



Australian Government

Department of Immigration
and Citizenship

Application for a Sponsored Business Visitor (short stay) visa (for a stay of up to 3 months)

Form

1238

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?

Use this form if you are outside Australia and you are applying for SPONSORED BUSINESS VISA through an approved sponsor in Australia, and are seeking short-term entry to Australia of up to 3 months for purposes such as – official visits, to attend meetings, conferences, business negotiations, exploratory visits, undertaking training or building inspections. Your 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.

Requirements

- Your personal attributes and business background should be relevant to the nature of your proposed business in Australia.
- There should be a demonstrated need for you to be in Australia for business purposes.
- You must have adequate funds for your personal support during your stay in Australia.
- You must not undertake business-related employment or training activity that could have an adverse impact on the employment or training opportunities of Australian citizens or Australian permanent residents.

If you are coming to Australia for one of the following purposes you would generally be required to complete a different application form – a tourist; a religious worker; an entertainer; a medical practitioner; for medical treatment; to attend secondary or primary school; to engage in a course leading to a degree, diploma, trade certificate, formal award or to work.

Sponsored Business Visitor (short stay)

If a federal, state and territory Member of Parliament, a government agency or local government mayor, or a representative of an organisation that has been gazetted by the Minister, has agreed to sponsor your visit you should apply as a sponsored business visitor.

An application for a Sponsored Business Visitor (subclass 459) can only be made in Australia by your sponsor or their migration agent. You, the applicant, must be outside Australia.

To lodge a valid application, your sponsor must lodge this form as completed by you, together with form 1235 *Application for sponsorship for Sponsored Business Visitors* which is completed by your sponsor. This form must be signed by you, signed by your sponsor and if you are using an agent, signed by that agent. Send this completed application and accompanying documents to your sponsor who will lodge your visa application with the department. A faxed copy will be sufficient.

Your sponsor must obtain form 1235 *Application for sponsorship for Sponsored Business Visitors* from their nearest office of the department, or from the department's home page www.immi.gov.au

Application checklist

With your completed and signed application (form 1238), if you wish to apply for this visa you must include:

- a copy of the biodata and visaed page(s) of your valid passport (eg. the page(s) which contain your name, date of birth, photo, signature, and passport validity details), and a copy of the relevant page(s) of the valid passport of accompanying family members included in your application.
- the Visa Application Charge (VAC). To make a payment in Australia, please pay by credit card, by completing Part F *Payment details* on page 11 of this form. You should be aware that the VAC is generally not refundable regardless of the outcome of your application.
- a completed form 1235 *Application for sponsorship for Business Visitor (short stay)*, which has been signed by your sponsor.
- you should authorise your sponsor to receive all written communications about your application with the department. To do this, you will need to complete Part C *Options for receiving written communications* and Part D *Authorising your sponsor*.
- sponsors may choose to appoint an agent to act on their behalf, in this case the agent will need to be authorised to act on behalf of the sponsor and the visa applicant. To do this, you will need to complete Part C and form 956 *Appointment of a migration agent or exempt agent or other authorised recipient*.
- you should send all the above documents to your sponsor in Australia, together with form 1235 *Application for sponsorship for Sponsored Business Visitors*, to enable your sponsor to lodge your application on your behalf.
- if your application for a Sponsored Business Visitor (subclass 459) is approved, you will be advised of the outcome, **and whether you need to send your passport to the nearest Australian mission for a visa label to be affixed to your passport.** At that time you will also need to advise details of how you want your passport returned. The department does **not** recommend return of passports by ordinary mail. Your passport can be returned by:
 - registered mail (please included a passport sized envelope with your address and sufficient postage for registered mail); or
 - ordinary mail (please included a passport sized envelope with your address and sufficient postage); or
 - courier (please check with the office where you wish to lodge your application regarding courier arrangements).

Continued on the next page ►

Additional documentation checklist

You should be aware that under the *Migration Act 1958*, decision makers are not obliged to request additional information from the applicant before making a decision on a visa application. It is therefore recommended that you submit the following documentation with your application:

- evidence that there is a need for you to be in Australia for business purposes, eg. a letter from your employer detailing the reasons for your visit and your proposed duties, a letter of invitation from the host organisation in Australia, an itinerary with contact details of the business parties involved or conference registration details;
- evidence that you have adequate funds for your personal support during your stay in Australia, eg. bank statements, letter from your financial institution concerning your financial position or access to funds; and
- evidence that your business background is relevant to the nature of your proposed business in Australia, eg. evidence of educational qualifications, evidence of current employment position and your role during the visit, details of any previous contacts with Australian business people or organisations, documentation indicating that the company is an actively operating business (business registration certificate, annual report).

Residential address

You must provide the address of where you intend to live while your application is being dealt with. Failure to give a residential address in your application will result in your application being invalid. A post office box address will not be accepted as a residential address.

