

186 EMPLOYER NOMINATED SCHEME Permanent Residence



MARN 1805594

The following information is general in nature and should not be considered legal advice.
Please consult a MARA agent before lodging an application.





What is a 186 visa?

The 186 employer-sponsored visa allows companies to keep an overseas employee on a permanent basis (at least 2 years) so long as both company and employee agree to work together for the 2 years post visa grant. The employee must have at least **3 years of FULL TIME post qualification experience** in relevant roles (*accumulated in Australia or overseas*). It must '**make sense**' for the company to employ that person in that occupation. If in doubt, use the '*common sense test*'.

Why should I nominate a foreign employee for a 186 visa?

Despite the extra costs associated with a nomination (government and agent fees), **the end goal for most foreign students and professionals in Australia is to reside here permanently**. The nomination can be a **win/win** for all parties because you could gain a loyal and grateful employee *likely* to stay with you longer and, in turn, your employee obtains the rights to stay here permanently. On the contrary, if a employee knows their employer is not supportive of their residence aspirations, not always but often they may begin to look elsewhere for a more supportive employer.

Steps

The occupation must be on the 186 list:

<https://www.legislation.gov.au/Details/F2019L00275>

STEP 1: THE COMPANY NOMINATES THE POSITION

The company presents information about why they need that employee in that particular role and why the hiring makes sense in the context of their operations. For example, your business is a restaurant and you need a chef.

STEP 2: APPLICANT LODGES THE VISA APPLICATION

The employee shows they have 3 years of relevant full time experience **prior** to lodging the visa application using reference letters, payment evidence and a skills assessment (if applying via the Direct Entry stream). The applicant also shows they meet the English, character and health requirement as well as presents information about their family unit (if including them).

How much is it?

COMPANY PAYS

NOMINATION

Government: \$540

Government Levy: *Per company size*

if turnover is <\$10M: \$3,000, OR

if turnover is >\$10M: \$5,000

+

Agent fees: \$2,500

Company pays approx

\$5,540 (if turnover is <\$10M)

or

\$7,540 (if turnover is >\$10M)

EMPLOYEE PAYS

VISA APPLICATION

Government: \$4,240

+

Agent fees: \$2,000

If including family: \$2,120 for a spouse &

\$1,060 for a child

Employee pays approx

single person: **\$6,240**

family of 2: **\$8,360**

family of 3: **\$9,420**

*Please note skills assessment, medical and police checks have **not** been included above.*

Documents checklist

GENERAL LIST FOR COMPANY

1. ABN
2. ASIC
3. Financial capacity
4. Organisational chart
5. Business plan (if business less than 12 months old)
6. Position description
7. Contract with two year clause
8. Evidence employee will be paid market rate
9. *Advertisements (recommended)*
10. Information about the company's services
11. Evidence that it makes sense for the company to sponsor that occupation
12. Genuine position statement

GENERAL LIST FOR EMPLOYEE

1. Passports
2. Facial image
3. Birth certificate
4. Form 80
5. Police clearances
6. English test
7. Reference letters
8. Skills assessment
9. Qualifications and transcripts
10. Depending on occupation may need industry registration e.g. nurses & teachers
11. *If including family then show family unit composition*

Key points

MARKET SALARY

Each time we need to look at what Australians get paid in the same position and determine whether the applicant will be paid the same.

Here is a list of **INDICATIVE** salary ranges:

Chefs: \$55,000 - \$65,000 plus super

Engineers: \$70,000 - \$85,000 plus super

IT professionals: \$65,000 - \$100,000 plus super

Tradies: \$60,000 - \$75,000 plus super

Accountants: \$60,000 - \$80,000 plus super

Marketing specialist: \$65,000 - \$80,000 plus super

Management consultant: \$90,000+ plus super

CONTRACT MUST SAY '2 YEARS'

The applicant **MUST** be offered a contract that has the following clause: **This contract is for a 2-year term and does not exclude the possibility of extension.**

THERE ARE 2 STREAMS

Direct Entry Stream: When the applicant has the skills assessment and 3 years experience.

