



Forms are available as PDF files and can be filled in on screen, printed and mailed to the Department of Immigration and Citizenship (the department).

You are also able to apply online through the department's website www.immi.gov.au/e_visa/

About this form

Important – Please read this information carefully before you complete your application. Once you have completed your application we strongly advise that you keep a copy for your records.

Who should use this form?

This form should be used by businesses seeking to sponsor a person(s) to work in Australia on a Subclass 457 Business (Long Stay) visa for a stay of up to 4 years.

Integrity of application

The department is committed to maintaining the integrity of its visa and citizenship programs. If you provide us with fraudulent documents or claims, this may result in processing delays and/or your application being refused. Providing false or misleading information, documents or statements to an officer is a serious offence, with a maximum penalty of 10 years imprisonment or 1,000 penalty units, or both.

Sponsorship arrangements covered by this form

Standard Business Sponsorship (SBS) allows employers to sponsor persons to fill skilled positions in their business. You can only have one SBS at a time. An SBS is usually valid for 3 years. There is no limit on the number of temporary business entrants you sponsor over the life of your SBS. You can apply to vary (extend) your sponsorship.

Nominated persons who are granted a visa may stay in Australia for the length of the visa period – the visa does not automatically expire when the SBS expires.

Sponsorship obligations

Note: A **primary sponsored person** is generally the person the standard business sponsor nominates to work in the nominated occupation. **Secondary sponsored persons** are generally members of the primary sponsored person's family unit. For precise definitions see form 1196N *Nominating overseas employees to work temporarily in Australia*.

Obligation to cooperate with inspectors

The standard business sponsor must cooperate with inspectors appointed under the *Migration Act 1958* in determining whether:

- a sponsorship obligation is being, or has been, complied with; and
- other circumstances, in which the department may take administrative action, exist or have existed (see page 3).

This obligation starts to apply on the day the standard business sponsorship is approved.

This obligation ends 5 years after the day on which the person ceases to be an approved sponsor.

Obligation to ensure equivalent terms and conditions of employment

The standard business sponsor must ensure that the terms and conditions of employment provided to a primary sponsored person are no less favourable than the terms and conditions the person provides, or would provide, to an Australian citizen or Australian permanent resident to perform equivalent work in the person's workplace at the same location.

For more information see www.immi.gov.au/skilled/

This obligation starts to apply on the day the primary sponsored person is granted a subclass 457 visa, unless he or she already holds a subclass 457 visa in which case the obligation starts to apply on the day the nomination for the primary sponsored person is approved.

This obligation ends on the day the primary sponsored person ceases employment with the sponsor or on the day the primary sponsored person is granted a further substantive visa (other than a subclass 457 visa). If the primary sponsored person is granted another subclass 457 visa in order to continue to work for the sponsor, the obligation continues.

Obligation to pay travel costs to enable sponsored persons to leave Australia

The standard business sponsor must pay reasonable and necessary travel costs to enable the sponsored persons to leave Australia if the costs have been requested in writing by the department or the sponsored persons, and the costs have not already been paid by the sponsor in accordance with this obligation.

The costs will be considered reasonable and necessary provided they:

- include travel from the primary sponsored person's usual place of residence in Australia to the place of departure from Australia;
- include travel from Australia to the country (for which the person holds a passport) specified in the request to pay travel costs; and
- are paid within 30 days of receiving the request; and
- are for economy class air travel or, where unavailable, a reasonable equivalent.

This obligation starts to apply on the day the primary sponsored person is granted a subclass 457 visa, unless he or she already holds a subclass 457 visa in which case the obligation starts to apply on the day the nomination for the primary sponsored person is approved.

This obligation ends on the day:

- on which a nomination by another sponsor in relation to the primary sponsored person is approved;
- on which the sponsored person is granted a further substantive visa (other than a subclass 457 visa). If the primary sponsored person is granted another subclass 457 visa in order to continue to work for the sponsor, the obligation continues;
- the sponsored person has left Australia and no longer holds a visa.

Obligation to pay costs incurred by the Commonwealth to locate and remove unlawful non-citizen

The standard business sponsor must pay costs incurred by the Commonwealth in locating and/or removing the primary or secondary sponsored persons from Australia, if the Minister has requested the payment by written notice. The sponsor is liable to pay the Commonwealth the difference between the actual costs incurred by the Commonwealth (up to a maximum of AUD10,000) and any amount already paid under the obligation to pay travel costs to enable sponsored persons to leave Australia (see above).

