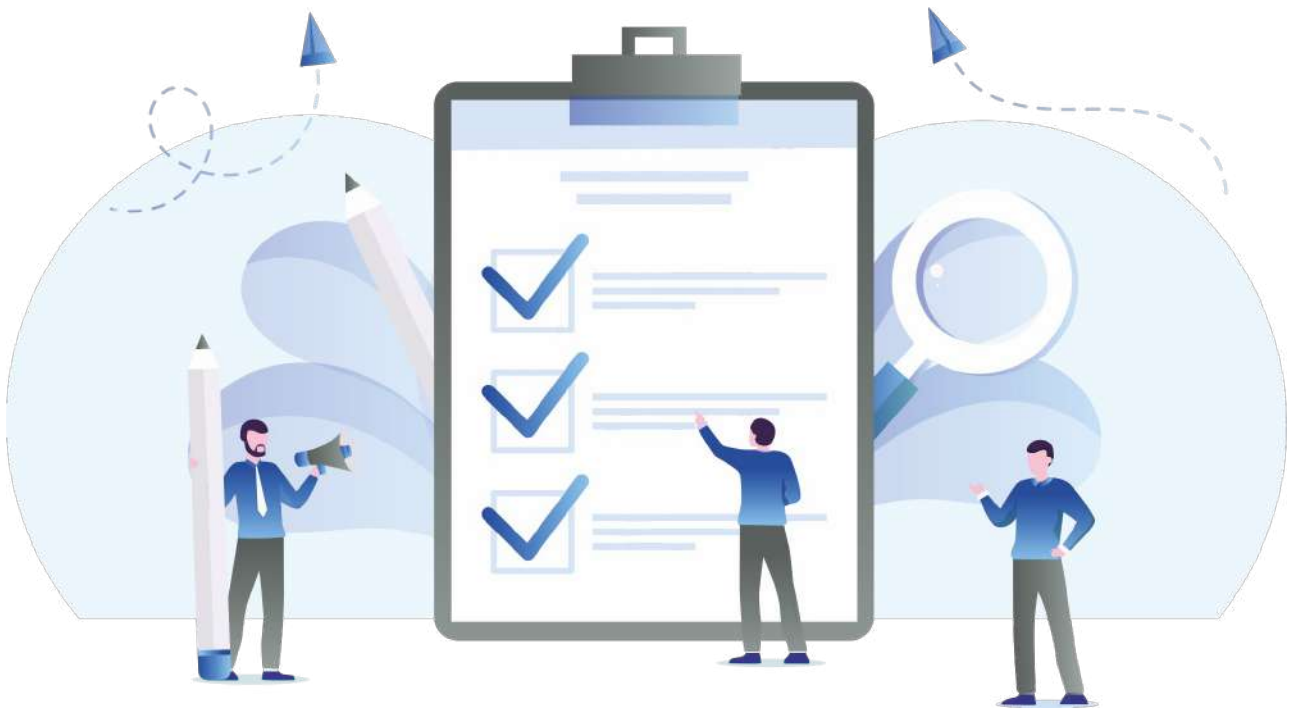






# Visa Documents Checklist

Employer Nomination Scheme (186 Visa) - Temporary Residence Transition stream



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## MAIN APPLICANT

### Applicant's Personal Details

#### > Passport

 Required  Original

Submit the copy of the bio pages of your passport.

#### > National Identity Document

 Recommend  Original

Copy of National Identity Card (both sides) if you have one

#### > Change of Name documents

 Required  Original

Submit the documents that provides evidence of name change. Documents may serve as an evidence include: a marriage or divorce certificate change of name documents from an Australian Registry of Births, Deaths and Marriages, or the relevant overseas authority documents that show other names you have been known by

### Evidence of Employment

#### > Evidence of Registration

 Required  Original

Provide evidence of any licence, registration or professional membership mandatory to perform the nominated occupation in the state or territory you intend to work in, if applicable. If you are a doctor, provide one of these certificates issued by the Australian Health Practitioner Regulation Agency as proof of full registration: • unconditional or general medical registration • conditional specialist registration which allows you to practise only in your particular specialty with no further training or supervision requirements If you are a barrister or solicitor, provide proof of admission to practise as a lawyer in the relevant state or territory.