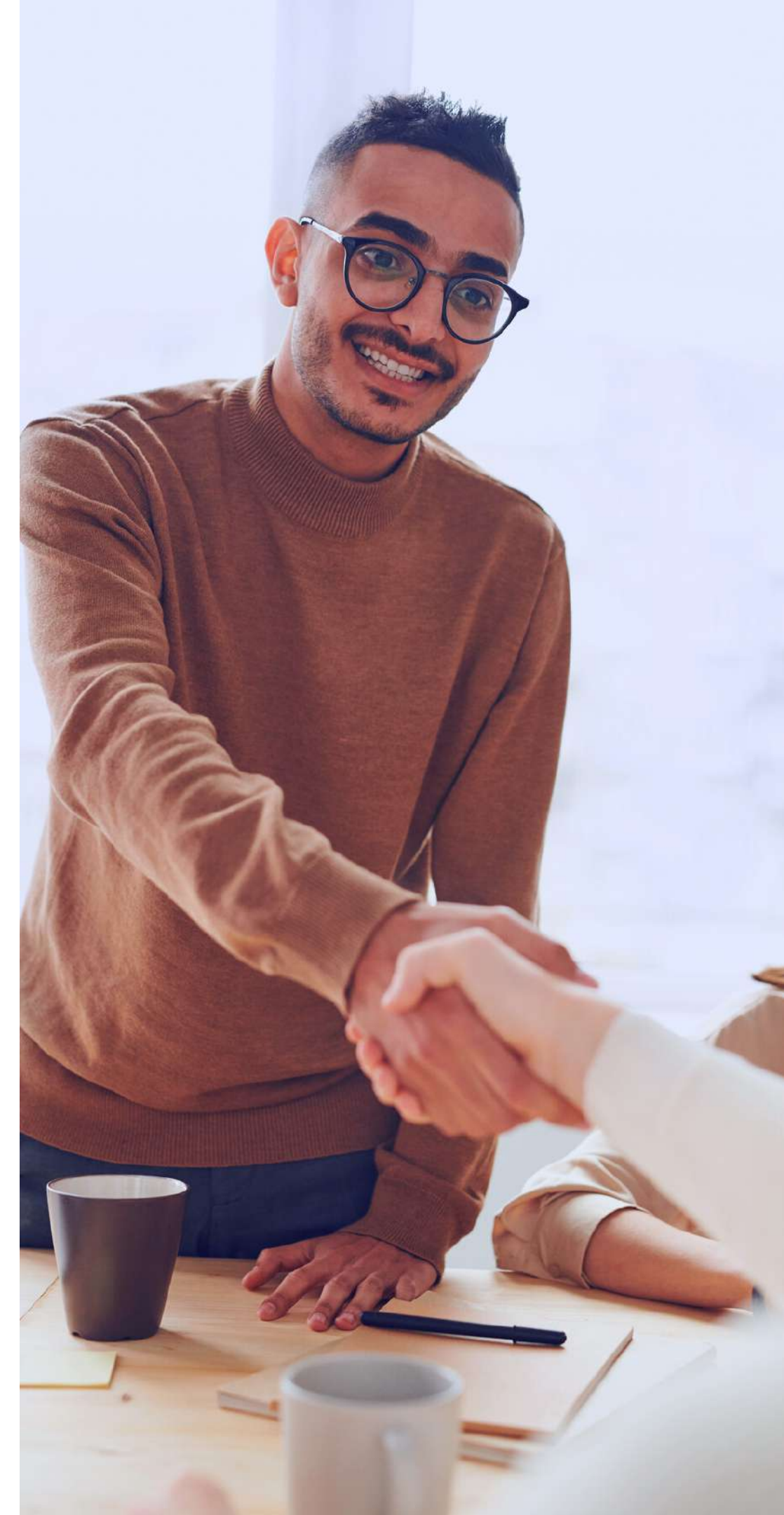
Transition Stream: When the company wants to first have the employee on a 3-year 482 visa **before** nominating them.

This stream requires **NO** skills assessment.

OCCUPATION MUST BE ON THE 186 LIST

Occupations like cleaner, cleaner supervisor, caulker, concreter, operations manager, labourer, caulker and secretary are **NOT** approved. See the list:

<https://www.legislation.gov.au/Details/F2019L00275>





OK, after reviewing this information, I believe my company and my employee qualify. **What now?**

STEP 1: Meet a Gamba Migration delegate.

Most times you meet directly with the admin who will handle the paperwork. In more complex cases you meet with the migration agent. If thereafter we decide to go ahead, we send you an invoice and an agreement to start the process.

STEP 2: Post payment we send you a checklist with templates for your completion

After you sign and pay, we send you a checklist with templates within 7 days post payment.

STEP 3: You send us the documents and forms we requested.

The document collection window can be around **2 - 10 weeks** depending on whether we need to advertise the position, our own internal workflow and how fast you or your delegate can get us the documents we requested.

STEP 4: We do a final review and send the completed application to Immigration

After you send and we review **ALL** required documentation we send the paperwork to Immigration. Thereafter we wait for their response and we keep you updated throughout.

Work visas at a glance

1) 482 Visa (Temporary Skills Shortage): The classic work visa option for occupations in low and high demand. Employee must have **2 years full time** of experience prior to application.

