



Important – Please read this information carefully before you complete the nomination. Once you have completed the nomination we strongly advise that you keep a copy for your records.

This form should only be used to nominate a skilled position to be filled by an overseas worker under the Employer Nomination Scheme (ENS).

These notes provide guidance on how to complete this form. They should be read in conjunction with the detailed requirements outlined in booklet 5, *Employer Sponsored Migration*, available on the Department of Immigration and Citizenship (the department) website

www.immi.gov.au/allforms/booklets/1131.pdf

How to fill in this form

Please use a pen and write neatly in English using BLOCK LETTERS.

Read the notes on each question. If a question is not applicable, write 'N/A'. If you are not sure provide a brief comment on why you believe this to be the case. Any changes or corrections you make must be initialled and dated by each person who signs the form. If you use other sheets of paper for additional information for any question, each sheet must also be signed and dated by all persons who sign the form.

Integrity of nomination

The department is committed to maintaining the integrity of the visa and citizenship programs. Please be aware that if you provide us with fraudulent documents or claims, this may result in processing delays and possibly your nomination being refused.

Is the ENS the right choice?

There are a number of programs which allow employers, who have been unable to train or find suitable people in Australia, to recruit skilled workers from overseas either on a permanent or temporary basis.

If you are seeking to fill a permanent position in regional Australia, you may find the Regional Sponsored Migration Scheme a better option – see form 1054 *Employer nomination under the Regional Sponsored Migration Scheme*.

Before completing this form please read the material available on the department's website to make sure the ENS is the right option for you.

See www.immi.gov.au/skilled/skilled-workers/

The ENS

The ENS allows Australian employers to fill highly skilled positions in Australia, with a non-Australian citizen or resident, when the employer:

- cannot find a suitably qualified person from the Australian labour market; and
- is unable to provide for their staffing needs through their existing training programs.

The ENS process consists of 2 distinct parts:

1. assessment of the nomination lodged by an employer; and
2. assessment of the application for a visa by a person nominated by the employer.

Assessing the nomination

The employer must:

- be the direct employer of the sponsored worker;
- be actively and lawfully operating in Australia;
- have a satisfactory record of training Australians; and
- be an employer of good standing (ie. must have a history of compliance with immigration laws and with relevant workplace relations laws).

The position must:

- be full-time and available for at least 3 years (evidenced by a formal letter of appointment or contract);
- correspond to a highly skilled occupation that appears on a list of occupations specified in a legislative instrument for the purposes of the ENS and available on the department's website www.immi.gov.au/allforms/pdf/1121i.pdf;
- be paid at least a specified minimum salary, specified in a legislative instrument for the purposes of ENS and available on the department's website www.immi.gov.au/skilled/skilled-workers/ens/eligibility-employee.htm; and
- comply with all relevant Australian standards for wages and working conditions.

Assessing the visa application

The visa applicant must:

- have been working in Australia in the occupation on an appropriate temporary residence visa for at least 2 years immediately prior to lodging the visa application (with the last 12 months working for the nominating employer); or
- have qualifications assessed as equivalent to Australian standards by the appropriate assessing authority in Australia and, unless exceptional circumstances apply, have at least 3 years post-qualification full-time work experience in the occupation immediately prior to lodging the visa application; or
- be nominated for a position which attracts a base salary of at least the salary specified by in a legislative instrument for highly paid executive positions and available on the department's website www.immi.gov.au/skilled/skilled-workers/ens/eligibility-employee.htm;

The visa applicant must also:

- hold, or be eligible to hold, any licence, registration or professional membership that is necessary to work in the position in Australia; and
- be under 45 years and have vocational English skills, unless exceptional circumstances apply.

ENS – Exceptional circumstances

If your nominee:

- (a) seeks to have their skills assessed by an assessing body but does not have 3 years relevant work experience; or
- (b) is aged 45 years or over
- (c) does not have vocational English language,

they will be asked to show that 'exceptional circumstances' apply to their appointment when they apply for their visa. You may wish to assist them to complete this section of their visa application form by completing the relevant parts of Question 21 on this form. You may attach additional information to this form (signed and dated) if there is insufficient space provided at Question 21.

The information you provide will be taken into consideration by the visa officer deciding your nominee's visa application.

Note: 'Exceptional circumstances' provisions relate only to your nominee's visa application, and do not form any part of the assessment process for your ENS nomination application.

Where a nominee has qualifications that have been assessed as equivalent to the Australian standard by the appropriate assessing body in Australia, but does not have 3 years post-qualification work experience, exceptional circumstances may be considered. To assist in this consideration you may provide details at Question 21 on this form, of why the position is so unusual or highly specialised that a suitable employee with 3 years post-qualification work experience cannot be found.