This obligation starts to apply on the day on which the primary sponsored person or secondary sponsored person becomes an unlawful non-citizen.

This obligation ends 5 years after the sponsored person leaves Australia. However, the sponsor is only liable for costs up to the point the sponsored person leaves Australia.

Obligation to keep records

The standard business sponsor must keep records of their compliance with the obligations. All of the records must be reproducible and some must be capable of verification by an independent person. For a complete list of the records that must be kept, including the manner in which the records should be kept, see www.immi.gov.au/skilled/

This obligation starts to apply on the day the standard business sponsorship is approved.

This obligation ends 2 years after the concurrence of the following 2 events:

- the approved standard business sponsorship ceases; and
- there is no primary or secondary sponsored persons in relation to the sponsorship.

However, no record need be kept for more than 5 years under this obligation.

Obligation to provide records and information to the Minister

The standard business sponsor must provide records or information that goes to determining whether:

- a sponsorship obligation is being, or has been, complied with; and
- other circumstances, in which the Minister may take administrative action, exist or have existed (see below);

on request and in the manner and timeframe requested by the Minister.

This obligation starts to apply on the day the person is approved as a standard business sponsor.

This obligation ends 2 years after the concurrence of the following 2 events:

- the approved standard business sponsorship ceases; and
- there is no primary or secondary sponsored persons in relation to the sponsorship.

Obligation to provide information to the department when certain events occur

The standard business sponsor must provide certain information to the department when certain events occur. This information must be provided by registered post or e-mail, to a specified address and within certain timeframes of the event occurring. For a complete list of the information, events and time periods, see www.immi.gov.au/skilled/

This obligation starts to apply on the day the standard business sponsorship is approved.

This obligation ends 2 years after the concurrence of the following 2 events:

- the approved standard business sponsorship ceases; and
- there is no primary or secondary sponsored persons in relation to the sponsorship.

Obligation to ensure primary sponsored person works or participates in the nominated occupation, program or activity

The standard business sponsor must ensure that the primary sponsored person does not work in an occupation other than the occupation that is the subject of the most recent approved nomination for the person. If a sponsor wants to employ a primary sponsored person in a different occupation, the sponsor must lodge a new nomination in respect of that occupation for the primary sponsored person. The standard business sponsor must also ensure that they do not engage the primary sponsored person's services other than as an employee.

This obligation starts to apply on the day the primary sponsored person is granted a subclass 457 visa, unless he or she already holds a subclass 457 visa in which case the obligation starts to apply on the day the sponsor's nomination for the primary sponsored person is approved.

This obligation ends on the day:

- on which a nomination by another sponsor in relation to the primary sponsored person is approved; or
- on which the person is granted a further substantive visa (other than a subclass 457 visa). If the primary sponsored person is granted another subclass 457 visa in order to continue to work for the sponsor, the obligation continues;
- the person has left Australia and no longer holds a visa.

Obligation not to recover certain costs from a primary sponsored person or secondary sponsored person

The standard business sponsor must not recover, or seek to recover, from the primary or secondary sponsored person, all or part of the costs (including migration agent costs):

- that relate specifically to the recruitment of the primary sponsored person;
- associated with becoming or being a sponsor or former approved sponsor.

This obligation starts to apply on the day the sponsor is approved as a sponsor and ends on the concurrence of the following 2 events:

- the approved sponsorship ceases; and
- there is no primary or secondary sponsored persons in relation to the sponsorship.

Sanctions for failing to satisfy sponsorship obligations

If the standard business sponsor fails to satisfy a sponsorship obligation, the Minister may take one or more of the following actions:

Administrative

- bar the sponsor, for a specified period, from sponsoring more people under the terms of one or more existing approvals as a sponsor for different kinds of visas;
- bar the sponsor, for a specified period, from making future applications for approval as a sponsor in relation to one or more classes of sponsor;
- cancelling one or all of the sponsor's existing approvals as a sponsor;

Civil

- apply to a Court for a civil penalty order of up to AUD33,000 for a corporation and AUD6,600 for an individual for each failure;
- issue an infringement notice of up to AUD6,600 for a body corporate and AUD1,320 for an individual for each failure;
- require and take a security; or
- enforce a security already taken.

Other circumstances in which the Minister may take administrative action

There are a number of other circumstances (besides failure to satisfy a sponsorship obligation) in which the Minister may take the administrative actions described in the first 3 dot points above:

- provision of false or misleading information to the Department of Immigration and Citizenship or the Migration Review Tribunal;
- the sponsor no longer satisfies the criteria for approval as a standard business sponsor or for variation of that approval;
- the sponsor has been found by a court or competent authority to have contravened a Commonwealth, state or territory law; and
- a primary sponsored person is found to have contravened a law relating to the licensing, registration or membership required in order to work in the nominated occupation.

