

Obligations for standard business sponsors – in relation to subclasses 457, 482 and 494 visas

Sponsor obligation (Regulatory)	Conditions
Ensure equivalent terms and conditions of employment	<p>For standard business sponsors:</p> <ul style="list-style-type: none"> the annual earnings of the employee must be at least the same as those stated on the nomination application when the Department approved the application the employment conditions of the employee must not be less favourable than those of an equivalent Australian worker <p>This obligation applies:</p> <ul style="list-style-type: none"> to labour agreement sponsors unless otherwise stated in the labour agreement where the annual earnings of the employee is less than AUD250,000
Cooperate with inspectors from the Australian Border Force and the Fair Work Ombudsman	<p>Inspectors are appointed under the <i>Migration Act 1958</i> to investigate whether:</p> <ul style="list-style-type: none"> sponsorship obligations are being, or have been, complied with an illegal worker has been hired there are other circumstances in which the Department could take administrative action
Pay travel costs	<p>A sponsor must pay reasonable and necessary travel costs to enable the sponsored employee and their sponsored family members leave Australia. Costs include:</p> <ul style="list-style-type: none"> travel from the employee's usual place of residence in Australia to their departure point from Australia travel from Australia to the country for which the employee holds a passport and intends to travel to economy class air travel or reasonable equivalent
Pay costs to locate and remove unlawful non-citizens	<p>If a sponsored employee or any of their sponsored family members becomes an unlawful non-citizen, the sponsor might have to repay the costs incurred by the Commonwealth in relocating and/or removing them from Australia. If required, the sponsor must pay the difference between the actual costs incurred by the Commonwealth (up to a maximum of AUD10,000) less costs that might already been paid under their obligation to pay travel costs to enable sponsored people to leave Australia.</p>
Keep records	<p>The sponsor must keep records to show their compliance with their sponsorship obligations. All records must be kept in a reproducible format and some must be capable of verification by an independent person.</p>
Provide records and information	<p>A sponsor must provide records or information that they are required to keep under Commonwealth, state or territory law or are obliged to keep as a sponsor, if requested by a departmental officer, in the manner and timeframe requested by the Department. The records and information will be used to determine whether:</p> <ul style="list-style-type: none"> a sponsorship obligation is being or has been complied with, and other circumstances in which the Minister might take administrative action exist or have existed
Ensure the visa holder only works in the nominated occupation	<p>Sponsors must ensure that their sponsored employee works only in the occupation they were nominated for. If a sponsor wants a visa holder to work in a different occupation, a new nomination must be lodged. For visa nominations, the employee also need to apply for and be granted a new visa.</p>
Assume all costs	<p>Sponsors must not, or attempt to, transfer or charge costs associated with becoming a sponsor, or lodging a nomination application to another person such as a sponsored visa holder or their sponsored family members.</p>
Not engage in discriminatory recruitment practices	<p>Standard business sponsors who lawfully operate a business in Australia, must not engage in, or have not engaged in, discriminatory recruitment practices that adversely affect Australian citizens, or any other person, based on their visa or citizenship status. Sponsors must keep records to show that in recruiting a visa holder, they did not discriminate on citizenship or visa status.</p>

Attachment 8.6

Sponsor obligation (Nomination requirement)	
Only sponsor workers in occupations found to be in shortage in the Australian labour market	Sponsors must only nominate workers in occupations deemed to be in a skills shortage in the Australian labour market, as listed on the skills occupations lists.
Pay the approved salary	Employers can only sponsor overseas skilled workers where the Australian market salary rate is at or above the Temporary Skilled Migration Income Threshold, which is currently set at \$53,900.
Provide training to Australians and permanent residents (subclass 457 visa), which was replaced by payment of the SAF levy (subclasses 482 and 494 visas)	All approved standard business sponsors must contribute to the training of Australians by paying a Skilling Australians Fund levy at the time of lodging a new nomination application. The SAF levy paid depends on the size of the business and the type and duration of visa.

Sponsor sanctions

- Where a sponsor does not meet their obligations, the Department might impose the following sanction actions:

Sanction action	Penalty
Administrative	<ul style="list-style-type: none"> bar the sponsor from sponsoring additional visa holders for a specified time not approve applications for sponsorship for this or any other visa cancel all existing sponsorship approvals
Enforceable undertaking	<ul style="list-style-type: none"> ask the sponsor to enter into an enforceable undertaking requiring the sponsor to promise, in writing, to undertake to complete certain actions to show that the failures have been rectified and will not happen again
Civil	<ul style="list-style-type: none"> issue an infringement notice of up to AUD1,332 for individuals and AUD6,660 for bodies corporate per obligation breach for a first notice; and AUD2,664 for individuals and AUD13,320 for bodies corporate per obligation breach for subsequent notices apply to a court for a civil penalty order of up to AUD66,000 for a corporation and AUD13,320 for an individual for each failure

- In addition, administrative actions might be taken against a sponsor if:
 - they provide false or misleading information to the Department or the Administrative Appeals Tribunal
 - they no longer satisfy the criteria for approval as a sponsor or for variation of a term of that approval
 - they have been found by a court or competent authority to have contravened a Commonwealth, state or territory law, or
 - a person they sponsored breaks a law relating to the licensing, registration or membership needed to work in the nominated position.

*More information on sponsorship obligations is available on the Department's website at:

<https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/existing-sponsors/standard-business-accredited-obligations#content-index-2>