



FLOOR COVERING
INSTITUTE
of AUSTRALIA

INDUSTRY WEBINAR - SKILLED VISAS FOR FLOORING INSTALLERS

21 July 2022 at 3pm (AET)

Presenters:

Chris Montgomery - Department Home Affairs

Mark Welch - Cargil Migration

Garry Thomas - Company Secretary FCIA



WELCOME & INTRODUCTIONS

- **3:00pm:** **Welcome and Introduction**
 - Garry Thomas, Company Secretary FCIA Ltd
 - Fiona Wischnewski, CEO FCIA and FCIA Training Academy
- **3:05pm:** **Skilled Visa options in Australia**
 - Chris Montgomery – Department of Home Affairs
- **3:25pm** **Role of Migration Agents**
 - Mark Welch – Cargil Migration
- **3:45pm** **Q &A**
 - Facilitated by Garry Thomas & Fiona Wischnewski
- **3:55pm** **Close and next steps**

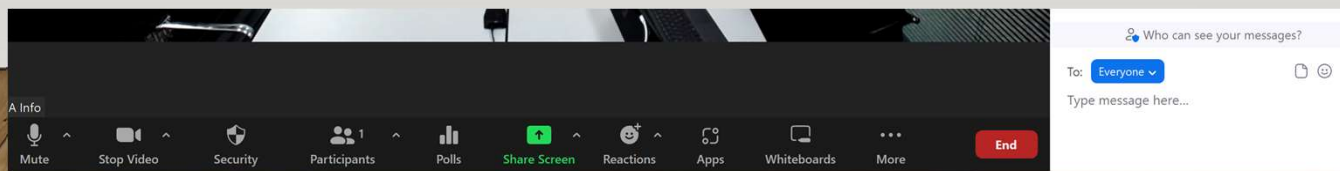
WEBINAR HOUSEKEEPING

1. Speaker presentations:

- Microphones to remain turned off
- Speaker will complete their presentation
- Type your questions into the Chat box – to be addressed during Q&A
- Facilitator will handover to next presenter

2. Q & A Session

- Questions will be addressed chronologically as they appear in the Chat
- Questions addressed during the presentations will be acknowledged
- Facilitator will hand over to relevant presenter for follow-up
- If you feel we have not addressed your question, please add your comment to the chat.



CHRIS MONTGOMERY – DEPT HOME AFFAIRS

VIC/TAS BUSINESS, INDUSTRY AND REGIONAL OUTREACH OFFICER
IMMIGRATION PROGRAMS DIVISION, IMMIGRATION & SETTLEMENT SERVICES GROUP

- Overview of role of the Commonwealth Department of Home Affairs
- Current situation re the Skilled Visa program post federal election
- Visa options for the flooring industry
- Key processes and procedures for eligibility
- Average time frames for successful application



Australian Government
Department of Home Affairs




Visa options for employing floor finishers

Topics for discussion

- Employer sponsored migration pathways for floor finishers
 - Skilled Employer Sponsored Regional subclass 494 visa
 - Temporary Skill Shortage subclass 482 visa
- Labour agreements
- Alternative migration pathways

Floor Finishers – ANZSCO 332111

Occupation	ANZSCO Code	Visa	List	Assessing Authority
Floor Finisher	332111	<p>407 - Training visa (subclass 407)</p> <p>489 - Skilled Regional (Provisional) visa (subclass 489) - State or Territory nominated</p> <p>482 - Temporary Skill Shortage (subclass 482) – Medium Term Stream  caveats apply</p> <p>187 - Regional Sponsor Migration Scheme (subclass 187)</p> <p>494 - Skilled Employer Sponsored Regional (provisional) (subclass 494) - Employer sponsored stream</p> <p>491 - Skilled Work Regional (provisional) visa (subclass 491) State or Territory nominated</p>	ROL	TRA

Employer sponsored visa pathways

- Temporary Skills Shortage subclass 482 visa
 - Up to four years residence
- Skilled Employer Sponsored Regional subclass 494 visa
 - Up to five years residence, with a pathway to permanent residence after three years

Step one – become a standard business sponsor

- Businesses must demonstrate the business is a lawfully operating entity.
- Sponsorship valid for a period of five years – no need to re-apply every time they want to employ another foreign worker.
- Sponsor obligations include:
 - ✓ protecting overseas skilled workers from exploitation
 - ✓ ensure the TSS visa program is being used to meet genuine skills shortages.