Monitoring

If you are approved as a sponsor you must comply with the sponsorship obligations (as outlined above). The department will monitor compliance with the sponsorship obligations and whether associated visa holders are abiding by their visa conditions.

Routine monitoring is conducted from time to time and monitoring may also be initiated based on information provided to the department. This may take place during the approved sponsorship period and for up to 5 years after the sponsorship ceases.

The department conducts monitoring in 3 main ways:

- exchanging information with other Commonwealth, state and territory government agencies, including the Department of Education, Employment and Workplace Relations and the Australian Taxation Office;
- written requests to the sponsor to provide information in accordance with the obligation to provide records and information;
- site visits, usually to the sponsored business premises, with or without notice.

Monitoring may include investigations being conducted by Commonwealth officers called inspectors. Inspectors have certain investigative powers under the *Migration Act 1958*. Failure to cooperate with inspectors is a breach of the sponsorship obligations and the department may take action against the sponsor. For details on the actions the department may take refer to *Sanctions for failing to satisfy sponsorship obligations* in this form.

All written communication about the department's monitoring requirements will be sent directly to you, unless you have authorised another person, including migration agents, to act and receive information on your behalf. The sponsorship obligations (including the obligations to cooperate and provide information to the department) will remain with you as the sponsor even if you have authorised another person to act and receive information on your behalf.

On-hire industry

Prospective sponsors should be aware that any positions nominated on form 1196N must exist in the business or a related business. Businesses who propose to on-hire subclass 457 visa holders to unrelated businesses should continue to access the program by way of seeking to negotiate a Labour Agreement with the Minister. To initiate this process, email on-hire.industry@immi.gov.au

Lodgement of this form

Businesses registered and actively engaged in business in Australia should lodge their application online or at an office of the department.

Businesses with no formal operating base in Australia should lodge their application at their nearest Australian mission overseas with an immigration office.

Charges

There is a charge for businesses applying for approval as a Standard Business Sponsor.

Payment of the charge **must** accompany your application.

Payment does not guarantee approval of the application, and is generally not refundable. For SBS applicants, if you nominate one or more positions **before** your application for SBS status has been decided, and your application is subsequently refused, the charge(s) which you have paid in respect of your nomination(s) will be refunded to you.

Fees may be subject to adjustment at any time. Application Charges may be subject to adjustment on 1 July each year. This may increase the cost of an application.

To check the application charge, see form 990i *Charges* available from the department's website www.immi.gov.au/allforms/990i.htm or check with the nearest office of the department.

Method of payment

In Australia

To make a payment, please pay by credit card, debit card, bank cheque or money order made payable to the Department of Immigration and Citizenship. Debit card and credit card are the preferred methods of payment.

Outside Australia

Before making a payment outside Australia, please check with the Australian Government office where you intend to lodge your application as to what methods of payment and currencies they can accept and to whom the payment should be made payable.

How to fill in this form

Use a black or blue pen, and write neatly in English using BLOCK LETTERS.

If you need more space to answer questions or wish to provide additional relevant information, attach a signed and dated sheet with these details.

Any alterations made before you lodge the form must be dated and initialled.

All questions must be fully answered.

What happens next?

Your application will be considered and you may be asked to provide additional information to enable a decision to be made. You will be advised in writing whether or not your application has been approved. If your application has not been approved, you will be given a reason for the decision as well as information about your merit review rights.

If your application is approved, you may then nominate occupations to be filled by overseas workers. You may lodge nominations in anticipation of this application being approved, however, they will not be considered until such time as you are approved as a Standard Business Sponsor.

The primary person and any secondary persons may lodge the visa application at the same time as, or subsequent to, the approval of your sponsorship arrangement and/or nomination. However, their visas will not be granted until the Standard Business Sponsorship is in place and a nomination relating to the primary person is approved.

About the information you give

The department is authorised to collect information provided on this form under Part 2 of the *Migration Act 1958* 'Control of Arrival and Presence of Non-Citizens'. Information provided will be used for assessing your application, and for other purposes relating to the administration of the Migration Act.

To ensure the integrity of the subclass 457 visa, the department has a thorough monitoring process to assist in ensuring compliance with all program requirements and all relevant Australian laws.

