INLAND GUIDELINES FOR EMPLOYERS LODGING A REGIONAL SPONSORED MIGRATION SCHEME (RSMS) 187 VISA APPLICATION

The Regional Sponsored Migration Scheme (RSMS) Subclass 187 Visa enables employers to fill 'skilled' positions on a permanent basis, with non-Australian citizens, where they have been unable to fill a vacancy from the local labour market or through their own training programs.

The nominated position must be supported by a Regional Certifying Body (RCB).

Under the RSMS, the Department of Immigration and Border Protection (DIBP) seeks advice from the local RCB about whether the employer nomination meets specific migration criteria. DIBP is the ultimate decision maker on any RSMS nomination.

An administration fee of \$770 (GST Inclusive) applies for processing applications and is payable at the time of application. The administration fee is non-refundable. Processing of applications can take up to 4 weeks.

THE REGIONAL CERTIFYING BODY (RCB) ROLE

The RCB considers the information provided by the employer, and their knowledge of the labour market in the Southern Inland region, to provide advice to DIBP on:

1. Genuine Need
2. Labour Market Testing (LMT)
3. Employment Conditions

❖ GENUINE NEED

The RCB assesses whether:

1. There is a genuine need for the nominated position within the business activity of the employer. The onus is on the employer to demonstrate that either:
 - a. the nominated position exists and is currently vacant; or
 - b. the nominated position is a newly created position as a result of business expansion.
2. The position relates to a paid employee (rather than an independent contractor); with a minimum diploma level qualification.
3. The nominated position is relevant to the nature and scope of the business activities of the employer.
4. Occupations will be verified against Australia and New Zealand Standard Classification of Occupation (ANZSCO). Each nominee will require a skill level within ANZSCO skill levels 1 to 3. Information about ANZSCO is available on [DIBP website](#)

Please include:

- Details of the position and its duties; including qualifications required to fulfil the position.
- A statement on how the position contributes to the business.
- An organisation chart/breakdown of the organisational structure to indicate how the position fits into the business activity.

❖ LABOUR MARKET TESTING (LMT)

The RCB assesses whether the nominated position cannot be filled from the local labour market. The onus is on the employer to demonstrate that the LMT is met by the following options:

The employer has tested the local labour market by:

- a. Listing the vacancy (nominated position) with a job placement provider for at least four (4) weeks in the eight (8) weeks before lodging the application; and/or
- b. Advertising the vacancy on a well-recognised, reputable online employment site for at least 28 days.

Advertisements for the vacancy must:

- Accurately reflect the duties, salary and any other benefits. The proposed salary must reflect current market rate;

- Describe the position in a way that does not discourage Australian citizens or Australian permanent residents from applying for the position.

Please include:

- Evidence that the position has existed and been previously occupied but has become vacant through attrition; or
- Evidence that the position is currently occupied by the nominee; or
- If the position is a newly created position, evidence to support the business expansion.

❖ EMPLOYMENT CONDITIONS

The RCB assesses whether the terms and conditions of employment for the nominated position are no less favourable than those of Australian citizens or permanent residents performing equivalent work in the same workplace. The nominated salary must be no less favourable than the relevant market salary rate.

The onus is on the employer to include sufficient information to provide reference to, and evidence the terms and conditions of employment, including:

- The name/reference of a relevant fair work instrument that would apply to Australian citizens or permanent residents employed in the same workplace (if applicable); and
- A copy the employment contract that complies with the National Employment Standards (NES). The contract must be current, **dated and signed** by both the employer and the nominee; and
- Evidence that the nominated salary is no less favourable than the relevant market salary rate:
 - a. Where the employer employs an Australian citizen / permanent resident in the same occupation in the workplace, the employer must provide documentary evidence of the salary offered to the Australian employees; or
 - b. Where the employer does not employ an Australian citizen/permanent resident in the same occupation in the workplace, the market rate must be determined with regard to relevant market information, which may include, but is not limited to local knowledge and evidence of appropriate terms and conditions of employment including information from employer associations, unions and broader labour market data.

DOCUMENTS CHECKLIST

The following checklist is provided to assist you with your application. Please read the entire document before you begin.

Please include **ALL** the following documents in your application.

- DIBP Online Application**
Complete and attach the DIBP Online Application '[Employer nomination for RSMS](#)', please include the Transaction Reference Number (TRN).
- Migration Agent**
If using the services of a Registered Migration Agent: A Form 956 must be included
- Information about the Employing/Nominating Business**
Please include:
 - Copy of Business Registration or Company Registration Certificate showing the Australian Business Number (ABN).
 - Evidence of current financial status e.g. Profit & Loss Statement and Balance Sheet for the last 12 months. Or Letter from Accountant outlining the financial position of the business.
- Genuine need for position information** – see Guidelines
- Position information** – see Guidelines
- Labour Market Testing Information**
Please include evidence of the inability to fill the nominated position from the local labour market.
 - Results of recent labour market testing (LMT) including:
 - the original job advertisements;
 - Details of all local applicants, and overview of the applications and inability to fulfil the position.
- Employment Contract / Letter of Offer**
Please include:
A copy of the letter of offer of employment, ensuring it complies with the National Employment Standards (NES).
The contract must include:
 - Total remuneration package including superannuation and details of leave entitlements
 - Base salary and details for rates for out of hours or overtime work
 - Core hours and days of work each week; must be full time (min 35 hours per week)
 - Start date and term (must be for a minimum of two years).
- Nominee Information**
Please include:
 - A copy of the International English Language Testing results (IELTS min score 6 in each field)
 - A copy of nominee's passport bio page. (must be under 45 years of age at the time of application)
 - A copy of the nominee's resume, including copies of qualifications
 - A copy of any licenses or registrations required to fulfil the position.
- Service Fee**
A service fee of \$770 (GST inclusive) applies, and may be paid via electronic funds transfer (EFT) or credit card.
 - ◆ **Payment by EFT**
Please include the Nominating business name in the transaction commentary. Proof of EFT payment to be supplied with application.
RDA- Southern Inland BSB: 062 904 Account Number: 10407899
 - ◆ **Payment by Credit Card**
Please complete the Payment by Credit Card form available on the RDA Southern Inland website. Note a fee of 1% will be charged for credit card transactions.

Submit your completed application **via post** to: RCB Manager
RDA Southern Inland
PO Box 775
GOULBURN NSW 2580

You will receive an application receipt email. Applications may take up to 4 weeks for processing.

All enquiries should be made to the RDA Southern Inland office on 02 4822 6397 or via email to rcb@rdasi.org.au