Other considerations are whether the position is critical to the operation of the business and whether the occupation is on the Migration Occupations in Demand List (MODL).

Exceptional circumstances on the basis of age might be considered where:

- it is not possible to find a suitably qualified person to fill the position who is younger than the applicant; and
- the duties of the position are so specialised or unique that few, if any, persons under 45 would have the same level of expertise; or
- the position would normally require a person with skills and experience acquired over many years (eg. senior academics or scientists).

Note: 'Exceptional' circumstances are generally not considered for applicants who are 60 years or older.

Consideration of exceptional circumstances on the basis of English language ability occurs where vocational English may not be essential to perform the full range of duties. Other issues include:

- how the nominee might transfer their skills to Australian employees;
- how they may be able to comply with Occupational Health and Safety (OH&S) issues; and
- the efforts made to recruit a suitably qualified person who does have vocational English.

If the nominee does not have vocational English, you may comment at Question 21 to support the nominee's claim for 'exceptional circumstances' on English grounds by confirming:

- a suitably qualified person who does have vocational English is not available;
- the nominee can perform all duties and comply with all OH&S requirements; and
- the nominee has been working in the position on an appropriate temporary residence visa for at least 12 months and has during this period undertaken some training in English whether through an accredited course or tutor.

Note: If exceptional circumstances are being sought for more than one criterion, justification should be provided for each criterion. If you are not sure whether your nominee will need to demonstrate exceptional circumstances for skills, age or English it will be possible for your nominee to provide the information required at Question 21 at a later date when they apply for their visa.

Skill Matching

Skill Matching is a scheme that allows Australian employers to sponsor overseas skilled migrants who:

- have a valid visa application for a permanent general skilled migration visa category;
- have had their skills assessed by the relevant Australian assessing authority as suitable for their nominated occupation; and
- are prepared to be sponsored by an employer and live and work in an area of Australia where their skills are in demand.

Skill Matching is made possible through the Skill Matching Database. This database is used by state and territory governments, and regional organisations who may nominate applicants to fill skilled vacancies which cannot be filled from the local labour market. Applicants are on the Skill Matching Database for up to 2 years, or until they migrate to Australia. The Skill Matching Database is available on the department's website www.immi.gov.au/skills/

Who can sign the nomination

The nomination must be completed by the employer (or someone with the legal authority to act on the employer's or organisation's behalf).

The person signing the nomination must be an adult.

Lodging the nomination

The nomination should be fully completed (with all supporting documentation attached). It should be completed by the employer or someone with the legal authority to act on behalf of the employer or business.

There is a geographic split of responsibility for processing applications based on the location of the nominating organisation's head office:

- Parramatta Centre of Excellence process nominations and visa applications from the Australian Capital Territory, New South Wales and Queensland.
- Melbourne Centre of Excellence process nominations and visa applications from Northern Territory, South Australia, Tasmania and Victoria.
- Perth Centre of Excellence process nominations and visa applications from Western Australia.

You are encouraged to lodge this form directly with the relevant Centre of Excellence. Details on the Centre of Excellence relevant to your business is available on the department's website <http://www.immi.gov.au/contacts/centres-of-excellence/>

A decision on the nomination will be made by the Centre of Excellence on the basis of the information you provide, your circumstances and the legal processing requirements in place when it is lodged.

If you want to change any details after you lodge the nomination, or if you want to withdraw it, contact the office where you lodged the form.

You should also notify the Centre of Excellence where you lodged the nomination form if your circumstances change (for example, you change address).

What happens then?

You will be advised in writing whether or not your nomination has been approved.

If your nomination is not approved, you will be advised of the reasons for the decision. This decision is reviewable by the Migration Review Tribunal (MRT).

Nominee's visa application

Your nominee should complete visa application form 47ES *Application for employer sponsored migration to Australia*, and pay the Visa Application Charge. This form is available from the department's website www.immi.gov.au/allforms/ or from any office of the department.

Your nominee's visa application can be lodged at the same time as, or after your nomination. It must be lodged within **6 months** of the approval of your nomination.

Before the visa application can be approved, all applicants for permanent visas – the main applicant, partner and any dependants (even if they are not included in the visa application and do not intend to migrate) – must be assessed against the health requirement which includes undergoing a medical examination. Character checks are also required.

To avoid unnecessary delays your nominee should complete health checks (forms 26 and 160) and seek a penal clearance before they lodge their visa application. More information on penal clearances is available from the department's website www.immi.gov.au/allforms/

If the position to be filled is an occupation that requires registration or licensing, or is a trade occupation, or the nominee has not worked in the position in Australia for at least 2 years, then the nominee's skills will generally need to be assessed by the relevant Australian authority.

