



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.

This form is for a Sponsored Business Visitor visa

This form is for the sponsor of Business Visitor visa applicants applying under Class UL, subclass 459 Sponsored Business Visitor visa.

A person coming to Australia as a sponsored business visitor will be able to stay in Australia for a period of **up to 3 months**. Their visa, if granted, may allow a single entry to Australia or multiple entries within a specified period.

Integrity of application

The Department of Immigration and Citizenship (the department) is committed to maintaining the integrity of the visa and citizenship programs. Please be aware that if you provide us with fraudulent documents or claims, this may result in processing delays and possibly your application being refused.

Who can be a sponsor?

You must be one of the following:

- a member of an Australian parliament (Commonwealth, state or territory); or
- an authorised person representing a Commonwealth, state or territory government department or instrumentality; or
- a local government mayor; or
- a representative from an approved organisation that has been gazetted by the Minister.

In all cases the sponsor must be a settled Australian citizen or permanent resident aged 18 years or older in Australia.

You are able to sponsor one or more individuals or business delegations at a time.

How can you sponsor your business visitor or delegation?

- Complete this form.
- Each person you are sponsoring should fill out form 1238 *Application for a Sponsored Business Visitor (short stay) visa (for a stay of up to 3 months)*.

The Sponsored Business Visitor visa application, form 1238 and the required visa application charge (or evidence that the charge has been paid) must be lodged by the sponsor together with form 1235 at the Business Centre of an onshore office of the department in Australia.

What is a security bond?

As the sponsor of the visa applicant, you may be requested to arrange for the lodgment of a security bond. A security bond may be requested for each individual visa applicant, including any travelling family members of the business visitor you are sponsoring. The amount of security bond is determined on a case by case basis by the delegated officer and is generally between AUD5,000 and AUD15,000 per person. It should be noted, however, under the *Migration Act 1958* the decision to request a security bond is at the discretion of the delegated officer. Therefore, depending on the circumstances of the individual case, the delegated officer may ask for a security bond of any amount that they see as appropriate. The person you have nominated to lodge the security bond will be informed in writing if a bond is requested. The request will include details of where the security bond should be lodged, the amount requested, and information relating to refund arrangements.

Note:

- A security bond can be provided by a third party who is not the sponsor, however, this person should be aged 18 years or older.
- Your sponsorship, and any security bond requested, does not guarantee the grant of any visa. Each business visitor must meet all requirements individually. The sponsorship you provide in this form is only one of the criteria which must be met by the visa applicant for a Sponsored Business Visitor visa.

What happens to the security bond?

The security bond will be refunded after the business visitor you have sponsored has left Australia, provided they do not breach any visa conditions.

If a business visitor you have sponsored breaches any visa conditions, including **if they do not depart before the expiry of the period of stay of the visa on which they arrived in Australia, the security bond you have lodged may be forfeited.**

If your business visitor requests a waiver of the 8503 'No Further Stay' condition and this results in your business visitor remaining in Australia after the Sponsored Business Visitor visa expires, they will have been taken to have breached the 8531 'Must leave before visa expiry' condition, and the security bond you have lodged may be forfeited, even if the 8503 condition is waived.

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Your partnership responsibilities with the department

The department holds you, the sponsoring organisation, in high regard. By entering into partnership with the department, you will be aware that the ongoing value-added service that you receive is linked to your understanding that to the best of your ability, you and your organisation are satisfied that those who you are vouching for intend to be genuine business visitors.

The key to the success of this value-added service is the close working relationship you develop with your local Business Centre. As such, Business Centres need to know if a person you have vouched for has not abided by the conditions of their visa. If this occurs, the Business Centres need to be made aware so they can work more closely with you to ensure that the risk of this reoccurring is minimised.

One way in which the risk of reoccurrence can be minimised is the possibility of the imposition, by the Business Centre, of a security bond of between AUD5,000 and AUD15,000, or the decision to refuse to grant the visa. If the Business Centre were to consider either of these options, an officer will contact your organisation to discuss this, thereby providing a clearer reason for the outcome prior to a decision being made.

