



Australian Government
Department of Immigration and Citizenship

Subclass 457 – Business (Long Stay) Visa Program
Sponsorship Application Checklist – to be used with Form 1196S
(Standard Business Sponsorship)

This checklist is designed to help you provide relevant information that will assist the Department of Immigration and Citizenship to process your application for approval as a standard business sponsor. Please ensure that the documents you submit cover your particular circumstances.

Complete applications

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

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

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 processing stages: **sponsorship**, nomination and visa application.

Sponsorship – the employer applies for approval as a standard business sponsor

From 14 September 2009, each business entity may only have one Standard Business Sponsorship approved at any one time.

If you are an existing standard business sponsor immediately before 14 September 2009 you are taken to be an approved sponsor under the new law (and the terms specified in the original approval continue to apply). If you want to vary the terms of the original approval, you will need to apply for approval as a standard business sponsor.

If your approval as a standard business sponsor was given before 14 September 2009 and has now ceased, you will need to again apply for approval as a standard business sponsor.

As a Standard Business Sponsor, there are a number of obligations that you must satisfy. 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

Telephone: 131 881

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

What do prospective sponsors need to provide with their application for approval?

There are a few key requirements for approval as a sponsor:

- You must have **applied in the correct manner**. This means you must have completed the correct form and paid the correct fee
 - If you apply to be a standard business sponsor and you operate a business in Australia, then
 - Complete form 1196S or 1196 (Internet)
See: [Application forms](#)
and
 - Pay the processing fee
See: [Fees & Charges](#)
 - If you apply to be a standard business sponsor and you do not operate a business in Australia, then
 - Complete form 1196S only
 - **See:** [Application forms](#)
 - Pay the processing fee
See: [Fees & Charges](#)
- You must be **lawfully operating a business** in or outside Australia.

To meet the requirement that you are lawfully operating a business (in or outside Australia)	
<i>Evidence to show 'lawfulness of the business' may include:</i>	
• For all entity types:	Australian Business Number (ABN) Registration Certificate
	Business Names Extract (<i>Trading Name/s</i>)
• Additional requirements for Companies:	Australian Securities and Investment Commission (ASIC) Company Extract
	or
	Australian Registered Body Number (ARBN)
• Additional requirements for businesses operating under a Trust Arrangement:	Australian Stock Exchange (ASX) Listing Registration (if applicable)
	Relevant pages of the Trust Deed <i>(Pages listing parties to the trust and the signature page)</i>
• Additional requirements for Franchisees:	Relevant pages of the Franchise Agreement <i>(Pages listing the parties to the agreement and the signature page)</i>

<i>In addition to the above – evidence to show ‘operation of a business’ may include:</i>	
	Business Activity Statements
	Business Tax Returns for the most recently concluded financial year
	Recent Financial Reports (profit and loss statements for the most recently concluded financial year)
	Company Annual Report
	Business bank statements covering period of operation
	Lease Agreements or Property Ownership relating to business premises
	Contracts to provide services or Work Orders
	Detailed Business Plan
	Registration with Industry Associations
	Advertisements/Promotional Information
	Evidence of employment of staff
	Letter of Support from Qualified Accountant (CPA, CA, NIA registered)

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

- If you have traded in Australia for 12 months or more you must **meet any prescribed training benchmarks**.
See: <http://www.comlaw.gov.au/> > FRLI > Compilations-Current > Search for IMMI 09/107.
- if you are lawfully operating a business in Australia — you must **attest, in writing**, that you have a strong record of, or a demonstrated commitment to:
 - employing local labour; and
 - non-discriminatory employment practices.

Notes:

This attestation is part of the Form 1196S or 1196 (Internet) that you will have completed when making a valid application for approval as a sponsor.

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 is a serious offence, with a maximum penalty of 10 years imprisonment or 1,000 penalty units, or both.