Step two – nominate your candidate

- Be unable to find an Australian worker
- Genuine position available
- Salary must be:
 - No less than the Temporary Skilled Migration Income Threshold - \$53900
 - No less than the Annual Market Salary Rate – what an equivalent Australian worker earns
- No information that employment conditions are less favourable than for an Australian worker.

Step three – candidate applies – 494 requirements

Generally, applicants must:

- Have a skills assessment
- Have employment experience in the nominated occupation for at least three years on a full time basis
- Be under 45 years of age
- Satisfy the English language skills requirement – competent English
- Satisfy public interest criteria including health, character and national security

Step three – candidate applies – 482 requirements

Generally applicants must:

- Hold the required skills and qualifications (including completing any required skills assessments)
- Have at least **two years** relevant work experience in the nominated occupation or a related field
- Meet English language requirements – IELTS
- No age limit
- Satisfy public interest criteria including health, character and national security

Skilled Work Regional (Provisional) visa (Subclass 494) compared with Temporary Skills Shortage visa (subclass 482) (TSS)

Criteria	Temporary Skills Shortage (TSS) (subclass 482) Visa	Skilled Employer Sponsored Regional (Provisional) (subclass 494) visa
Regional Definition	N/A	All of Australia except Sydney, Melbourne and Brisbane
Visa Application Charge (VAC)	MT Stream: \$2,690 (primary & secondary, 18 years+) \$675 (secondary, <18 years) Sponsorship: \$420; Nomination: \$330	\$4,115 (primary) \$2,060 (secondary, 18 years+) \$1,030 (secondary, <18) \$4,890 (secondary, 18 years+ and has less than Functional English)
Skilling Australians Fund (SAF) Levy	Small Business: \$1,200 per year (4 years = \$4,800) Large Business: \$1,800 per year (4 years = \$7,200)	Small business: \$3,000 flat fee Large business: \$5,000 flat fee
Labour Market Testing (LMT)	Strict LMT requirements apply	Strict LMT requirements apply
English Language (IELTS or equivalent)	Vocational IELTS 5 MT stream: at least 5 in each component score	Competent: IELTS 6
Work Experience	2 years relevant work experience	3 years relevant work experience
Skills criteria	Limited requirement for skills assessment	Mandatory skills assessment, some exemptions apply
Occupation List	MT stream: 283 occupations For regional businesses – may access 650 occupations	At least 650 occupations
Age	N/A	Less than 45 years
Visa stay period	MT stream: 4 years Eligibility for Permanent Residence after 3 years for the MT stream only	5 years Must complete 3 years living and working in regional Australia on the provisional visa to become eligible for Permanent Residence
Salary	Must earn at least \$53,900	Must earn at least 53,900 per annum for a minimum of 3 out of 5 years to become eligible for Permanent Residence

How long will it take?

Visa	Stream	25% finalised	50% finalised	75% finalised	90% finalised
494 – Skilled Employer Sponsored Regional	Employer Sponsored	61 days	5 months	8 months	10 months
482 – Temporary Skills Shortage	Medium term	30 days	46 days	3 months	9 months

Labour agreements

- Labour Agreements enable approved businesses to sponsor skilled overseas workers when they have a workforce shortage that cannot be met by Australian workers or standard visa programs.
 - ✓ **Industry Specific** - terms and available concessions are agreed by Government at an industry level. Currently the following industry agreements are in place: Dairy, Fishing, On-hire, Meat, Pork, Restaurant (fine dining), Minister of Religion, Advertising and Horticulture.
 - ✓ **Company Specific** - terms and concessions are negotiated on a case-by-case basis.

