



# ***KPMG's Migration Group***

## ***News Flash***



Monday, 6 September 2004

### **PERMANENT RESIDENCE (EMPLOYER NOMINATION SCHEME 856 VISA)-** **THE PROPOSED CHANGES**

There has been discussion more recently within the migration industry about the possibility of changes to the Employer Nomination Scheme (ENS)- 856 visa, more commonly known by our clients as "employer sponsored permanent residence."

Whilst these proposed changes are yet to be confirmed, they are likely to take effect on 1 November 2004.

We outline below some of the proposed changes:

- **Labour Market Testing (LMT)**- this has always been a problematic area for employers, agents and DIMIA. It is believed that LMT may be abolished;
- **Skill Level and Acceptable Occupations**- the "highly skilled" criterion is another aspect that DIMIA has considered to be problematic in that it involves DIMIA officers in assessing "skills." It is believed that DIMIA may introduce a similar approach to the current 457 visa being a gazetted occupation approach for ENS;
- **Salary** - like the 457 visa category, it is expected minimum salary criteria may be introduced;
- **NSW** - the state of NSW has been pushing for more restrictive criteria to apply to visa holders wanting to settle in NSW. It is believed that possibly higher minimum salary criteria may apply for NSW based positions or a more restrictive occupation list; and

- **Processing** - given DIMIA's strong push towards electronic lodgement, it is expected that e-lodgements for ENS visas are in the planning, maybe not for this round of changes but not long after.

In short, we highly recommend those of our clients, who are considering sponsoring assignees for permanent residence, do so prior to 1 November 2004 when the likely changes will take effect. We will keep you apprised of further progress.

If you have any questions in relation to the information contained in this newsletter, please do not hesitate to contact a member of the KPMG Migration team.

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