



## Temporary Skill Shortage (TSS) visa - Nomination document checklist

Before you use this document checklist, you must read all information provided in the [TSS visa](#) pages on this website. This is because they contain further information about the requirements and any required documentation which may **not** be specifically listed below.

This page must also be read in conjunction with [Temporary Skill Shortage \(TSS\) visa - Document checklists](#) which provides general information regarding:

- [TSS application forms and costs](#)
- what might happen to your application if it is lodged incomplete or without the required supporting documentation.

Use this checklist to make sure your application is as complete as possible at the time of lodgement.

### Written contract of employment – for standard business sponsors only

A copy of an employment contract signed and dated by both parties **unless** the nominated occupation is exempt. Exempt occupations are specified - [see TSS legislative instruments](#).

### Employment terms and conditions

Evidence must be provided to demonstrate the Annual Market Salary Rate (AMSR) as outlined in the relevant legislative instrument - [see TSS legislative instruments](#) and summarised in [Salary and employment condition requirements for sponsored skilled visas](#).

#### Important:

- ensure that supporting evidence is clearly identified and explained. If you provide vague, unlabelled salary surveys and do not explain how you have determined the AMSR your nomination could be refused
- where there is a difference between the AMSR determined and the proposed salary of the nominee, you must explain why
- if there is no equivalent Australian, it is recommended that you attach a comprehensive written statement outlining how you determined the annual market salary rate, particularly if:
  - the nominee's salary is AUD\$65,000 or less
  - the nominee's salary package contains significant allowances and / or non-monetary benefits
  - the market salary evidence presented reflects a wide range of salary data, with potentially inconsistent information.

If the information you present indicates that the nominee will be paid less than the AMSR, the nomination will be refused **unless** the market salary information provided indicates that a 'salary range' applies to the position and a comprehensive statement has been provided explaining why a salary at the lower end of the range will be awarded to the nominee.

### Labour market testing

Where the labour market testing requirement applies, you must provide evidence together with your nomination application to show that you have completed this testing as outlined in [Labour market testing](#).

As this evidence is required to 'accompany your application', where labour market testing is required, you will be asked to attach the above information prior to submitting your application. If it is not provided, your application will be refused and if this is the reason for refusal, there are no provisions for a refund.

### Required evidence where international trade obligations apply

If you have indicated in your application form that labour market testing was not required because you believe international trade obligations apply, you need to provide documents to demonstrate that one of the following applies:

- if your nominee is a citizen / national of China, Japan or Thailand, or is a citizen, national or permanent resident of Chile, South Korea, New Zealand or Singapore provide:
  - copy of the biodata page (personal particulars) of your nominee's passport or a copy of your nominee's citizenship certificate
  - copy of your nominee's permanent residence visa (Chile, South Korea, New Zealand and Singapore only).
- if your nominee is currently working for a business that is an associated entity of your business and is located in Brunei, Myanmar, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, Vietnam, Chile, China, Japan, South Korea or New Zealand provide:
  - copy of an employment reference stating who your nominee is currently working for (on a company letterhead)

- copies of your nominee's current payslips / contract of employment
- company registration documents to show that your business is associated with your nominee's current employer.
- if your nominee will be responsible for the entire or a substantial part of your company's operations in Australia:
  - company organisation chart including the position names/occupation;
  - detailed job description / duty statement.
- if your nominee is a citizen of a World Trade Organization member country and they have worked for you in the nominated position for the last two years:
  - copy of the biodata page (personal particulars) of your nominee's passport or copy of your nominee's citizenship certificate
  - copy of your nominee's current employment contract or letter of offer confirming the date their employment commenced.

### Genuine position

Evidence that supports and verifies that the nominated position exists and is what it purports to be – in particular, that:

- the nominee will be undertaking at least a significant majority of the tasks of the nominated occupation in ANZSCO – that is, most of the nominee's time will be spent performing tasks of the skilled nominated occupation;
- the duties of the position are consistent within the context of the business – for example, that the activities of the business encompass the duties of the nominated occupation.

Such evidence **can** include one or all of the following:

- a duty statement that includes the responsibilities of the nominated position – **note:** duties should not just be 'copied and pasted' from ANZSCO;
- a structure chart for the business including full names of current employees and details of any visa held, which indicates how the position fits into the business activities;
- a brief description about the nature of the business;
- proof that the position existed in the business prior to lodgement of the nomination or if the position is newly created, whether there are any related plans for the expansion of the business and/or information about who previously performed the tasks of the position; and
- evidence that the position has been filled through a transparent recruitment process (for example explanation of how many candidates were interviewed and why they were not suitable).

Provide additional supporting documentation to explain the following scenarios where relevant:

- the nominee might be undertaking a broader range of duties - additional evidence should be provided to demonstrate that the position is at the appropriate skill level and only limited or ad hoc tasks will be spent doing other tasks (particularly if these are tasks that could be performed by a non-skilled employee);
- the business is hiring an employee in a position that does not seem to fit within the scope of their business (for example, they are hiring a hairdresser to work in a grocery business, or hiring an accountant for an automotive workshop or hiring a human resources manager for a restaurant) – additional evidence should be provided to explain why this position is consistent with the nature of the business;
- the size of the business does not appear to support such a position (for example, the turn-over does not appear to be able to support the hiring of any additional employees) – additional evidence should be provided to demonstrate that the position fits within the context of the business.

**Note:** Where possible, independently verifiable evidence should be provided (for example, copies of contracts, purchase orders from third parties) as this will be given the greatest weight by visa decision-makers. For example, if your business is expanding and this is why you are hiring additional staff it is suggested you provide evidence of this rather than just stating that you plan to expand your business (for example, copies of new contracts, a copy of a lease for new premises or evidence of purchase of a new equipment).

### Documents for specific occupations and where caveats apply

If you would like us to take into account broader circumstances when assessing turnover and salary caveats (example: the turnover and salary caveats of an overseas 'parent company'), you must upload a detailed written submission requesting this.

The occupations of Cook, Chef and Café and Restaurant Manager are **excluded** from the TSS visa program **where the position is based in limited service restaurant**. Cook and Chef positions also cannot be based in **mass production in a factory setting**.

A limited service restaurant includes the following:

- fast food or takeaway food services
- fast casual restaurants
- drinking establishments that offer only a limited food service
- limited service cafes including, but not limited to, coffee shops or mall cafes
- limited service pizza restaurants.

If you are nominating one of these occupations and there is the potential for an assessment to be made that the business operates in a takeaway or fast food environment, you should submit with your application documentation that demonstrates otherwise. Such evidence could include:

- a detailed position description
- an explanatory statement and / or evidence that describes the core activities of your business
- a copy of the menu
- a link to your website
- a floor plan

- photographs of the premises which demonstrate the size and type of café/restaurant that the sponsor is running
- details of food preparation done on the premises
- details of table service provided and the volume of in-restaurant dining
- any other independently verifiable evidence you consider relevant.