Your nominee's visa application should be lodged at the same Centre of Excellence as your nomination was lodged, even if your nominee is outside Australia.

Partner

'**Partner**' means your spouse or de facto partner (including same-sex partners).

Change in circumstances

Details of any changes in nominating business or nominated position including ownership, change in duties, remuneration or withdrawal of your support must be provided to the relevant Centre of Excellence without delay.

What if my nominee fails to meet the visa criteria?

In most cases, if an employer's first choice fails to meet the regulatory criteria for a visa, it will be possible to recruit someone else without completing a new nomination. This can be done as long as the new nominee lodges their visa application within **6 months** of the approval of your nomination.

Visa Application Charge

You will be required to pay the prescribed charge when you lodge your nomination.

Payment of the charge does not guarantee approval of the nomination.

Fees may be subject to adjustment at any time. Visa Application Charges may be subject to adjustment on 1 July each year. This may increase the cost of a visa.

To check the Visa Application Charge, see form 990i *Charges* available from the department's website www.immi.gov.au/allforms/pdf/990i.pdf or check with the nearest office of the department.

Method of payment

To make a payment, please pay by credit card, debit card, bank cheque or money order made payable to the Department of Immigration and Citizenship. Debit card and credit card are the preferred methods of payment.

About the information you give

The department is authorised to collect information provided on this form under Part 2 of the *Migration Act 1958* 'Control of Arrival and Presence of Non-Citizens'. Information provided will be used for assessing your nomination for a permanent appointment in Australia, and for other purposes relating to the administration of the Migration Act.

The information provided might also be disclosed to agencies who are authorised to receive information relating to adoption, border control, business skills, citizenship, education, health assessment, health insurance, health services, law enforcement, payment of pensions and benefits, taxation, review of decisions and registration of migration agents.

The collection, access, storage, use and disclosure by the department of the information you provide in this form is governed by the *Privacy Act 1988* and, in particular, by the 11 Information Privacy Principles. The information form 993i *Safeguarding your personal information*, available from offices of the department, gives details of agencies to which your personal information might be disclosed.

Options for receiving written communications

You may authorise another person to receive all communications, both written and electronic, concerning your nomination from the department. You will be taken to have received any documents sent to that person as if they had been sent to you.

To do this you will need to complete Question 45 *Options for receiving written communications* and form 956 *Appointment of a migration agent or exempt agent or other authorised recipient*. For an explanation of what a migration agent or exempt agent or authorised recipient can do please read the sections below.

To change or end the appointment of your migration agent or exempt agent or authorised recipient you must promptly advise the department in writing. You can do this by using form 956 *Appointment of a migration agent or exempt agent or other authorised recipient*.

Authorised recipient information

An authorised recipient is someone you appoint to receive written communications about your application with the department.

All written communication about your application will be sent to your authorised recipient, unless you indicate that you wish to have health and/or character information sent directly to you.

The department will communicate with the most recently appointed authorised recipient as you may only appoint one authorised recipient at any time for a particular application.

Migration agent information

A migration agent is someone who can:

- advise you on the visa that may best suit you;
- tell you the documents you need to submit with your application;
- help you fill in the application and submit it; and
- communicate with the department on your behalf.

If you appoint a migration agent, the department will assume that your migration agent will be your authorised recipient, unless you indicate otherwise.

Your migration agent will be the person with whom the department will discuss your application and from whom it will seek further information when required.

You are not required to use a migration agent. However, if you use a migration agent, the department encourages you to use a registered migration agent. Registered agents are bound by the Migration Agents Code of Conduct, which requires them to act professionally in their clients' lawful best interests.

Immigration assistance

A person gives immigration assistance to you if he or she uses, or claims to use, his or her knowledge or experience in migration procedure to assist you with your visa application, request for ministerial intervention, cancellation review application, sponsorship or nomination.

In Australia a person may only lawfully give immigration assistance if he or she is a registered migration agent or is exempt from being registered. Only registered migration agents may receive a fee or reward for providing immigration assistance.

If an unregistered person in Australia, who is not exempt from registration, gives you immigration assistance they are committing a criminal offence and may be prosecuted.

Migration agents in Australia

Migration agents in Australia must be registered with the Office of the Migration Agents Registration Authority (Office of the MARA) unless they are exempt from registration.

Migration agents outside Australia

Migration agents who operate outside Australia do not have to be registered. The department may give some overseas agents an ID number. This number does not mean that they are registered.