Health insurance

It is recommended that you take out health insurance for you and your family for the period of your stay in Australia. You will not be covered by Australia's national health scheme, unless you are covered by a reciprocal health care agreement.

If you are 70 years of age or over

In order to satisfy the financial requirements for these visas, you will be asked to provide evidence with your application that you have health insurance to cover your stay in Australia. More information about Australian private health insurance is available from the department's website www.immi.gov.au/visitors/

Vaccinations

If it is your intention to enrol your child in Australian school or childcare centre (creche or preschool) during your visit to Australia, you are strongly recommended to carry certification of your child's vaccination status. Vaccination is recommended against polio, tetanus, measles, mumps, rubella, diphtheria, pertussis (whooping cough), *Haemophilus influenzae* hypo (Hib), and Hepatitis B. Certification may be sought at time of enrolment.

Note: Vaccination against rubella is also recommended for women of child bearing age.

Who can you include in this application?

You can include in this application any family members who will accompany you on visits to Australia. Family members include partner and unmarried dependent children.

Partner includes your spouse or de facto partner (including same-sex partners).

Conditions

- You must answer all questions on this form honestly and completely. False or misleading information may lead to refusal or cancellation of your visa, or penalties while in Australia.
- Although your intended business activities may vary from one visit to another, 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 should be an emergency, very short-term and highly specialised. To check if any proposed work satisfies the requirements of condition 8112, your sponsor should contact the nearest office of the department.
- If you are granted a **Sponsored Business Visitor visa**, your visa may include condition **8503 – No Further Stay**. This condition means that the holder of the visa on which the condition is imposed will not, after entering Australia, be entitled to be granted any other visa¹, while the holder remains in Australia.
- Your visa may also include condition **8531 – must not remain beyond the visa period**. This condition means that the holder of the visa on which this condition is imposed must not remain in Australia beyond the period of stay permitted by the visa.

Visa Application Charge

The application will not be valid unless payment has been received. Payment of the charge does not guarantee this application will be successful.

Fees may be subject to adjustment at any time. VACs may be subject to adjustment on 1 July each year. This may increase the cost of a visa.

To check the VAC, 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

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.

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

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 for assessing the eligibility of the applicant for a Sponsored Business Visitor visa and for other purposes relating to the administration of the Migration Act.

The information provided might 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 information provided on this form, including any information on your health, will be used to assess your health for an Australian visa and may be disclosed to the relevant Commonwealth, state and territory health agencies and examining doctor(s).

Form 1163i *Health requirement for temporary entry to Australia* provides additional information on Australia's visa health requirements. Form 1163i is available from offices of the department or from the department's website www.immi.gov.au/allforms/

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*, 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 is authorised under the *Migration Act 1958*, in certain circumstances, to collect a range of personal identifiers including a facial image, fingerprints and a signature from non-citizens, including from visa applicants. The department requires personal identifiers to assist in assessing your identity. The department is authorised to disclose your personal identifiers and information relating to your name and other relevant biographical data to a number of agencies including law enforcement and health agencies and to other agencies who may need to check your identity with this department. Where the department obtains personal identifiers they will become part of your official record with the department.

The department is involved in international information exchanges with a number of other countries. These exchanges include the sharing of personal identifiers, including a facial image and fingerprint data collected by immigration agencies such as this department. If, as a result of this sharing between countries, there is a match with your personal identifiers, the department will disclose your biographic data and immigration history to the other agency. The purpose of such disclosure would be to determine if you are presenting to the department and the other agency under the same identity and making similar claims.

For more detailed information you should read information form 1243i *Your personal identifying information*, which is available from the department's website www.immi.gov.au/allforms/ or from any office of the department or Australian mission overseas.

Authorising the sponsor to receive written communication and act on behalf of the visa applicant

In order for this visa application to proceed, the visa applicant will need to authorise the sponsor to receive all written communications about the visa application, and to act on behalf of the visa applicant. The department will communicate with the sponsor about the visa application and will send the sponsor any written communications relating to the visa application that would otherwise have been sent to the visa applicant. The visa applicant will be taken to have received any documents sent to the sponsor as if they had been sent to the visa applicant.

To do this the visa applicant will need to sign at Part D *Authorising your sponsor* and the sponsor will need to sign at *Sponsor consent*, Part E of this form.

Sponsors of applicants for Sponsored Business Visitor visas are exempt from the requirement to be registered as a migration agent in Australia in order to assist applicants in relation to Sponsored Business Visitor visas.

The visa applicant must also indicate in Part D *Authorising your sponsor*, whether he or she also consents to the sponsor and the department exchanging information, including personal information. This exchange of information may be necessary for the processing of the visa application.

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.

Continued on the next page ►

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 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.

