



## Permanent Residence Pathway

A permanent residence pathway for Overseas Workers may be available through the ENS visa program for all Skill Level 1 to Skill Level 4 occupations.

### Subject to the following conditions:

- The Overseas Worker, at the time of an application for approval of the ENS nomination ('the ENS nomination'), holds a Subclass 457 or TSS visa, and
- The Third Party's ENS nomination identifies an Occupation that was either:
  - The subject of the most recently approved nomination (in the case of an Overseas Worker who is a Subclass 457 visa holder), or
  - The subject of the most recently approved visa (in the case of an Overseas Worker who is a TSS visa holder),
- The ENS nominated occupation is not an ANZSCO skill level 5 occupation, and
- The Overseas Worker has been employed on a full-time basis for a period of at least **3 years** before the ENS nomination is made, in the ENS nomination occupation or an Occupation in the same ANZSCO 4 digit level, being an occupation specified in this Agreement, and
- For the whole time that the Overseas Worker was employed in accordance with the above paragraph:
  - He or she must have held a Subclass 457 or TSS visa, and
  - He or she must have **worked in the Goldfields DAMA Region**
- The Overseas Worker identified in the ENS nomination will be employed on a full-time basis in the position for at least 2 years, and
- The terms and conditions of employment of the Overseas Worker will not include an express exclusion of the possibility of extending the period of employment.

**\*Skill Level 1 Occupations are eligible for Age Concession up to 50 years of Age. Skill Level 2, 3 and 4 Occupations are eligible for Age Concession up to 50 years of Age.**

**\*SESR (subclass 494) provisional visa may lead to a permanent visa (Subclass 191) outside the Goldfields DAMA.**



## Additional occupations not available under the Direct Labour Agreement (Non-Anzsco)

- Asphalt Technician
- Process Technician
- Rope Access Technician
- Sound and Light Technician

## Goldfields DAMA Members:



## More Information

For information about the range of solutions available to support regional industry and businesses visit [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au)

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# Goldfields Designated Area Migration Concessions



### Labour Market Testing (LMT)

Employers seeking overseas workers under a DAMA must provide evidence of LMT when applying for Designated Area Representative (DAR) endorsement, requesting a DAMA labour agreement, and at the Nomination stage.

Evidence must demonstrate at least 2 genuine attempts to recruit qualified Australians. The same LMT evidence can be used at each of the above stages, however the advertising must have occurred within the last 12 months before lodging the nomination application.

Acceptable evidence includes one advertisement with national reach (Seek, Jobactive or an Australian industry website). The other advertisement may be local (a business' website or local media online, print or radio). For businesses in Category 3 regions, Jobactive advertising is still encouraged as an option but is not a prescribed requirement.



### Age Concessions

An increased age limit of 50 years old for a PR pathway through ENS (subclass 186) visa for skill level 2 to 4 occupations, following minimum 3 years on TSS (subclass 482) visa.

An increased age limit of 50 years old for SESR (subclass 494) visa for skill level 2 to 4 occupations. An increased age limit of 55 years old for skill level 1 occupations for both ENS (subclass 186) and SESR (494). Nominated workers cannot be 50/55 at time.



### Qualifications and Experience

A concession to the work experience requirement is provided for some occupations, whereby visa applicants must have:

- at least one (1) year of full-time work experience (38 hours plus per week) if applying for a TSS or SESR visa.

Work experience can include:

- work undertaken as part-time (equivalent to one year full-time),
- work experience counted towards being skilled (ANZSCO) also counts towards the work experience requirement,
- must be in the nominated occupation, or a related occupation at the same skill level.

***\*The requirements of the skills assessing authority and any relevant legislation will override any DAMA concessions.***

### English Language Concessions

English language concessions apply to 44 occupations as per the following:

#### TSS (subclass 482) and SESR (subclass 494):

- average score of IELTS 5.0 with no component being less than IELTS 4.0 or equivalent (unless registration or licensing requires a higher level of English)

#### ENS (subclass 186):

- average score of IELTS 5.0 with no component being less than IELTS 4.5 or equivalent (unless registration or licensing requires a higher level of English)

### Temporary Skilled Migration Income Threshold (TSMIT) Concessions

Employers who wish to nominate workers for subclass 482, 186 and 494 visas must meet certain salary and employment condition requirements. The current TSMIT threshold is \$53,900 per annum (changing to \$71,000 from 1 July 2023). Employers who wish to request for a TSMIT concession may seek endorsement from the DAR.

- The Approved Sponsor must provide the Overseas Worker with an amount of annual earnings which is equal to or greater than the Annual Market Salary Rate and Reduced TSMIT. 'Reduced TSMIT' means 90% of TSMIT.

#### Reduced TSMIT, and earnings to include guaranteed overtime, where:

- The guaranteed overtime is consistent with standard industry practice within the sector;
- There are equivalent Australians performing equivalent work in the Approved Sponsors workplace at the same location and whose arrangements have been guaranteed in an industrial arrangement for those workers; and
- At the time of Nomination the Approved Sponsor provides evidence that the hours are guaranteed within the employment contract for the Overseas Worker, and confirms the hours are consistent with the National Employment Standards; and
- Application of the Concession is subject to the Earnings being in line with applicable Industrial Awards or Enterprise Agreements and not below levels for Australian employees in comparable roles;

#### Reduced TSMIT, and Earnings to include Non-Monetary and Monetary Benefits, where:

- The benefits support the living costs of the Overseas Worker;
- The Overseas Worker would have incurred that cost had it not been provided by the Approved Sponsor;
- The benefits are quantifiable;
- The benefits are consistent with the terms and conditions provided to existing Australians employed in a similar position;
- The benefits are guaranteed in the employment contract; and
- The benefits exclude contingent payments such as overtime (other than guaranteed overtime) bonuses and commissions

***\*When calculating an Overseas Worker's Earnings, the value of non-monetary earnings (such as phone, vehicle, food and board) cannot exceed \$6,300 annually (i.e. capped at 10% of the Reduced TSMIT).***