

# Checklist for Employee Nomination (482 visa)

## **Documents to be provided with your nomination application**

1. Employment contract
2. Documents to show that you will provide the nominee with equivalent terms and conditions of employment as to an Australian employee
3. If there are Australian citizens or permanent residents performing equivalent work in your business and:
  - a. their workplace terms and conditions are based on an enterprise agreement or industrial award, you will need to provide:
  - b. a copy of the agreement or instrument that applies to the nominated position; or
  - c. the name of the agreement or award as recorded by the Fair Work Commission where applicable
  - d. there is no relevant agreement or award, or you are paying your Australian employees above the award rate, you will need to provide:
    - i. copies of relevant employment contracts and payslips for other Australian citizen and/or permanent resident staff performing equivalent work or
    - ii. If there are no Australian citizens or permanent residents performing equivalent work in your business at the same location, you need to provide evidence of the terms and conditions that would apply to an equivalent Australian worker. This could include one or more of the following:
  - e. appropriate references to or copies of enterprise agreements that will apply to the nominated person
  - f. appropriate references to or copies of enterprise agreements for staff performing the equivalent work with other employers



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- g. appropriate references to an industrial award applicable to the position you have nominated (that is the name of the award as recorded by the Fair Work Commission)
- h. appropriate references to or copies of remuneration surveys
- i. similar job vacancy advertisements
- j. appropriate references to the Australian Government's Job Outlook
- k. appropriate references to the Australian Bureau of Statistics survey of Employee Earnings and Hours
- l. written advice from employer associations and unions.
- m. A written statement outlining how you have used the submitted evidence to determine what you would pay an equivalent Australian worker.
4. Supporting documents that demonstrate that you will provide the nominee with equivalent terms and conditions of employment to an Australian employee should, as far as possible, relate to the labour market where the position will be based.
5. **Labour Market Testing:** must be completed within the last 4 months from the date of lodgement. Must be uploaded on the same day of nomination lodgement otherwise, your application will be refused. Evidence includes:
- a. 3 Job advertisements including one on **Jobactive** government website.
  - b. copies of job advertisements and payment details, or
  - c. a completed domestic recruitment summary table (128KB PDF)
  - d. copies of references to research published in the last four months relating to labour market trends generally and in relation to the nominated occupation
  - e. expressions of support from Commonwealth, state or territory government authorities with responsibility for employment matters

- f. information about your participation in job or career expos
  - g. details of fees or expenses paid for recruitment activities
  - h. details of the results of your recruitment attempts including details of any positions filled as a result.
6. If your nominee is a citizen/national of China, Japan, or Thailand, or is a citizen, national or permanent resident of Chile, Korea or New Zealand provide:
- a. copy of the biodata page (personal particulars) of your nominee's passport or a copy of your nominee's citizenship certificate
  - b. copy of your nominee's permanent residence visa (Chile, Korea, and New Zealand only).
7. Documents to demonstrate that the position associated with the nominated position is genuine. Evidence includes:
- a. Job responsibilities
  - b. Business structure chart for the business including full names of current employees and details of any visa held.
  - c. Description of nature of business
  - d. Proof that the position existed before the nomination was lodged, it includes any related expansion plans or details about how those duties were previously performed. and
  - e. Explanation of how many candidates were interviewed and why they were not suitable.
8. For the Cook, Chef, and Café, and Restaurant Manager, then you must provide the following additional documents:
- a. a detailed position description
  - b. an explanatory statement and / or evidence that describes the core activities of your business
  - c. a copy of the menu



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- d. a link to your website
- e. a floor plan
- f. photographs of the premises which demonstrate the size and type of café/restaurant that the sponsor is running
- g. details of food preparation done on the premises
- h. details of table service provided and the volume of in-restaurant dining
- i. any other independently verifiable evidence you consider relevant.

### **Cost**

Nomination fees cost is \$330\*




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\*current as 23 November 2018



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