



NOMINATION REFUSALS

This fact sheet answers questions for employers seeking an AAT review of a Department of Home Affairs (the Department) decision to refuse a **nomination application** for visa subclasses 457/482 and 186/187.

What does the AAT need to decide?

The AAT needs to decide whether it is satisfied that the requirements for a business nomination application are met at the time of its decision.

What happens if a related visa application is also before the AAT?

If there is a related visa application that has been refused because of a nomination refusal and a review of that visa refusal is also with the AAT, both applications will usually be heard by the same AAT Member.

The AAT will usually make a decision on the nomination application first, before proceeding to a decision on the visa application.

What information can I give the AAT to support my review?

We will need up to date and current evidence to properly assess the application. This is why we might ask you to give us information even if it has previously been provided to the Department.

Information that we ask you to give us will depend on your individual circumstances and such evidence might include:

- ASIC business name extract
- ASIC current and historical extract
- Standard Business Sponsor status or evidence that you are party to a work agreement (457/482 only)
- Business tax returns, financial statements that include a detailed profit and loss statement and balance sheet, and business activity statements lodged with the ATO
- Current organisational structure chart (including current and proposed employees, and their position titles and resident status)
- Roles and duties of the nominated position or occupation and how they relate to the position description in ANZSCO
- Employment contract or letter of offer that complies with relevant awards for the nominated occupation or position (if any)

This fact sheet provides general information only. It is not legal advice about your case. If you have a question about the law or how it applies to your case, you should seek legal advice.

- Salary surveys, advertisements, payroll reports and PAYG statements that relate to equivalent work in the same location
- Visa status of the nominee, and information about the nominee's English language ability, such as English language test results (457/482 only)
- Information about why a caveat does not apply in this case, if the nominated occupation is subject to a caveat (457/482/186 only)
- Invoices or contracts for employee training, training program with course outline, details of investment in industry training funds or bodies (186/187 only)
- Local job advertisements for the nominated position that were not successfully filled, and the Regional Certifying Body's certificate issued to the applicant in respect of this position (186/187 only).

When should I give my information to the AAT?

If we need you to give us further information, we will send you a letter that explains what to provide. For example, we might ask for particular evidence that proves how you meet all of the relevant requirements for a business nomination application. You should give us any information by the date we tell you.

If the AAT is satisfied with the information you give us, a favourable decision might be possible without the need for a hearing. This means you might be able to get an outcome to your application sooner.

Giving evidence at a hearing

If you are required to attend a hearing, an AAT Member will ask you about your application and consider all of the information that you present. Generally, this will include the documents you have given us about your case.

Any information you present to the AAT Member is important evidence. Preparing this evidence well in advance of the hearing can assist you to present your case and help the AAT Member to make a decision.

CONTACT US IF YOU HAVE ANY QUESTIONS

- Telephone: **1800 228 333**
- Email: mrdivision@aat.gov.au
- www.aat.gov.au
- National Relay Service www.relayservice.gov.au
- Translating and Interpreting Service (TIS): 131 450

When this Fact Sheet refers to "You" it means the review applicant (employer), and includes their authorised recipient, representative or support person. When it refers to "We" or "Us" it means the AAT.

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