#### > Skills Assessment Letter

 Required  Original

Provide a positive and valid skills assessment, if required. Department of Home Affairs don't accept a skills assessment obtained for a subclass 485 visa. If you are exempt from having a skills assessment, provide proof that: • you have been nominated as an academic (university lecturer or faculty head at Academic Level A, B, C, D or E) by a university in Australia, or • you have been nominated as a scientist, researcher or technical specialist by an Australian government scientific agency, or • you currently hold a Special Category (subclass 444) or New Zealand Citizen Family Relationship (subclass 461) visa and have worked for the employer who nominated you, in the nominated position, for at least 2 years in the last 3 years prior to the date you applied for the visa

### English Language Ability Test

#### > English Proficiency

 Required  Original

Provide documents that show you have Competent English. From 16 November 2019, there is no exemption to the English language requirement for this stream of the visa.

## Character Documents

### > Australian Federal Police Check

 Required  Original

Provide a copy of your Australian Federal Police check. This is generally required when you have spent a total of 12 months in Australia after turning 16 years of age.

### > Overseas Police Clearance Certificate

 Recommend  Original

You may be required to provide a police certificate (also called a penal clearance certificate) from every country you lived in. It will usually be if you are over 17 and lived in any of the listed countries, including Australia, for at least 12 months in the past 10 years. Police certificates are valid for 12 months from the issue date. They must cover the time you turned 16 up to the issue date OR the whole time you were in the country.

### > Military Certificate

 Recommend  Original

You may need to provide a military certificate with your visa application. If required, it will usually be when you served for more than 12 months in any country's military force. A military certificate can be a letter from your commanding officer. It should say you have not been convicted of any criminal offence while in the military. You may also need to provide a police certificate for every country you served in for over 12 months. This includes where you were stationed at a military base.

## SECONDARY APPLICANT

## Applicant's Personal Details

### > Passport

 Required  Original

Submit the copy of the bio pages of your passport.

### > National Identity Document

 Recommend  Original

Copy of National Identity Card (both sides) if you have one

### > Change of Name documents

 Required  Original

Submit the documents that provides evidence of name change. Documents may serve as an evidence include: a marriage or divorce certificate change of name documents from an Australian Registry of Births, Deaths and Marriages, or the relevant overseas authority documents that show other names you have been known by

## English Language Ability Test

### > English Proficiency

 Required  Original

Provide documents that show you have Competent English. From 16 November 2019, there is no exemption to the English language requirement for this stream of the visa.

## Character Documents

### > Australian Federal Police Check

 Required  Original

Provide a copy of your Australian Federal Police check. This is generally required when you have spent a total of 12 months in Australia after turning 16 years of age.

### > Overseas Police Clearance Certificate

 Recommend  Original

You may be required to provide a police certificate (also called a penal clearance certificate) from every country you lived in. It will usually be if you are over 17 and lived in any of the listed countries, including Australia, for at least 12 months in the past 10 years. Police certificates are valid for 12 months from the issue date. They must cover the time you turned 16 up to the issue date OR the whole time you were in the country.

### > Military Certificate

 Recommend  Original

You may need to provide a military certificate with your visa application. If required, it will usually be when you served for more than 12 months in any country's military force. A military certificate can be a letter from your commanding officer. It should say you have not been convicted of any criminal offence while in the military. You may also need to provide a police certificate for every country you served in for over 12 months. This includes where you were stationed at a military base.

## CHILD APPLICANT

## Applicant's Personal Details

### > Passport

 Required  Original

Submit the copy of the bio pages of your passport.

## English Language Ability Test

### > English Proficiency

 Required  Original

Provide documents that show you have Competent English. From 16 November 2019, there is no exemption to the English language requirement for this stream of the visa.