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



Application for a Sponsored Business Visitor (short stay) visa (for a stay of up to 3 months)

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

Tick where applicable

Part A – Applicant's details

1 When do you wish to visit Australia?

Date from

DAY	MONTH	YEAR
/	/	

 to

DAY	MONTH	YEAR
/	/	

2 Do you intend to enter Australia on more than one occasion?

No

Yes Give details

3 Give your details as shown in your passport

Family name

Given names

4 Sex Male Female

5 Date of birth

DAY	MONTH	YEAR
/	/	

If you are 70 years or over, you will be asked to undergo a health assessment and show that you have medical insurance to cover your intended stay in Australia. Please contact your Australian overseas mission for further advice before lodging your application. If additional medical consultations are required, a decision on your visa application will be delayed.

6 Relationship status

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

7 Details of your passport

Passport number

Country of issue

Date of issue

DAY	MONTH	YEAR
/	/	

Date of expiry

DAY	MONTH	YEAR
/	/	

Issuing authority/
 Place of issue as
 shown in your
 passport

Make sure your passport is valid for the period of stay you are applying for

8 Details of identity card or identity number issued to you by your government (if applicable) eg. National identity card.

Note: If you are the holder of multiple identity numbers because you are a citizen of more than one country, you need to enter the identity number on the card from the country that you live in.

Identity number

Country of issue

9 Of which countries are you a citizen?

10 Current occupation

11 Your current residential address

Note: A post office box address is not acceptable as a residential address. Failure to give a residential address will result in your application being invalid

POSTCODE

12 Address for correspondence

(if same as the residential address, write 'as above')

POSTCODE

13 Your contact numbers

Office hours

COUNTRY CODE	AREA CODE	NUMBER
()	()	

After hours

COUNTRY CODE	AREA CODE	NUMBER
()	()	

Mobile/cell

14 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

Continued on the next page ►

15 Your employment details

Employed **▶** Give details of employer/business
Self-employed

Name

Address

 POSTCODE

Telephone number
COUNTRY CODE AREA CODE NUMBER
() ()

Position you hold

How long have you been employed by this employer/business?
YEARS MONTHS

Business activities

16 Describe your intended principal business activity in Australia

Australian business contact person

Business name (if applicable)

Telephone
AREA CODE NUMBER
()

17 Will you be in paid employment in Australia?

No
Yes **▶** Give details of your employment in Australia

Occupation

Employer's name

Contact person

Telephone
AREA CODE NUMBER
()

Health details

18 In the last 5 years, have you, or any other person included in this application, visited, or lived, outside your country of passport for more than 3 consecutive months?

No
Yes **▶** Give details

1. Name
Country(s)
Date from to

2. Name
Country(s)
Date from to

3. Name
Country(s)
Date from to

19 Do you, or any other person included in this application, intend to enter a hospital or a health care facility (including nursing homes) while in Australia?

No
Yes **▶** Give details

20 Do you, or any other person included in this application, intend to work as, or study to be, a doctor, dentist, nurse or paramedic during your stay in Australia?

No
Yes **▶** Give details

21 Do you, or any other person included in this application, intend to work, or be a trainee, at a child care centre (including preschools and creches) while in Australia?

No
Yes **▶** Give details

Accompanying family members

Family members include your partner and dependent children who are not married and not in a de facto relationship.

26 Are there any family members who are to be included in this application? (including those shown in your passport)

No ▶ Go to Part B

Yes ▶ Give details of accompanying family members at Question 27

27 Give details of each family member who is included in this application (including those shown in your passport, if they are accompanying you).

Provide details as shown in the person's passport.

Each person must sign the form where indicated below. If the person is too young to sign, the parent or guardian may sign on their behalf.

By signing, they are making the **same declaration as at Question 38**.

Accompanying family members

1. Family name

Given names

Date of birth

Relationship to main applicant

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

Details from your accompanying family member's passport

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 identity card or identity number issued to your family member by his/her government (if applicable) eg. National identity card.

Note: If your family member is the holder of multiple identity numbers because they are a citizen of more than one country, enter the identity number on the card from the country that they live in.

Identity number

Country of issue

Signature of applicant

Date

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 your accompanying family member's passport

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 identity card or identity number issued to your family member by his/her government (if applicable) eg. National identity card.

Note: If your family member is the holder of multiple identity numbers because they are a citizen of more than one country, enter the identity number on the card from the country that they live in.

Identity number

Country of issue

Signature of applicant

Date

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 your accompanying family member's passport

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 identity card or identity number issued to your family member by his/her government (if applicable) eg. National identity card.

Note: If your family member is the holder of multiple identity numbers because they are a citizen of more than one country, enter the identity number on the card from the country that they live in.

Identity number

Country of issue

Signature of applicant

Date

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 your accompanying family member's passport

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 identity card or identity number issued to your family member by his/her government (if applicable) eg. National identity card.

Note: If your family member is the holder of multiple identity numbers because they are a citizen of more than one country, enter the identity number on the card from the country that they live in.

Identity number

Country of issue

Signature of applicant

Date

28 Will any of the family members listed in response to Question 27 be in paid employment or undertaking studies while in Australia?

- No
- Yes ► Provide details

