

Filipino Migrants Forum

Are you applying for Permanent Residency under the Employers Nomination Scheme?

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The Employer Nomination Scheme (ENS) allows Australian employers to sponsor foreign employees in an application for a permanent resident visa. Applicants under the ENS are given priority processing in the Critical Skills List (CSL). Moreover, the age limit of 44 and English threshold may be waived under certain circumstances. In most cases, applicants must demonstrate that they have the necessary skills in the occupation for which they are nominated.

One option for applicants to satisfy the skills requirement for this visa is to provide a positive skills assessment from the relevant assessing authority and to show proof of at least three years work experience before making the visa application. The work experience must be relevant to the sponsored position or nominated occupation.

The recent amendment to the Migration Regulations no longer require applicants to have been employed in the nominated occupation for at least three years *immediately* prior to lodging the application. It is now sufficient to show that the applicants have been employed and have been actively performing the duties their occupation, on a full time basis, for a period of at least three years at *anytime* before lodging the visa application. The work experience requirement may be satisfied by any combination of overseas and Australian employment.

However any period where an applicant changed careers (gained employment in another non related occupation), was unemployed, or took extended leave without pay would generally not be counted towards active employment in the nominated occupation.

This information is of a general nature and should not be taken as authoritative legal advice for specific cases. Australia has a scheme that requires persons who give immigration assistance to be registered as migration agent. The writer, Atty. Imelda Argel is a practising migration solicitor and a registered migration agent in Sydney, Australia. She is a Solicitor of the Supreme Court of New South Wales, the High Court of Australia, an Attorney at law in the Philippines and in the State of New York, USA. Her Registered Migration Agent no. is 9682957.

She is the author of TIPS on GSM visas, the recipient of the inaugural NSW FAWAA (Filipino-Australian Women's Achievement Award) for her outstanding achievements in corporate practice and entrepreneurship, and the University of the Philippines Alumni Association (NSW Chapter) Achievement Award for law and community service. More information is available at www.iargel.com.au. You can contact the author by email at info@iargel.com.au or by fax at (+612) 9699 3210 or by appointment at Suite 41, Ground Floor, 61-89 Buckingham St. SURRY HILLS NSW 2010.