Note: Some Australian registered migration agents operate overseas.

Exempt agents

The following people do not have to be a registered migration agent in order to provide immigration assistance, but they must not charge a fee for their service:

- a close family member (spouse, de facto partner, child, parent, brother or sister);
- a sponsor or nominator for this visa application;
- a member of parliament or their staff;
- an official whose duties include providing immigration assistance (eg. a Legal Aid provider);
- a member of a diplomatic mission, consular post or international organisation.

Further information on migration agents

Information on migration agents, including a list of registered migration agents, is available on the Office of the MARA website www.themara.com.au

You can also access information about migration agents on the department's website www.immi.gov.au

Consent to communicate electronically

The department may use a range of means to communicate with you. However, electronic means such as fax or e-mail will only be used if you indicate your agreement to receiving communication in this way.

To process your application the department may need to communicate with you about sensitive information, for example, health, police checks, financial viability and personal relationships. Electronic communications, unless adequately encrypted, are not secure and may be viewed by others or interfered with. If you agree to the department communicating with you by electronic means, the details you provide will only be used by the department for the purpose for which you have provided them, unless there is a legal obligation or necessity to use them for another purpose, or you have consented to use for another purpose. They will not be added to any mailing list.

The Australian Government accepts no responsibility for the security or integrity of any information sent to the department over the internet or by other electronic means.

Further information

For more information on the ENS, you may consult the department's website www.immi.gov.au/skilled/skilled-workers/ens/

Home page **www.immi.gov.au**

General enquiry line Telephone **131 881** during business hours in Australia to speak to an operator (recorded information available outside these hours). If you are outside Australia, please contact your nearest Australian mission.

Please keep these information pages for your reference



Please use a pen, and write neatly in English using BLOCK LETTERS.

Tick where applicable

Details of nominating organisation or business

1 Name of business or organisation

2 Trading name (if different)

3 Australian Business Number (ABN)
 Australian Company Number (ACN)
 Australian Registered Body Number (ARBN)

4 Street address of business or organisation's head office

POSTCODE

5 Postal address
(If the same as street address, write 'AS ABOVE')

POSTCODE

6 Telephone number
 Office hours (AREA CODE)

7 Contact officer for enquires
 Name
 Telephone number
 Office hours (AREA CODE)
 Mobile/cell

8 Do you agree to the department communicating with you by fax, e-mail or other electronic means?
 No
 Yes **▶ Give details**
 Fax number (AREA CODE)
 E-mail address

Note: If this nomination is refused, you will be notified by mail

9 Nature of business: list the main activities undertaken and/or the main function of the nominating business or organisation

10 Please attach the following documents:

- evidence of your ability to fund the position; and
- evidence that you are a lawfully registered business operating in Australia.

11 Date business commenced operations, or organisation established in Australia
DAY MONTH YEAR

12 Has the business or organisation previously lodged any nominations or sponsorships under:

Employer Nomination Scheme?	No <input type="checkbox"/>	Yes <input type="checkbox"/>
Regional Sponsored Migration Scheme?	No <input type="checkbox"/>	Yes <input type="checkbox"/>
Labour Agreement?	No <input type="checkbox"/>	Yes <input type="checkbox"/>
Regional Headquarters Agreement/Invest Australia Supported Skills Agreement?	No <input type="checkbox"/>	Yes <input type="checkbox"/>
PQBS/SBS for temporary business entry?	No <input type="checkbox"/>	Yes <input type="checkbox"/>
other temporary entry?	No <input type="checkbox"/>	Yes <input type="checkbox"/>

Details of position offered

13 Job title and occupation
 Title
 Occupation
 Australian Standard Classification of Occupations (ASCO) code (if known)

14 Location of employment
 Town/city
 Postcode

15 Is the position available for a minimum of **3** years and includes the possibility of renewal?
(For further information, read *Assessing the nomination on page 1*)

No
Yes

16 Is this position full-time (38 hours per week or more)?
Note: Nomination of any appointment that is not offering full-time hours of work may not be approved

No
Yes

17 What is the position's total remuneration package (per annum)?

AUD

18 What is the position's base annual salary?
(Base annual salary must be the gross salary paid, excluding any additional payments or allowances such as superannuation, accommodation allowances, commissions, shares, meals or vehicles, etc.)

AUD

19 Please provide a job description for the nominated position including responsibilities and main duties

20 Please outline the formal training or equivalent experience required to satisfactorily perform the duties of the position

21 Are there 'exceptional circumstances' relevant to this position which you can outline to assist in the processing of your nominee's visa application?
(Refer to *'ENS – Exceptional circumstances'* on page 2 of this form for information and guidance on completing this question.)

