



Australian Government

Department of Immigration and Citizenship

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

Sponsorship Application Checklist – to be used with Form 1196S *Sponsoring overseas employees to work temporarily in Australia* and online sponsorship 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 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 to determine if 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 sponsor application because the applicant did not satisfy the sponsorship criteria.

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

Business entities may only have one standard business sponsorship approved at any one time. Standard business sponsorships approved on or after 14 September 2009 are deemed to be valid for a period of three years and are able to vary the terms of their standard business sponsorship at any time during that validity period.

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

Sponsors who were approved under the subclass 457 visa program **prior** to 14 September 2009 are unable to vary the terms of their existing sponsorship, and are therefore required to lodge another standard business sponsorship application for approval once the existing sponsorship expires.

As a standard business sponsor it is also important to note that there are a number of obligations that you must satisfy for the life of the sponsorship approval and, in some instances, until the visa holder and any dependent applicants associated with the main visa holder, depart Australia. More information about the obligations and the sanctions that may be imposed for failing to satisfy them is available.

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.

people our business

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 **apply in the correct manner**. This means you must complete the correct form and pay the correct fee.
 - If you apply to be a standard business sponsor and you operate a business in Australia, then you need to:
 - complete Form 1196S *Sponsoring overseas employees to work temporarily in Australia* (paper based application)
 See: www.immi.gov.au/allforms/application-forms
 or
 - complete an online sponsorship application (e457)
 See: www.immi.gov.au/e visa
 and
 - pay the sponsorship application fee.
 See: www.immi.gov.au/allforms/990i/employer-sponsored-temporary.htm
 - If you apply to be a standard business sponsor and you do not operate a business in Australia, then you need to:
 - complete Form 1196S *Sponsoring overseas employees to work temporarily in Australia* (paper based application) only
 See: www.immi.gov.au/allforms/application-forms
 and
 - pay the sponsorship application fee.
 See: www.immi.gov.au/allforms/990i/employer-sponsored-temporary.htm
- You must be **lawfully operating a business** in or outside Australia, and be able to provide evidence to support this. This list of evidence is not exhaustive and is a guide only:

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

Evidence to show 'operation of a business' may include:	
	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)

After you have lodged your application evidence may be requested in addition to those documents mentioned above.

- If you have traded in Australia for 12 months or more you must **meet any prescribed training benchmarks**.
See: [IMMI 09/107 on ComLaw](#)
- 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.

Note: This attestation is part of the Form 1196S or online sponsorship application (e457) that you will have completed when making a valid application for approval as a standard business sponsor.

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