

Permanent Residence Regional Sponsored Migration Scheme (RSMS) Subclass 187 Visa

Background

The RSMS program allows Australian employers in regional, remote or low population growth areas of Australia to sponsor a person, who is resident overseas or who is working in Australia as a temporary resident, to fill a skilled position within their business.

There are 3 streams in this category:

- 1) The Temporary residence transition stream** – you must have worked for your employer for 2 years on your 457 visa and your employer wants to offer you a permanent role that aligns or closely matches your 457 occupation
- 2) The Direct Entry Stream** – for applicants untested in the Australia labour market who are in Australia and do not hold a 457 visa or had not held a 457 visa for the last 2 years or who are applying from overseas
- 3) The Agreement stream** – for applicants sponsored under a labour agreement

Stream 1 – Temporary residence transition stream (TRT) - you are a subclass 457 visa holder who has worked for your employer for two years in the nominated occupation

Regional Sponsored Migration Scheme (RSMS)

The RSMS is a state-specific migration scheme that places skilled migrants into regional and rural Australian locations. All of Western Australia (excluding Perth and surrounding area) is considered regional under this migration scheme.

The application is made up of two parts:

1. A company nomination lodged with the Department of Home Affairs
2. A visa application lodged with the Department of Home Affairs

Nominating employer will have to meet the following requirements for the company nomination application:

- The business is actively and lawfully operating in regional Australia.
- The position is full-time and available to the visa applicant for at least two years.
- The nomination of a skilled position
- The prospective migrant will be paid the 'market rate'. That is, the visa applicant will be paid at least as much as an Australian employed in the same job.
- The nominating employer is required to meet training benchmarks equivalent to subclass 457

Employee Eligibility

- You must have competent English (IELTS 6 in each band)
- Occupation must match or closely align with your subclass 457 visa
- You will be paid market rate for the role
- You are under 50 years old
- You must also meet the character and health requirements

There are exemptions for Age, Skill and English language. The exemptions will be based on your nominated occupation, salary or the duration of your employment period with the nominating employer.

Stream 2 – The Direct Entry Stream (DE) – you have not worked in Australia and do not hold a 457 visa, or had not worked for 2 years with your nominating employer while holding a 457 visa.

The application is made up of three parts:

1. An application is lodged at a Regional Certifying Body in Perth
2. A company nomination lodged with the Department of Home Affairs
3. A visa application lodged with the Department of Home Affairs

Nominating employer will have to meet the following requirements for the Regional Certifying Body and company nomination application:

- The business is actively and lawfully operating in regional Australia.
- The position is full-time and available to the visa applicant for at least two years.
- The position has to be certified by a Regional Certifying Body.
- The nominated position is classified as being a skill level 1–3 occupation in ANZSCO.
- The prospective migrant will be paid the 'market rate'. That is, the visa applicant will be paid at least as much as an Australian employed in the same job.

Employee Eligibility

- You must have competent English (IELTS 6 in each band)
- You must hold relevant qualification
- Nomination in an eligible occupation
- You will be paid market rate for the role
- You are under 45 years
- You must also meet the character and health requirements

There are exemptions for Age, Skill and English language. The exemptions will be based on your nominated occupation, salary or the duration of your employment period with the nominating employer.

Age, Skill and English Criteria Exemptions

The exemptions for age, skills and English language ability are available for persons applying under the **Direct Entry** stream or **Temporary Residence Transition** stream of the Regional Sponsored Migration visa category.

Age Exemptions

You must be less than 50 years old or be an exempt person under the TRT stream or less than 45 years old or be an exempt person under the DE stream..

Exemptions include:

- Nominated as a Researcher, Scientist and Technical Specialist nominated by an Australian Government agency.
- Nominated as an academic by a university in Australia.

Persons who are over the **age of 50** years and are applying through the **Temporary Residence Transition** stream only can be exempt if they:

- Have worked for their nominating employer holding a 457 visa for at least 4 years before making an application and their annual earnings for each year were at least equivalent to the Fair Work Australia High Income Threshold (FWHIT)
- Have been nominated as a Medical Practitioner who have been working for their nominating employer holding a 457 visa for at least 4 years before making an application and whose nominated position is located in regional Australia.
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Persons who are over the **age of 45** years and are applying through the **Direct Entry** stream only can be exempt if they:

- Hold a 444 (New Zealand Citizen) or 461 (Family unit of New Zealand Citizen) visas who have been working for their nominating employer in the nominated occupation for at least 2 years in the period of 3 years before applying.
- Have been nominated as a Medical Practitioner who have been working for their nominating employer holding a 457 visa for at least 4 years before making an application and whose nominated position is located in regional Australia.