Conditions applying to Sponsored Business Visitor visas

Business visitor(s) to Australia must comply with the conditions of their visa. As a sponsor, you are responsible for ensuring that your business visitor(s) comply with their visa conditions.

Your business visitors:

- may not be permitted to apply for a further stay in Australia (condition 8503)¹;
- may not be permitted to remain in Australia after the expiry of the period of stay of the visa on which they entered Australia (condition 8531); and
- may be required to only engage in work in Australia if the work is relevant to the conduct of the business, or performance of the tasks, specified in their visa application.

Condition 8112 (which is imposed on all 459 visas) prohibits the visa holder from undertaking any work in Australia that might otherwise be carried out by an Australian citizen or resident. Any work undertaken by your business visitor should only be carried out if it is in exceptional circumstances, **and** is an emergency, **and** is very short term, **and** is highly specialised, **and** is not on-going. If you require a work visa you will need to apply for the Business Long Stay 457 visa instead.

If a business visitor breaches visa conditions, it may lead to cancellation of their visa, and other penalties. If you have any questions or concerns about the conditions, you should ask for more information from your nearest office of the department in Australia or your nearest Australia overseas mission.

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 D *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.

¹ Except in limited circumstances which are outside their control, or to engage Australia's protection obligations under the *1951 Convention Relating to the Status of Refugees*.

Migration agents in Australia

Migration agents in Australia must be registered with the Migration Agents Registration Authority (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.

Further information on migration agents

Information on migration agents, including a list of registered migration agents, is available on the Migration Agents Registration Authority (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 means to communicate with you. However, electronic means such as fax or e-mail will only be used if you indicate your agreement to receive communication in this way.

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.

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.

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'. The information provided will be used by the department for assessing your application for sponsorship and for other purposes relating to the administration of the Migration Act, for example, to monitor the conduct of migration agents, or for ensuring compliance with the Migration Act.

The information provided might also be disclosed to agencies who are authorised to receive information relating to adoption, border control, business skills, citizenship, education, health assessment, health insurance, health services, law enforcement, payment of pensions and benefits, taxation, superannuation, review of decisions and registration of migration agents.

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. Information form 993i *Safeguarding your personal information*, is available from offices of the department or www.immi.gov.au/allforms/, and gives details of agencies to which your personal information might be disclosed.

The department has the authority under the *Migration Act 1958* to collect a range of personal identifiers from non-citizens, including visa applicants, in certain circumstances. For more information you should read information form 1243i *Your personal identifying information*, which is available from the department's website www.immi.gov.au/allforms/

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.

Please keep these information pages for your reference

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Application for sponsorship for Sponsored Business Visitors *(short stay)*

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

Tick where applicable

Part A – Sponsorship details

1 Have you previously sponsored a visitor as a short stay Sponsored Business Visitor and that visitor did not comply with the conditions of their visa?

No

Yes

2 Give details of the main visa applicant you are sponsoring

Family name

Given names

Sex Male Female

Date of birth
DAY MONTH YEAR
 / /

Country of birth

Relationship status

Married Separated Never married or
 Engaged Divorced been in a de facto
 De facto Widowed relationship

Details from the passport of the main visa applicant you are sponsoring

Passport number

Country of passport

Date of issue
DAY MONTH YEAR
 / /

Date of expiry
DAY MONTH YEAR
 / /

Issuing authority/
 Place of issue as
 shown on your
 passport

Make sure this passport is valid for the period of stay they are applying for

3 Are you: a member of an Australian parliament (Commonwealth, state or territory)

an authorised person representing a Commonwealth, state or territory government department or instrumentality

a local government mayor

a representative from an approved organisation that has been gazetted by the Minister

4 Give details of all others travelling to Australia as business visitors sponsored by you

1. Family name

Given names

Date of birth
DAY MONTH YEAR
 / /

Relationship to main applicant

(eg. dependant of main applicant, or part of the same delegation)

Details from the passport of others travelling to Australia as business visitors sponsored by you

Passport number

Country of passport

Date of issue
DAY MONTH YEAR
 / /

Date of expiry
DAY MONTH YEAR
 / /

Issuing authority/
 Place of issue as
 shown on your
 passport

Make sure this passport is valid for the period of stay they are applying for

Continued on the next page ►

2. Family name

Given names

Date of birth / /

Relationship to main applicant
(eg. dependant of main applicant, or part of the same delegation)

