



Australian Government
Department of Immigration and Citizenship

Attachment A

Sponsorship obligations

The obligations apply to all sponsors unless otherwise indicated.

Obligation to cooperate with inspectors

The 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 below).

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

This obligation ends five years after the day on which the approved sponsorship ceases.

Obligation to keep records

All sponsors (except professional development sponsors)

The sponsor must keep records of their compliance with certain obligations (specifically, the obligation to pay travel costs and to notify Immigration of certain events). All records must be reproducible and some must be capable of verification by an independent person. A complete list of the records that must be kept, including the manner in which the records should be kept, will be made available on the department's website.

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

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

- the approved sponsorship ceases; and
- there are no sponsored persons in relation to the sponsorship.

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

Obligation to provide records and information

On request by the Minister, and in the manner and timeframe requested, the sponsor must provide records or information:

- that the person is required to keep under a law of the Commonwealth or a state or territory; or
- are records the person is required to keep under the obligation to keep records;

if the records or information relate to the administration of sponsorship.

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

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

- the approved sponsorship ceases; and
- there are no sponsored persons in relation to the sponsorship.

Obligation to provide information to the department when certain events occur

The sponsor must provide certain information to the department when certain events occur (this will differ according to the class of sponsor the person belongs to). This information must be provided by registered post or e-mail, to a specified address and within 10 working days of the event occurring. A list of the information and events will be made available on the department's website.

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

This obligation ends on the day after the concurrence of the following two events:

- the approved sponsorship ceases; and
- there are no sponsored persons in relation to the sponsorship.

Obligation not to recover certain costs from a sponsored person

All sponsors (except professional development sponsors)

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

- in relation to the recruitment of the primary sponsored person; or
- in association with becoming or being a sponsor or former approved sponsor.

In addition to the above, if the sponsor is a Domestic Worker sponsor or Religious Worker sponsor, the sponsor must not recover, or seek to recover, from the sponsored person, expenditure by the sponsor in relation to financial support of the sponsored person in Australia.

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

This obligation ends on concurrence of the following two events:

- the approved sponsorship ceases; and
- there are no sponsored persons in relation to the sponsorship.

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

The sponsor must pay costs incurred by the Commonwealth in locating and/or removing a sponsored person from Australia, if requested by the Minister 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 the sponsored person to leave Australia.

This obligation starts to apply on the day on which the 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 time the sponsored person leaves Australia.

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

Exchange Sponsor, Visiting Academic Sponsor, Entertainment Sponsor, Sport Sponsor, Domestic Worker Sponsor, Religious Worker Sponsor, Occupational Trainee Sponsor

The sponsor must ensure that the primary sponsored person works or participates in the nominated occupation, program or activity. If a sponsor wants to employ or engage a sponsored person in a different occupation, program or activity, the sponsor must lodge a new nomination in respect of that occupation, program or activity for the sponsored person.

This obligation starts to apply on the day the primary sponsored person is granted a visa, unless he or she already holds a 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 (whichever is earliest):

- on which a nomination by another sponsor in relation to the primary sponsored person is approved; or
- on which the primary sponsored person is granted a further substantive visa of a different subclass to the one they last held (if the primary sponsored person is granted another substantive visa of the same type they last held in order to continue to work for the sponsor, the obligation continues); or
- the primary sponsored person has left Australia and the relevant visa (and any subsequent bridging visa) is no longer in effect.

Obligation to secure an offer of a reasonable standard of accommodation

Special Program Sponsor, Entertainment Sponsor, Sport Sponsor, Religious Worker Sponsor and Occupational Trainee Sponsor

Where the primary sponsored person is not receiving a salary or wages, the sponsor must secure an offer of a reasonable standard of accommodation for the sponsored persons while they are in Australia. A guide to what is considered reasonable will be made available on the department's website.

This obligation starts to apply:

- if the sponsored person holds a Subclass 416 visa - on the day the person is granted the visa;
- if the sponsored person holds a Subclass 420, Subclass 421, Subclass 428 or Subclass 442 visa – on the day on which a nomination by the sponsor of an occupation or activity for the primary sponsored person is approved, or
- if the sponsored person does not hold a Subclass 420, Subclass 421, Subclass 428 or Subclass 442 visa on the day the nomination is approved – on the day the person is granted the visa.

This obligation ends on the day (whichever is earliest):

- on which a nomination by another sponsor in relation to the sponsored person is approved;
- on which the sponsored person is granted a further substantive visa of a different subclass to the one they last held (if the sponsored person is granted another substantive visa of the same type they last held in order to continue to work for the sponsor, the obligation continues); or
- the sponsored person has left Australia and the relevant visa (and any subsequent bridging visa) is no longer in effect.

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

Special Program Sponsor and Religious Worker Sponsor

The sponsor must pay reasonable and necessary travel costs to enable the sponsored person to leave Australia if the costs have been requested in writing by the Minister or the sponsored person, 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 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 a reasonable equivalent.

This obligation starts to apply on the day the sponsored person is granted a Subclass 416 visa or Subclass 428 visa, unless he or she already holds a visa of the same subclass 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 (whichever is the earliest):

- on which a nomination by another sponsor in relation to the primary sponsored person is approved; or
- on which the sponsored person is granted a further substantive visa other than a Subclass 416 visa or Subclass 428 visa (if the primary sponsored person is granted another Subclass 416 visa or Subclass 428 visa in order to continue to work for the sponsor, the obligation continues); or
- the sponsored person has left Australia and the relevant visa (and any subsequent bridging visa) is no longer in effect.

Obligation to pay travel costs

Domestic Worker Sponsors only

The Domestic Worker Sponsor must pay the travel costs of the sponsored person(s) to enable the sponsored person(s) to travel to Australia and to leave Australia, if the costs have not already been paid in accordance with this obligation.

The costs will be considered reasonable and necessary if they:

- include the sponsored person's travel to Australia;
- include travel to the sponsored person's usual place of residence in Australia from the place of arrival in Australia;
- include travel from the sponsored person's usual place of residence in Australia to the place of departure from Australia;
- include travel from Australia to the country from which the sponsored person came to Australia; and
- are for economy class air travel or a reasonable equivalent.

This obligation starts to apply on the day the sponsored person is granted a Subclass 427 visa, unless he or she already holds a Subclass 427 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 (whichever is the earliest):

- on which a nomination by another sponsor in relation to the primary sponsored person is approved; or
- on which the sponsored person is granted a further substantive visa other than a Subclass 427 visa (if the sponsored person is granted another Subclass 427 visa in order to continue to work for the sponsor, the obligation continues); or
- the sponsored person has left Australia and the relevant visa (and any subsequent bridging visa) is no longer in effect.

Obligation to make same position available to Australian exchange participants

Exchange Sponsors only

Immediately on completion of the exchange, the Exchange Sponsor must make available to the Australian citizen or Australian permanent resident who is a participant in the exchange the same position or equivalent position in Australia that was held by the Australian participant at the time the exchange was entered into.

This obligation starts to apply on the day on which the nomination made by the Exchange sponsor in relation to the exchange is approved.

This obligation ends 30 days after completion of the exchange.