## Character Documents

### > Australian Federal Police Check

 Required  Original

Provide a copy of your Australian Federal Police check. This is generally required when you have spent a total of 12 months in Australia after turning 16 years of age.

## > Overseas Police Clearance Certificate

 Recommend  Original

You may be required to provide a police certificate (also called a penal clearance certificate) from every country you lived in. It will usually be if you are over 17 and lived in any of the listed countries, including Australia, for at least 12 months in the past 10 years. Police certificates are valid for 12 months from the issue date. They must cover the time you turned 16 up to the issue date OR the whole time you were in the country.

## > Military Certificate

 Recommend  Original

You may need to provide a military certificate with your visa application. If required, it will usually be when you served for more than 12 months in any country's military force. A military certificate can be a letter from your commanding officer. It should say you have not been convicted of any criminal offence while in the military. You may also need to provide a police certificate for every country you served in for over 12 months. This includes where you were stationed at a military base.

## ⊙ Dependents under 18 years of age

### > Birth Certificate or Adoption Letter (if applicable)

 Required  Original

Provide a copy of your birth certificate showing the names of both parents. Alternatively, you can also provide copies of the family book showing the names of both parents of all your dependent children. You can also provide adoption papers, if applicable.

### > Parental responsibility documents

 Required  Original

All the applicants under 18 years of age must have a consent to migration to Australia from anyone who has a legal right to decide where the child lives AND is not coming to Australia with the child. Consent can be given by: Form 1229 Consent form to grant an Australian visa to a child under the age of 18 years (168KB PDF) OR a statutory declaration giving their consent for the child to visit Australia on this visa. Alternatively, you can provide an Australian court order that allows your child to migrate to Australia, OR that the laws of your home country allow them to migrate. Include an identity document that shows the signature and photo of the person who completed the form or declaration, such as a passport or driver's licence AND adoption papers or other court documents if applicable.

## ⊙ Dependents above 18 years of age

### > Proof of financial dependency

 Required  Original

Provide evidence that all the dependents aged 18 years or older are financial dependent on you. Evidence may include bank statements, money transfers and rent receipts. If the child is aged 23 or is likely to turn 23 while your application is being processed, you must also provide a report from a qualified medical practitioner that states they are dependent on you or your partner due to the total or partial loss of their bodily or mental functions.

## SPONSOR APPLICANT

## ⊙ Sponsors

[www.pathwayeducation.com.au](http://www.pathwayeducation.com.au)

## > Applicant's employment contract

 Required  Original

The contract must indicate: • the base salary - if the worker will earn less than AUD250,000 a year, their salary must not be less than the annual market salary rate • the total remuneration and terms and conditions of employment - these conditions must not be less favourable than the conditions that would apply to an Australian citizen or permanent resident • that the position is full-time, ongoing and available for at least 2 years

## > Proof your business is actively and lawfully operating

 Required  Original

Provide: • certificate of registration for tax purposes (ABN) for all businesses • certificate of registration of business name (if operating under a trading name) • certificate of registration with ASIC (if a company) • relevant pages of the trust deed specifying the parties to the trust (if you are a trust or trustee of a trust) • current lease agreement • letter of support from the accountant of your business Also provide either: • audited balance sheet and profit and loss statement for the most recently concluded fiscal year with comparative figures for previous fiscal year, or • business tax returns and associated tax assessment notices for the most recently concluded fiscal year If the fiscal period of the financial statements or tax returns ended more than three months before you lodge your application, also provide a business activity statement (BAS) for each complete quarter from the end of the fiscal period to the date you lodge your application. If your business has operated for less than 12 months, also provide: • business activity statements (BAS) for each complete quarter from the start of operations to the time you lodge the nomination, and • statements for the business bank account from the start of operations to the time you lodge the nomination.