Details from the passport of others travelling to Australia as business visitors sponsored by you

Passport number

Country of passport

Date of issue / /

Date of expiry / /

Issuing authority/
Place of issue as shown on your passport

Make sure this passport is valid for the period of stay they are applying for

3. Family name

Given names

Date of birth / /

Relationship to main applicant
(eg. dependant of main applicant, or part of the same delegation)

Details from the passport of others travelling to Australia as business visitors sponsored by you

Passport number

Country of passport

Date of issue / /

Date of expiry / /

Issuing authority/
Place of issue as shown on your passport

Make sure this passport is valid for the period of stay they are applying for

4. Family name

Given names

Date of birth / /

Relationship to main applicant
(eg. dependant of main applicant, or part of the same delegation)

Details from the passport of others travelling to Australia as business visitors sponsored by you

Passport number

Country of passport

Date of issue / /

Date of expiry / /

Issuing authority/
Place of issue as shown on your passport

Make sure this passport is valid for the period of stay they are applying for

5. Family name

Given names

Date of birth / /

Relationship to main applicant
(eg. dependant of main applicant, or part of the same delegation)

Details from the passport of others travelling to Australia as business visitors sponsored by you

Passport number

Country of passport

Date of issue / /

Date of expiry / /

Issuing authority/
Place of issue as shown on your passport

Make sure this passport is valid for the period of stay they are applying for

6. Family name

Given names

Date of birth / /

Relationship to main applicant
(eg. dependant of main applicant, or part of the same delegation)

Details from the passport of others travelling to Australia as business visitors sponsored by you

Passport number

Country of passport

Date of issue / /

Date of expiry / /

Issuing authority/
Place of issue as shown on your passport

Make sure this passport is valid for the period of stay they are applying for

7. Family name

Given names

Date of birth / /

Relationship to main applicant
(eg. dependant of main applicant, or part of the same delegation)

Details from the passport of others travelling to Australia as business visitors sponsored by you

Passport number

Country of passport

Date of issue / /

Date of expiry / /

Issuing authority/
Place of issue as shown on your passport

Make sure this passport is valid for the period of stay they are applying for

8. Family name

Given names

Date of birth / /

Relationship to main applicant
(eg. dependant of main applicant, or part of the same delegation)

Details from the passport of others travelling to Australia as business visitors sponsored by you

Passport number

Country of passport

Date of issue / /

Date of expiry / /

Issuing authority/
Place of issue as shown on your passport

Make sure this passport is valid for the period of stay they are applying for

Details of any further sponsorships should be attached on a separate piece of paper.

Continued on the next page ►

Part B – Your personal details

5 Your full name

Family name

Given names

6 Name of the organisation you represent

Position held in that organisation

7 Sex Male Female

8 Date of birth

DAY MONTH YEAR
 / /

9 Place of birth

Town/city

Country

10 Your current business address in Australia

 POSTCODE

11 Address for correspondence

(If the same as your business address, write 'AS ABOVE')

 POSTCODE

12 Your telephone numbers

Office hours

COUNTRY CODE AREA CODE NUMBER
 () ()

After hours () ()

Mobile/cell

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

No

Yes Give details

Fax number

COUNTRY CODE AREA CODE NUMBER
 () ()

E-mail address

Note: If this application is refused, you will be notified by mail

14 Details from your passport

Passport number

Country of passport

Date of issue

DAY MONTH YEAR
 / /

Date of expiry

DAY MONTH YEAR
 / /

Issuing authority/
Place of issue as shown on your passport

15 Country of citizenship as shown in your passport

16 Are there documents that you can provide as evidence of your citizenship or permanent residence?

(eg. Australian citizenship certificate and number; Australian passport and number; a permanent resident visa and number; or Australian birth certificate and number)

No

Yes Give details

Please attach certified copies of certificates of your citizenship or evidence of your permanent residence including any translations

