

GUIDELINES FOR REGIONAL CERTIFYING BODY ADVICE

These guidelines and attached Checklist (see Attachment 1) explain how to lodge an application for RCB assessment of an employer nomination under SESR located in the Illawarra region of NSW.



WHAT IS THE SKILLED EMPLOYER SPONSORED REGIONAL (PROVISIONAL) VISA (SUBCLASS 494) (SESR)?

The Skilled Employer Sponsored Regional (Provisional) visa (subclass 494) (SESR) enables Australian employers in areas specified by the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs in a Legislation Instrument to Sponsor (nominate) skilled overseas workers. This is to assist employers in regional and low population growth areas of Australia where they have been unable to fill vacant positions with Australian citizens or permanent residents living in or wishing to move to the regional area where the nominated position is located.

Where an employer decides to nominate a skilled overseas worker for a SESR visa in the Employer sponsored (ES) stream, the nomination must be accompanied by advice completed by a relevant Regional Certifying Body (RCB) at time of decision. The RCB must have responsibility for the area where the nominated position is located.

ES stream nominations must be accompanied by advice from an RCB; however, this advice can be provided before or after lodgement of the ES stream nomination application with the Department of Home Affairs. The Department cannot approve a nomination where advice from an RCB has not been provided.

REGIONAL CERTIFYING BODY (RCB)

The role of a RCB is to provide advice to the Department of Home Affairs (DoHA) on the SESR visa, ES stream nomination applications, using local area knowledge to advise on whether the nominee for the position will be paid at least the annual market salary rate for the occupation. Regional Development Australia Illawarra is gazetted by the Minister for Immigration as the RCB for the Illawarra region of NSW (see Attachment 2 for Illawarra NSW designated postcodes).

THE ROLE OF A RCB IS TO PROVIDE ADVICE TO THE DEPARTMENT OF HOME AFFAIRS ON THE SESR VISA.

APPLYING FOR RCB ADVICE

- Read these Guidelines for Regional Certifying Body (RCB) Advice in full
- Complete Form 1404, Sections 1-10
- If using a Migration Agent, complete Form 956
- Collate all supporting and documentary evidence as per the RCB Application Documentation Checklist (see Attachment 1)
- Email the following to migration@rdailawarra.com.au:
 - Form 1404
 - Form 956 (if applicable)
 - Draft or copy of submitted DoHA Nomination for a Skilled Employer Sponsored Regional (Provisional) Visa
 - All supporting and documentary evidence as per Checklist
 - Receipt of RCB Payment



PROCESSING FEES

A non-refundable fee is charged for processing applications for RCB advice. The processing fee is an administration charge only, and does not guarantee the approval of an application.

The processing fee of \$770.00 may be paid by one of the following options:

- **Electronic Funds Transfer (EFT)**

Bank: IMB Bank

Account Name: RDA Illawarra

BSB: 641-800

Account Number: 200555623

Reference: Name of nominating business

- **Cheque/Money Order**

Payable to RDA Illawarra

THE PROCESSING FEE MUST BE
RECEIVED PRIOR TO
ASSESSMENT OF AN
APPLICATION.

The RCB will assess an application for assessment within 28 days from receipt of lodgement **and** payment of processing fee.

Enquiries regarding progress status will be accepted **by email only** by the authorised contact, nominating business, or if the nominating business has appointed an authorised representative, by this person only.



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ASSESSMENT OF APPLICATIONS

The RCB will assess an application solely on the information provided at the time of application. All information and supporting documentation, as per the Application Documentation Checklist, must be contained within the RCB application. Applications with missing or incomplete documentation will be assessed as received and deemed not to satisfy the set criteria.

If the RCB requests additional information, it must be supplied within 7 days. Failure to provide the requested information within the 7 days, the application will be deemed not to satisfy the set criteria.

The RCB reserves the right to make direct contact with the employer, even when an authorised representative has been appointed.

THE RCB WILL ASSESS AN APPLICATION SOLELY ON THE INFORMATION PROVIDED AT THE TIME OF APPLICATION.

It is the employer's decision whether to submit an application for RCB assessment before, after or at the same time as lodging an employer nomination with the DoHA.

However, the RCB will **not** "fast track" RCB assessment should the DoHA be ready to assess the nomination and awaiting RCB advice.



NOTICE OF OUTCOME

The RCB advice outcome will provide the authorised contact (employer or authorised representative) via Form 1404.

A copy of the RCB advice will be forwarded to DoHA by the RCB.

It is the responsibility of the employer to lodge an employer nomination application with the DoHA via the eLogement facility and submit the RCB advice to DoHA as part of the application process.

DOHA IS THE FINAL DECISION-MAKER ON THE RSMS NOMINATION.

RCBs are agencies operating independently from the Department of Home Affairs and the Department has no jurisdiction over the internal working processes or documentary records of individual RCBs.

There is no Commonwealth Contract between individual RCBs and the Department of Home Affairs which would:

- a. enliven a responsibility on the part of the RCB to hand over documents, or;
- b. enliven the Department's responsibilities under the Freedom of Information Act (FOI).



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NOTICE OF OUTCOME (CONT)

Under legislation specified in Migration Regulation 2.72C(18), the RCB is required to provide advice to the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs in relation to employer nominations. This is the advice detailed on Form 1404 and any supplementary pages, should there be a need to provide further reasoning for the advice.

Further, RDA Illawarra (acting as the RCB) will not, under any circumstances, release any additional information regarding the assessment process undertaken, records, research, methodology, notes, etc that has provided the RCB reasoning and advice to the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

CONTACT:

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