No
Yes

Yes Please indicate which category of 'exceptional' refers to your nominee by ticking one (or more) of the boxes below:

3 years post-qualification full-time work experience

Age, ie. 45 years or over

Less than 'vocational' English

Training requirements

- 22** What is the total number of Australian employees (including Australian citizens and permanent residents) employed in your business?
(If your business employs more than 50 staff, please provide your nearest estimate.)

Full-time Part-time

- 23** Of these Australian employees, how many are:
- recent Australian graduates (university, TAFE or private training provider)?
 - registered (contract or training) apprentices?
 - registered (contract or training) trainees?
 - other trainees (non-registered)?

- 24** What is the total number of foreign employees (ie. non-permanent residents/citizens) employed in your business?

- 25** Of these foreign employees, how many are:
- temporary business entrants?
 - overseas students?
 - working holiday makers?
 - other?

- 26** Of the employees recruited by your business during the last 12 months, how many were:
- Australian citizens or permanent residents?
 - overseas nationals?

- 27** What is the expenditure on training (accredited and informal) of Australians as a percentage of gross wages expenditure for the most recent financial year? %

- 28** Please provide details of training opportunities provided to Australian employees for the most recent financial year (eg. formal courses, on-the-job training and study leave)
- | |
|--|
| |
| |
| |
| |

- 29** What is estimated expenditure on:
- formal training (including paid study leave, accredited training courses, reimbursement of study related costs, employment of designated training officers)? AUD
 - other training (including informal, on-the-job training)? AUD

- 30** Do you participate in industry advisory bodies, co-operative education and training programs or liaise with training institutions on curriculum development, career development, etc?
- No
- Yes Please attach details and evidence

- 31** What are your business' intended future training plans in respect of your Australian employees?

Note: Estimates of intended expenditure plus details of intended training programs need to be provided if you are a newly formed business

Details of nominee

Note: If you have selected someone for the position, please provide the following details. If you have not selected someone, the details can be provided up to 6 months after a decision has been made on the nomination.

- 32** Full name of nominee/visa applicant (if known)

Family name

Given names

- 33** Nominee's date of birth
- DAY MONTH YEAR
- / /

- 34** Nominee's country of birth

- 35** Citizenship of nominee

- 36** Nominee's residential address
- | |
|----------|
| |
| |
| |
| POSTCODE |

- 37** Nominee's telephone number(s)
- | | | | |
|--------------|----------------------|-----------|--------|
| | COUNTRY CODE | AREA CODE | NUMBER |
| Office hours | () | () | |
| After hours | () | () | |
| Mobile/cell | <input type="text"/> | | |

- 38** Did you locate the nominee through Skill Matching?
(Refer to page 2 of this form)

No

Yes Please provide the following details (this information is located on the Skill Matching Database)

Skill Matching

Applicant ID number

Visa category

39 Please provide details of the nominee's partner and dependants who are included in this nomination (if applicable)

PARTNER

Family name

Given names

Date of birth / /

DEPENDANTS

1. Family name

Given names

Date of birth / /

2. Family name

Given names

Date of birth / /

3. Family name

Given names

Date of birth / /

Please attach further names if necessary

40 What visa does the nominee currently hold (if known)?

Assistance with this form

41 Did you receive assistance in completing this form?
 No Go to Question 45
 Yes Please give details of the person who assisted you

Title: Mr Mrs Miss Ms Other

Family name

Given names

Address

Telephone number or daytime contact

Office hours () ()

Mobile/cell

42 Is the person an agent registered with the Office of the Migration Agents Registration Authority (Office of the MARA)?
 No
 Yes Go to Question 45

43 Is the person/agent in Australia?
 No Go to Question 45
 Yes

44 Did you pay the person/agent and/or give a gift for this assistance?
 No
 Yes

Options for receiving written communications

45 All written communications about this application should be sent to: (Tick one box only)

Myself All written communications will be sent to the address for communications that you have provided in this form.

OR

Authorised recipient You must complete form 956 *Appointment of a migration agent or exempt agent or other authorised recipient* and attach it to this application form. Form 956 is available from the department's website www.immi.gov.au

OR

Migration agent

OR

Agent exempt from registration

Declaration of nomination

WARNING: Giving false or misleading information is a serious offence.

46 I declare that the details provided in this form are correct, and acknowledge that any non-compliance with Australian agreements, awards and conditions may incur penalties under Australia's industrial relations system and affect my future immigration nominations.

Signature of nominator

Date / /

Full name (block letters)

Position in business