The department will disclose your information to other Commonwealth, state and territory government departments and agencies for the purposes of administering migration legislation, and when it may assist another agency to perform a regulatory function. These departments and agencies include the Fair Work Ombudsman, Department of Education, Employment and Workplace Relations, Australian Taxation Office and Commonwealth, state and territory departments and agencies responsible for health, workplace safety, public safety, industrial relations, law enforcement, taxation, superannuation, fair trading and trade practices legislation.

The collection, access, storage, use and disclosure by the department of the information you provide in this form is governed by the *Privacy Act 1988* and, in particular, by the 11 Information Privacy Principles. The information form 993i *Safeguarding your personal information*, available from the department's offices, gives details of agencies to which your personal information will be disclosed. Form 993i is also available from the department's website www.immi.gov.au/allforms/

Options for receiving written communications

You may authorise another person to receive all communications, both written and electronic, about your application with the department. You will be taken to have received any documents sent to that person as if they had been sent to you.

To do this you will need to complete Part C *Options for receiving written communications* and form 956 *Appointment of a migration agent or exempt agent or other authorised recipient*. For an explanation of what a migration agent or exempt agent or authorised recipient can do please read the sections below.

To change or end the appointment of your migration agent or exempt agent or authorised recipient you must promptly advise the department in writing. You can do this by using form 956 *Appointment of a migration agent or exempt agent or other authorised recipient*.

Authorised recipient information

An authorised recipient is someone you appoint to receive written communications about your application with the department.

All written communication about your application will be sent to your authorised recipient, unless you indicate that you wish to have health and/or character information sent directly to you.

The department will communicate with the most recently appointed authorised recipient as you may only appoint one authorised recipient at any time for a particular application.

Migration agent information

A migration agent is someone who can:

- advise you on the visa that may best suit you;
- tell you the documents you need to submit with your application;
- help you fill in the application and submit it; and
- communicate with the department on your behalf.

If you appoint a migration agent, the department will assume that your migration agent will be your authorised recipient, unless you indicate otherwise.

Your migration agent will be the person with whom the department will discuss your application and from whom it will seek further information when required.

You are not required to use a migration agent. However, if you use a migration agent, the department encourages you to use a registered migration agent. Registered agents are bound by the Migration Agents Code of Conduct, which requires them to act professionally in their clients' lawful best interests.

Immigration assistance

A person gives immigration assistance to you if he or she uses, or claims to use, his or her knowledge or experience in migration procedure to assist you with your visa application, request for ministerial intervention, cancellation review application, sponsorship or nomination.

In Australia a person may only lawfully give immigration assistance if he or she is a registered migration agent or is exempt from being registered. Only registered migration agents may receive a fee or reward for providing immigration assistance.

If an unregistered person in Australia, who is not exempt from registration, gives you immigration assistance they are committing a criminal offence and may be prosecuted.

Migration agents in Australia

Migration agents in Australia must be registered with the Office of the Migration Agents Registration Authority (Office of the MARA) unless they are exempt from registration.

Migration agents outside Australia

Migration agents who operate outside Australia do not have to be registered. The department may give some overseas agents an ID number. This number does not mean that they are registered.

Note: Some Australian registered migration agents operate overseas.

Exempt agents

The following people do not have to be a registered migration agent in order to provide immigration assistance, but they must not charge a fee for their service:

- a close family member (spouse, de facto partner, child, parent, brother or sister);
- a sponsor or nominator for this visa application;
- a member of parliament or their staff;
- an official whose duties include providing immigration assistance (eg. a Legal Aid provider);
- a member of a diplomatic mission, consular post or international organisation.

'**Partner**' means your spouse or de facto partner (including same-sex partners).

Further information on migration agents

Information on migration agents, including a list of registered migration agents, is available on the Office of the Migration Agents Registration Authority (Office of the MARA) website www.themara.com.au

You can also access information about migration agents on the department's website www.immi.gov.au

Consent to communicate electronically

The department may use a range of methods to communicate with you. Electronic means such as fax or e-mail will only be used if you indicate your agreement to receiving communication in this way. The department may also contact people by mail, telephone or in person. However, if you have an e-mail address, this may speed up communication.

To process your application the department may need to communicate with you about sensitive information, for example, health, police checks, financial viability and personal relationships. Electronic communications, unless adequately encrypted, are not secure and may be viewed by others or interfered with. If you agree to the department communicating with you by electronic means, the details you provide will only be used by the department for the purpose for which you have provided them, unless there is a legal obligation or necessity to use them for another purpose, or you have consented to use for another purpose. They will not be added to any mailing list without your consent.