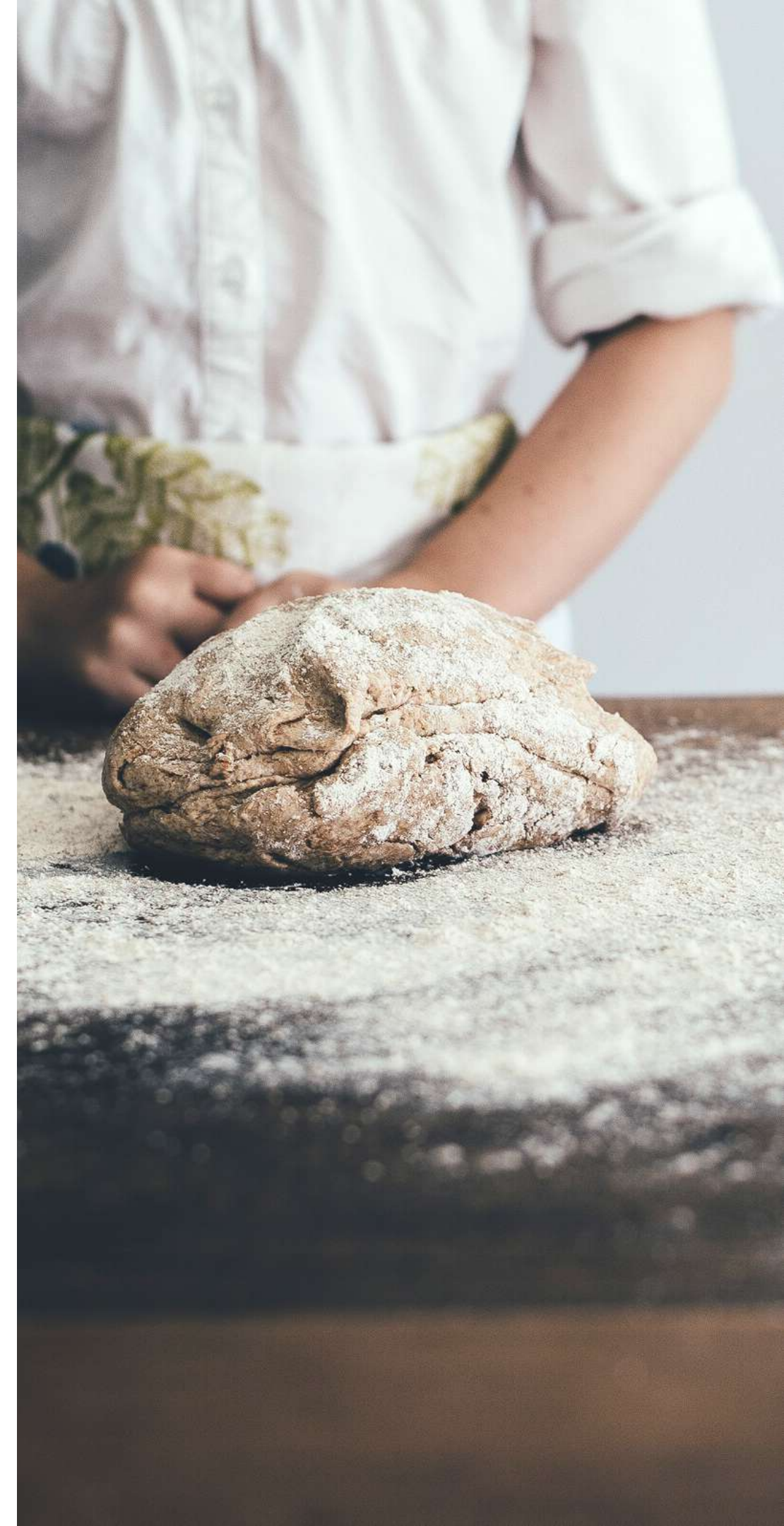
2) 186 Visa (Direct Entry or Temporary Resident Transition): Permanent visa for occupations in **HIGH** demand. Employee must have **3 years full time** of prior experience.

3) 494 Visa Semi-permanent (regional): Temporary visa for occupations in **LOW** demand. Business must be in **REGIONAL** area. Employee must have **3 years full time** of experience in a 5 year window.

4) 407 Training visa: Usually used to buy time so the applicant can move up to 482 visa or to get registration (e.g. nurses or teachers). Employee must have at least **1 year full time** experience **IN THE LAST 2 YEARS**.

5) 408 Temporary Activity: Usually for entertainers, sportspersons and religious workers.

6) 400 Short-Term specialist: For special projects & contracts lasting around **3 - 6 months**.





Let's talk!

Contact us via:

gamba.com.au (Spanish)

gamba.com.au/en/ (English)

Our team of consultants working with our registered migration agent Jorge Gamba (MARN 1805594) has helped companies such as Onepoint Australia, Benzina Cantina, Ready2Ship, Sitesee Artificial Technology, Via Condotti Restaurant and Surefoot Concreting nominate foreign employees in occupations such as management consultant, software engineer, civil engineer, accountant, marketing specialist, chef, motor mechanic and many others. Let us help you.