## > Proof you have a genuine need for a paid employee

 Required  Original

Provide: • a detailed organisational structure chart • the name of the occupation and its ANZSCO code • a detailed position description including specified tasks and duties of the position Also provide these where applicable: • evidence that the position has existed and been previously occupied but has become vacant through attrition • evidence that the position is currently occupied by a temporary resident • evidence of an increase in business activity (e.g. new contracts won) requiring workers in the nominated occupation • evidence of overtime work or increase in overtime work for employees currently in the nominated occupation • if your business is diversifying, evidence of appropriate market research, business plans detailing proposed expansion and timelines, financial budgets covering expenditure and anticipated revenue and evidence of availability of funding (such as own funds or bank loans) • a Health Workforce Certificate from a Rural Workforce Agency for the occupations of: o General Practitioner (ANZSCO 253111) o Medical Practitioners nec (ANZSCO 253999) o Resident Medical Officer (ANZSCO 253112).

## > If a caveat applies

 Recommend  Original

Caveats apply to some occupations for the subclass 186 visa. These caveats exclude the occupation from eligibility under the employer nomination scheme in some circumstances. Where Department of Home Affairs might assess the occupation you are nominating as ineligible due to a caveat, provide evidence that it is eligible. For example, one caveat applied to the occupation of chef is that the nominated position can't be in a fast food or takeaway food service. Provide evidence to show the caveat does not apply to the position so that Department of Home Affairs don't assess it as ineligible, such as: a detailed position description an explanatory statement and evidence that describes the core activities of your business a copy of the menu a link to your website a floor plan photographs of the premises that show the size and type of your establishment details of food preparation done on the premises details of table service provided and the volume of in-restaurant dining any other evidence you consider relevant You can also ask us to consider the broader circumstances when Department of Home Affairs assess caveats - for example, the turnover and salary caveats, including those of an overseas parent company. Submit your request to us in writing. Department of Home Affairs list any caveats that apply to occupations on the skilled occupations list .

### > Proof of the subclass 457 or subclass 482 position

 Required  Original

Provide a statement declaring that nominee satisfied their subclass 457 or subclass 482 requirement that they worked: if required, full-time in their subclass 457 or subclass 482 visa nominated position for the required period. The statement must detail: the employment period any paid leave taken any unpaid leave taken any overseas trips for training or work. Also provide: PAYG payment summaries for the period of employment payslips extracts of leave records

### > Sponsor change documents

 Recommend  Original

If there was a change to the 457 or TSS sponsoring business, show that the nominee worked for the same employer, in the same role and in the same location for the whole: 3-year period, or 2-year period, if on 18 April 2017 the applicant held (or had applied for and was later granted) a subclass 457 visa. Provide: relevant documents relating to the sale, takeover or restructure of the business which clearly demonstrate that the nominee can be considered as having worked for the same employer contracts, PAYG payment summaries and evidence of the nominee's reporting lines to evidence that the nominee has worked in the same role and location

### > Associated business

 Required  Original

If the nominee worked for an associated business, show that they worked for the same employer in the same role and in the same location for the period that they worked. Provide: relevant documents relating to the associated business, which clearly shows that the nominee can be considered as having worked for the same employer, and contracts, PAYG payment summaries and evidence of the nominee's reporting lines to show the nominee has worked in the same role and location.

### > Additional information

 Required  Original

There are age exemptions for certain occupations. You must provide evidence to claim be eligible for the exemption. To get more information about it, please contact a migration agent. They can guide you about the documents that you might need to be eligible for the exemptions.

## 🕒 Employer Documents

### > Proof you will pay the Annual Market Salary Rate (AMSR) Required Original

If the employee will earn less than AUD250,000 a year, see how to prove you will pay them the annual market salary rate (AMSR) for their occupation. Clearly identify and explain your evidence. If you provide unlabelled salary surveys or vague details on how you determined the AMSR, Department of Home Affairs might refuse your nomination. Where there is a difference between the determined AMSR and the nominee's proposed salary, explain why.

**Disclaimer:** The information contained in this document is provided for informational purposes only, and should not be construed as legal advice on any subject matter.