Other visa options

- The informal visa workforce – students and backpackers
- Training visas
- State nominated migration

MARK WELCH – DIRECTOR CARGIL MIGRATION

REGISTERED MIGRATION AGENT #0532994



- Role and function of migration agents
- Expectations of sponsoring employers
- Opportunities and challenges in sourcing foreign candidates
- Expectations re sponsor investment
 - Indicative up front costs
 - Employment relationship
 - Return on investment

Who can provide migration assistance?

Who can help you?

Only registered migration agents, legal practitioners or an exempt person can lawfully give immigration assistance in Australia.

- Prior to 22 March 2021 only professionals registered with Office of the Migration Agents Registration Authority (OMARA) could provide assistance with regards immigration matters. This included Australian lawyers.
- Since that date lawyers aren't required to be registered but must hold relevant Australia legal registration.

Registered migration agents:

- are qualified in migration law and procedure
- are bound by a Code of Conduct to act in the interest of their client
- have met professional standards relating to knowledge and character
- must be listed on the Register of Migration Agents on the Office of the Migration Agents Registration Authority (OMARA) website

Legal practitioners

A legal practitioner is a lawyer who holds an Australian legal practising certificate (whether restricted or unrestricted) granted under a law of an Australian state or territory.

Exempt persons

A person who is not a registered migration agent or legal practitioner may help with your application if they are 1 or more of the following:

- your nominator or sponsor
- your close family member
- a parliamentarian
- a member of a diplomatic mission
- a member of a consular post
- a member of an international organisation
- preparing a submission to the Minister for Home Affairs

A person who is not a registered migration agent or legal practitioner must not charge you a fee for their help.

Further information - <https://www.mara.gov.au>

How can agents assist?

Help to apply for a visa

A registered migration agent can help you apply for a visa by:

- explaining which visa options are available to you
- recommending the best visa option for you
- preparing documents for your visa application
- contacting the Department of Home Affairs to discuss your case
- preparing and submitting a visa application for you
- representing you in, or preparing for, matters before a review tribunal in relation to a visa matter.

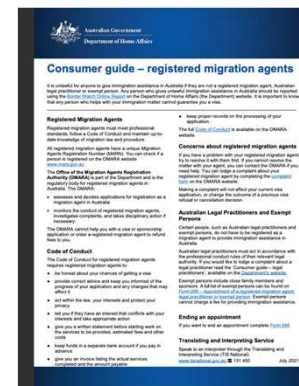
Registered migration agents know how to prepare and submit a visa application for the best chance of success. Their work can make it easier and faster for the Department to assess your application.

Most registered migration agents charge for their service

Source: <https://www.mara.gov.au/get-help-with-a-visa/help-from-registered-agents/how-registered-agents-can-help>

What can you expect from an agent?

- Compliance with the [Code of Conduct](#) - made of 61 requirements to the Code
- Copy of the Consumer Guide
- Service Agreement (Contract, Engagement letter ...)
 - details about fees and disbursements
 - details about services offered



Agent process

ASSESSMENT | ADVICE | ASSISTANCE

Visa Services

Our goal is to provide Australian visa services and advice specific to your immigration goals and the level of assistance that you require. Our services are based on the principles of:

Assessment

Our services commence with a free [assessment](#) of your circumstances against the immigration regulations.

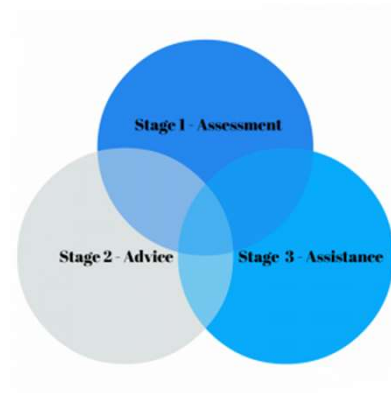
Advice

Based on the information provided at the assessment stage we will provide advice about your options. The advice about your options may be evident from our initial communications, or we can arrange a phone or face to face [consultation](#) to discuss your circumstances in detail.

