



Australian Government

Department of Immigration and Citizenship

Subclass 457 – Temporary Business (Long Stay) Visa Program (Standard Business Sponsorship)

Nomination Application Checklist – to be used with Form 1196N *Nomination overseas employees to work temporarily in Australia* and online nomination applications (e457)

The subclass 457 visa program is designed for people who want to work temporarily in Australia. This program allows applicants to work for up to four years for a sponsoring employer and is restricted to people seeking to be employed in skilled occupations. There are three processing stages: sponsorship, **nomination** and visa application.

This checklist is designed to help you provide relevant information that will assist the Department of Immigration and Citizenship to process your application for nominating an occupation in relation to the holder of, or an applicant or proposed applicant for, a subclass 457 visa. Please ensure that the documents you submit cover your particular circumstances.

Complete applications

You should ensure that you lodge a completed nomination application. While the department may ask you to provide more information to determine if you meet the criteria for nomination approval, a decision on the nomination application may be made solely on the information provided at the time of application.

Note: The nomination application fee will **not** be refunded if a decision is made to refuse the nomination application because the application did not satisfy the nomination criteria.

Nomination - the sponsoring employer nominates an occupation.

You must complete a nomination form for each occupation and primary applicant in relation to a holder of, or an applicant or proposed applicant for, a subclass 457 visa.

The nominated occupation must be on the ComLaw list of occupations approved for subclass 457 visas. Use the Quick Search to search for IMMI 10/085.

See: [ComLaw](#)

Sponsoring employers who seek to employ subclass 457 visa holders in any occupation not on the list of approved occupations can only do so through a work agreement with the Commonwealth.

If you are a sponsoring employer and operate a business in Australia, you need to:

- complete nomination Form 1196N *Nominating overseas employees to work temporarily in Australia* (paper based application)

See: www.immi.gov.au/allforms/application-forms

or

- complete an online nomination application (e457)

See: www.immi.gov.au/e Visa

and

- pay the nomination application fee.

See: www.immi.gov.au/allforms/990i/employer-sponsored-temporary.htm

If you are a sponsoring employer and **do not** operate a business in Australia, you need to:

- complete Form 1196N *Nominating overseas employees to work temporarily in Australia* (paper based application) only
See: www.immi.gov.au/allforms/application-forms
and
- pay the nomination application fee.
See: [/www.immi.gov.au/allforms/990i/employer-sponsored-temporary.htm](http://www.immi.gov.au/allforms/990i/employer-sponsored-temporary.htm)

At time of application lodgement the sponsoring employer must ensure that:

- the occupational code and job title of the nominated occupation is provided (as per the list of approved occupations)
- the person who will be employed in the nominated occupation has been identified and
- that the terms and conditions of employment will be no less favourable than the terms and conditions that are provided, or would be provided, to an Australian citizen or Australian permanent resident for performing the same work in the sponsor's workplace at the same location.

As a standard business sponsor, there are a number of obligations that you must satisfy, including the obligation to ensure equivalent terms and conditions of employment and the obligation to ensure that the primary sponsored person works in the nominated occupation. More information about the obligations and the sanctions that may be imposed for failing to satisfy them is available on the website.

See: <http://www.immi.gov.au/skilled/skilled-workers/sbs/obligations-employer.htm>

If you are nominating an occupation under a work agreement, you must satisfy the obligations and terms and conditions set out the work agreement. You should refer to the work agreement for further details on what obligations you will need to satisfy.

For further information, please look at our website or call our general enquiry line during business hours.

See: www.immi.gov.au/employers

Telephone: 131 881

If you are outside Australia, please contact your nearest Australian mission.

Nomination application requirements	
Details of the nominated position (not the person being nominated)	
Evidence may include, but is not limited to:	Job title, duty statement and responsibilities
	Qualifications, essential skills, employment experience and registration and/or licensing required to perform the position
	ANZSCO code and job title as per the list of approved occupations effect at time of application lodgement
<p>Notes: If you are nominating an overseas medical practitioner, you should commence the licensing and registration process before lodging your nomination application with the department. If you are nominating an existing subclass 457 visa holder, they may have to undertake a skills assessment in their nominated occupation.</p>	
Evidence that you provide equivalent terms and conditions of employment	
If there are Australian citizens or permanent residents performing equivalent work in the sponsor's workplace at the same location	Appropriate references to or copies of Certified Agreements (CAs)
	Appropriate references to Industrial Award
	Copies of relevant Employment Contracts
If there are no Australian citizens or permanent residents performing equivalent work in the sponsor's workplace at the same location	Appropriate references to or copies of CAs.
	Appropriate references to Industrial awards
	Appropriate references to or copies of Remuneration surveys
	Similar job vacancy advertisements
	Appropriate references to the Australian Government's Job Outlook See: www.joboutlook.gov.au
	Appropriate references to ABS Employee Earnings and Hours Survey See: www.abs.gov.au
Written advice from employer associations and unions	
Identification of the primary person who will work in the nominated occupation	
	Complete Part B of Form 1196N <i>Nominating overseas employees to work temporarily in Australia</i> See: www.immi.gov.au/allforms/application-forms

Identification of all secondary persons who will accompany the primary person to Australia	
	Complete Part C of Form 1196N <i>Nominating overseas employees to work temporarily in Australia</i> See: www.immi.gov.au/allforms/application-forms

This list is not exhaustive and is a guide only. After your application has been lodged evidence may be requested in addition to the documents mentioned above.

Note: If you provide the department with fraudulent documents or claims, it 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.