17 Have you previously sponsored any business visitors?

No

Yes Give details

1. Family name

Given names

Relationship

Sex Male Female

Date of birth

DAY MONTH YEAR
 / /

Country of birth

Purpose of stay

Date of arrival

DAY MONTH YEAR
 / /

Date of departure / /

Part C – Assistance with this form

2. Family name

Given names

Relationship

Sex Male Female

Date of birth

Country of birth

Purpose of stay

Date of arrival

Date of departure

3. Family name

Given names

Relationship

Sex Male Female

Date of birth

Country of birth

Purpose of stay

Date of arrival

Date of departure

4. Family name

Given names

Relationship

Sex Male Female

Date of birth

Country of birth

Purpose of stay

Date of arrival

Date of departure

18 Did you receive assistance in completing this form?

No ► Go to Part D

Yes ► Please give details of the person who assisted you

Title: Mr Mrs Miss Ms Other

Family name

Given names

Address

POSTCODE

Telephone number or daytime contact

Office hours

Mobile/cell

19 Is the person an agent registered with the Migration Agents Registration Authority (MARA)?

No

Yes ► Go to Part D

20 Is the person/agent in Australia?

No ► Go to Part D

Yes

21 Did you pay the person/agent and/or give a gift for this assistance?

No

Yes

Part D – Options for receiving written communications

22 All written communications about this application should be sent to:
(Tick one box only)

Myself ► All written communications will be sent to the address for communications that you have provided in this form.

OR

Authorised recipient ► You must complete form 956 *Appointment of a migration agent or exempt agent or other authorised recipient* and attach it to this application form. Form 956 is available from the department's website

OR

Migration agent ►

OR

Agent exempt from registration

www.immi.gov.au

Continued on the next page ►

Details of any further sponsorships should be attached on a separate piece of paper.

Part E – Sponsorship undertaking for a sponsored business visitor and any accompanying family of that business visitor

- 23** The visitor(s) I am sponsoring is coming to Australia as a business visitor(s), I understand that they must abide by the following visa conditions:
- they must not engage in work in Australia that might otherwise be carried out by an Australian citizen or an Australian permanent resident (condition 8112);
 - they may not be permitted to apply for a further stay in Australia (condition 8503)¹;
 - they may not be permitted to remain in Australia after the expiry of the period of stay of the visa on which they enter Australia (condition 8531); and
 - they may be required to only engage in work in Australia if the work is relevant to the conduct of the business, or performance of the tasks specified in their visa application.

If a spouse, de facto partner or dependent child of the business visitor(s) I am sponsoring, also travels to Australia as a sponsored visitor, I understand that they must abide by the following conditions:

- they may not be permitted to apply for a further stay in Australia (condition 8503)¹;
- they may not be permitted to remain in Australia after the expiry of the period of stay of the visa on which they entered Australia (condition 8531); and
- the spouse(s) or de facto partner(s) must not work in Australia.

Part F – Sponsorship liability

- 24** I understand that:
- if the person I have vouched for as a short stay business visitor does not abide by the conditions of their visa, and a security bond of between AUD5,000 and AUD15,000 has been imposed, this bond may be forfeited;
 - if my organisation has been specified by the Minister as one that can sponsor short stay business visitors, and there is evidence of systemic ongoing abuse of this visa by my sponsoring organisation that my organisation and the department are unable to resolve, then my organisation may be unable to sponsor any more short stay business visitors.

Part G – Declaration

WARNING: Giving false or misleading information is a serious offence.

- 25** I, Family name
- Given names
- of Address
-
- POSTCODE

declare that:

- the information I have supplied on this form and in all attachments is true and correct;
- I understand and will honour all obligations in respect of the business visitor(s) I sponsor in this form; and
- I understand that failure to provide correct information may lead to refusal of the Sponsored Business Visitor visa application, or cancellation of any Sponsored Business Visitor visa granted.

Note: Before you sign this application, please ensure that you have read and understand all of the above statements and conditions.

Your signature

Date DAY / MONTH / YEAR

We strongly advise that you keep a copy of your application and all attachments for your records.

¹ Except in limited circumstances which are outside their control, or to engage Australia's protection obligations under the 1951 Convention Relating to the Status of Refugees.