



**Australian Government**  
**Department of Immigration and Citizenship**

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**Subclass 457 – Business (Long Stay) Visa Program**  
**Nomination Application Checklist – to be used with Form 1196N**  
**(Standard Business Sponsors)**

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. The onus is on you to provide a complete application. The Department of Immigration and Citizenship is not required to request additional information and may make a decision based on information provided in your application.

The Subclass 457 visa program is designed for people who wish 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 stages: sponsorship, **nomination** and visa application.

**Nomination** – the sponsoring employer nominates an occupation in relation to a holder of, or an applicant or proposed applicant for, a Subclass 457 visa. You must complete a nomination form, 1196N, for each occupation and primary applicant.

The nominated occupation must correspond to an occupation specified by the Minister in a legislative instrument. Employers who seek to employ Subclass 457 visa holders in any occupation not specified in the legislative instrument can only do so through a labour agreement.

Several changes have recently been made to the criteria for the approval of a nomination. Among other things, the decision-maker must now be satisfied that the standard business sponsor has identified in the nomination the person who will work in the nominated occupation, 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 equivalent 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>

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

**See:** [www.immi.gov.au/employers](http://www.immi.gov.au/employers)

**Telephone:** 131 881

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

<b>Provide details of the actual nominated position (not the person being nominated)</b>	
<i>Information may include:</i>	Job title, duty statement and responsibilities
	Qualifications, essential skills, employment experience and registrations/licences required to perform the position
<b>Note:</b> If you are nominating an existing 457 visa holder, they may be asked to undertake a skills assessment.	
<b>To meet the requirement that you will provide equivalent terms and conditions of employment</b>	
<i>Evidence may include:</i>	
<ul style="list-style-type: none"> <li><i>If there <u>are</u> Australian Citizens or Permanent residents performing equivalent work in the sponsor's workplace at the same location</i></li> </ul>	Appropriate references to or copies of Certified Agreement (CA)
	Appropriate references to Industrial Award
	Copies of relevant Employment Contracts
<ul style="list-style-type: none"> <li><i>If no Australian citizen or Australian permanent resident performs equivalent work in the sponsor's workplace at the same location</i></li> </ul>	Appropriate references to or copies of CA's from similar workplaces
	Appropriate references to Industrial awards
	Appropriate references to or copies of Remuneration surveys
	Similar job vacancy advertisements
	Appropriate references to Australian Government's Job Outlook <b>See:</b> <a href="http://www.joboutlook.gov.au">www.joboutlook.gov.au</a>
	Appropriate references to ABS Employee Earnings and Hours Survey. <b>See:</b> <a href="http://www.abs.gov.au">www.abs.gov.au</a>
Written advice from employer associations and unions	
<b>To meet the requirement that you have identified in the nomination the primary person who will work in the nominated occupation</b>	
	Complete Form 1196N Part B <b>See:</b> <a href="#">Form 1196N</a>
<b>List on the nomination all secondary persons who will accompany the primary person to Australia</b>	
	Complete Form 1196 Part C <b>See:</b> <a href="#">Form 1196N</a>

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

**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.