Skill Exemptions

You must have the qualification and skills level required for your nominated position or be an exempt person.

The exemptions for persons who are applying through the **Direct Entry** stream only can be exempt if they:

- Nominated as an academic by a university in Australia.
- Nominated as a Researcher, Scientist and Technical Specialist nominated by an Australian Government agency
- Hold a 444 (New Zealand Citizen) or 461 (Family unit of New Zealand Citizen) visas who have been working for their nominating employer in the nominated occupation for at least 2 years in the period of 3 years before applying.

If you are applying through the **Temporary Residence Transition** stream, your skills will not be assessed as you have already worked for at least 2 years with your nominating employer in Australia.

English Exemptions

You must have Competent English language proficiency for both the streams or be an exempt person.

You can demonstrate you meet the English language requirement by:

- Obtaining a score of at least 6 in each of the four test components (speaking, reading, listening and writing) in an International English Language Testing System (IELTS) test that has been undertaken in the three years immediately prior to lodging the visa application.
- Obtaining a score of a least 'B' in each component of the Occupational English Test (OET) that has been undertaken in the three years immediately prior to lodging the visa application.
- Obtaining the following minimum test scores in each of the four test components: 12 for listening, 13 for reading, 21 for writing and 18 for speaking, in a Test of English as a Foreign Language internet-based test (TOEFL IBT) that has been undertaken in the three years immediately prior to lodging the visa application.
- Obtaining a test score of at least 50 in each of the four test components (speaking, reading, listening and writing) in a Pearson Test of English (PTE) Academic that has been undertaken in the three years immediately prior to lodging the visa application.
- Obtaining a test score of at least 169 in each of the four test components (speaking, reading, listening and writing) in a Cambridge English: Advanced (CAE) test that was undertaken on or after 1 January 2015 and prior to lodging the visa application
- Holding a passport from the United Kingdom, United States of America, Canada or New Zealand.

Or be an exempt person if you:

- Apply through the **Temporary Residence Transition** stream and have completed at least 5 years of full time study in a secondary and/or higher education institution where all instruction was communicated in English.

Regional Certifying Body

The RCB assesses the nomination against the following criteria:

- There is a genuine need for a paid employee in a business operated by the employer that is actively and lawfully operating in a regional or low population growth area of Australia
- The terms and conditions of employment are the same as those that would apply to an Australian citizen or Australian permanent resident performing the same work in the same location
- The nominated position cannot be reasonable filled from the local labour market.

For meeting of the labour market testing in Western Australia, the RCB would require evidence that the position has been advertised within 3 months directly preceding the application for assessment. Evidence may include an invoice, a scanned copy of the advertisement, or other relevant supporting documentation.

Advertising requirements:

- One print advertisement in a newspaper with a distribution across the region in which the position will be located. Print advertisements for positions located in Perth metropolitan area and Fly-In-Fly-Out or Drive-In-Drive-Out positions must be advertised in the West Australian or the Sunday Times. Placement of advertisements in newspapers must be appropriate for the advertised position. **Or**
- One online advertisement over a minimum 2 week period on a jobs site(such as Seek, CareerOne). **And**
- A signed declaration stating that the nominator has made a genuine attempt to fill the position with an Australian citizen or Australian permanent resident and has been unable to find a suitable candidate.

Employee obligations

You must meet the following obligations.

- Commence employment within six months of arriving in Australia or within six months of the visa grant if they are already in Australia; and
- Remain employed in the nominated position in the regional area for at least two years.

The visa may be cancelled if you do not comply with these obligations to complete the two year contract with the sponsoring employer.

Visa Entitlements

The Visa will allow you and your accompanying family members to:

- Live and work permanently in Australia
- Immediate access to Medicare health services
- Apply for Australian citizenship (subject to you meeting the residency criteria)
- Travel in and out of Australia for 5 years

Estimated Processing Times

The current average processing time is 6 - 9 months from the date of lodgement, depending on the processing office where your application needs to be lodged and providing the application is complete (ie. personal documents, health and character results). Processing times may be prolonged should health, character or bone fide concerns arise which require further investigation and/or assessment.

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