The Australian Government accepts no responsibility for the security or integrity of any information sent to the department over the internet or by other electronic means.

Home page **www.immi.gov.au**

General enquiry line Telephone **131 881** during business hours in Australia to speak to an operator (recorded information available outside these hours). If you are outside Australia, please contact your nearest Australian mission.

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Please use a pen, and write neatly in English using BLOCK LETTERS.

Tick where applicable

1 Are you an approved Standard Business Sponsor **OR** are you party to an approved Labour Agreement (LA)?

No ► Go to Part A

Yes

2 Indicate the type, the date and the number of the sponsorship or agreement as applicable

Labour Agreement (LA)

Standard Business Sponsorship (SBS)

Date of sponsorship approval,
or date of LA

| | | |
|-----|-------|------|
| DAY | MONTH | YEAR |
| / | / | |

Approval or agreement number

Name of business

3 Are you seeking to vary your sponsorship (ie. extend the validity of your sponsorship)?

No

Yes

Part A – Details of the business

4 Are you applying as: a business operating in Australia
 a business operating outside Australia only

5 What is the business structure? (*Tick one box only*)

Sole proprietor/sole trader

Partnership

Company

Statutory authority/government department

Unincorporated body

Other type of entity ► Give details

6 What is the legal registered name of the business, organisation, company or trustee?

Note: All references to 'the business' in this form are made in relation to the person or entity indicated in this question.

7 What is the business name or trading name under which you operate? (*if different from legal name at Question 6*)

8 Australian Business Number (ABN)

9 Australian Company Number (ACN) (*if applicable*)

OR Client ID (provided by the department) (*if applicable*)

10 Australian Registered Body Number (ARBN) (*if applicable*)

11 Australian Stock Exchange Code (ASX Code) (*if applicable*)

12 Street address of the business (*where the business is physically located*)
Note: Cannot be care of a migration agent, authorised person, or exempt agents

POSTCODE

13 Postal address of the business
(*if same as street address, write 'AS ABOVE'*)

POSTCODE

14 Contact officer for enquiries

Note: This person is different to any authorised recipient, migration agent or exempt agent (*if applicable*)

Office hours telephone

(AREA CODE)

15 Do you agree to the department communicating with the business by fax, e-mail or other electronic means?

No

Yes ► Give details

Fax number

(AREA CODE)

E-mail address

16 If the Standard Business Sponsorship is approved, as the direct employer, how many job positions does the business intend to nominate to be filled by primary persons in the next 3 years?

17 Will the business be engaging all primary persons as employees of the business?

No Explain the nature of the relationship between the business and the primary persons and attach evidence of this relationship

Yes

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18 Will the business be paying the salary of all primary persons sponsored?

No Explain who will be paying the salary of the primary persons sponsored temporary business entrants and your relationship with that business

Yes

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19 Which industry sector is the business operating in? (*Tick one box only*)
Where the business operates in more than one industry sector select the sector which most closely matches the primary activity of the business.

- A – Agriculture, Forestry and Fishing
- B – Mining
- C – Manufacturing
- D – Electricity, Gas and Water Supply
- E – Construction
- F – Wholesale Trade
- G – Retail Trade
- H – Accommodation, Cafes and Restaurants
- I – Transport and Storage
- J – Communication Services
- K – Finance and Insurance
- L – Property and Business Services
- M – Government Administration and Defence
- N – Education
- O – Health and Community Services
- P – Cultural and Recreational Services
- Q – Personal and Other Services

Note: The industry sectors listed above are taken from the **Australia and New Zealand Standard Industrial Classification (ANZSIC)**. ANZSIC is the standard classification used in Australia and New Zealand for the collection, compilation and publication of statistics by industry.

20 What is the annual turnover for the business for the most recent full financial year?

21 Has the business, or any person associated with the business, in the last 3 years:

- been found guilty by a court of an offence under a Commonwealth, state or territory law (a law*);
- been found by a competent authority to have acted in contravention of a law;
- been the subject of administrative action (including being warned) by a competent authority for possible contravention of a law;
- been under investigation, subject to disciplinary proceedings of legal proceedings in relation to contravention of a law;
- become insolvent?

* A law mentioned above refers to a law relating to the following only: discrimination, immigration, industrial relations, occupational health and safety, people smuggling and related offences, slavery, sexual servitude and deceptive recruitment, taxation, terrorism and trafficking in persons, and debt bondage.

No

Yes Give details

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