Fees be required at this stage.

Assistance – Professional Fees

Before we proceed with assisting you we will provide you with a written agreement detailing the services we will provide and the fees you will need to pay.



Overview - Expectations of sponsoring employers

Meet the obligations of your sponsorship

- during the sponsorship validity and
- beyond where required

Notify the DHA of "Certain events" - usually within 28 days

- **Business changes** - name, structure, ownership, address, contact numbers, communication contact, cessation of business, insolvency - bankruptcy etc, variations exist for type of structure
- **Sponsored employee** - cease employment, change of duties, employment doesn't commence, you have paid returned travel costs

Ensure your employee works only in the nominated occupation

- Ensure that your sponsored employee works only in the occupation you nominated them for. For a different occupation, lodge a new nomination.
- You must employ the person you have sponsored under a written contract of employment.
- Must work only for sponsored or associated entity

Ensure equivalent terms and conditions of employment

- annual earnings at least the same as on nomination
- employment conditions must not be less favourable than those of an equivalent Australian worker

Not engage in discriminatory recruitment practices

- must not adversely affect Australian citizens, or any other person, based on their visa or citizenship status

Keep records

- payments made (monetary & non-monetary), travel costs, tasks/duties undertaken, terms & conditions of equivalent worker within the business, contracts and variations

Assume all costs

- sponsorship & nomination costs, recruitment agents & their costs, migration agent etc

Pay Travel Costs

- You must pay reasonable and necessary travel costs to let the sponsored employee and their sponsored family members, leave Australia

Monitoring of sponsors and visa holders

DHA monitor compliance with your sponsor obligations when you are a sponsor and up to five years after your sponsorship ends. They also monitor your sponsored employees to ensure they comply with their visa conditions

How do I notify the DHA?

- Email : sponsor.notifications@abf.gov.au
- Notification in ImmiAccount

Opportunities and challenges in sourcing foreign candidates

Opportunities

- Tapping into new skills not seen within Australia
- Motivated migrants, looking for a pathway to Australia & potential permanent residency
- Partners have work rights

Challenges

- Compliance with sponsor obligations - previous slide
- Cultural fit - lifestyle, employment conditions
- Getting established - housing, schooling, driver licenses
- Health issues - private health cover requirement & costs
- Education costs - refer to state/territory requirements
- English Language
- Verifying employment experience and/or qualifications - Applicants need to be able to prove relevant employment experience
 - Employed applicants
 - Skilled references
 - Employment documents - contracts, offer letters, job descriptions, promotion letters, pension documents
 - Pay & Tax documents
 - Can employer be verified? Website, business registration in home country
 - Self-employed
 - tax & pay documents
 - references from clients - accountants - suppliers
 - Accounts
 - Business registration
 - website, business cards, advertising promotional material, cars, tools
 - statutory declaration - employment status

Expectations regarding sponsor investment

Fees & Disbursements

- Business Sponsorship fee
- Labour Market Testing
 - At least two compliant advertisements and
 - Workforce Australia Online (from 1st July 2022)
- Nomination fee
- Skilling Australians Fund (SAF) Levy - per year
- Application fees - per person
- English tests (if applicable)
- Police clearances
- Medical costs

Business costs

- Compliance management - usually sits within HR, payroll
- Advisory costs - migration assistance, employment law/contract advice
- Private Health cover ?
- Education costs ?
- Travel costs - as per sponsor obligations requirements

QUESTIONS

(MAKE SURE YOU TYPE YOUR QUESTION IN THE CHAT BOX)



WRAP UP

- Webinar will be recorded and posted on FCIA website
- FCIA next steps
 - Expressions of interest in participating in the Skilled Visa project
 - Sourcing potential candidates
 - Skills Assessments
 - Follow up sessions with Retailers Commercial Contractors
 - Pilot program
 - Representations to Skills Commission



THANK YOU FOR YOUR PARTICIPATION

FCIA CONTACTS FOR FURTHER INFORMATION

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