

Your Sponsorship Obligations As A Standard Business Sponsor

The following table outlines your obligations as a SBS as well as the corresponding Regulation that imposes such obligation under the *Migration Regulations 1994* (Cth).

Obligation	Regulation
<p style="text-align: center;"><u>Notification of events</u></p> <ul style="list-style-type: none"> • You must inform the Department of Home Affairs ('the Department'), in writing, when specific events occur within 28 days. • You can do this by sending an email to sponsor.notifications@abf.gov.au or completing the Notification of Sponsor Changes Form in ImmiAccount. • These events include: <ol style="list-style-type: none"> a. If there are changes to your legal name, trading name, registration details, business structure, business address, etc. b. If the business becomes insolvent, bankrupt, going into liquidation, is no longer a legal entity, etc. c. If the visa applicant no longer works for you or there is a change in their duties, etc. • This obligation commences the day your sponsorship is approved and ceases two years after your sponsorship ends or the Visa Applicant no longer works for you. • It is important to note that the sponsorship obligations are enduring for as long as you have sponsored 457/482/494 visa holders 	<p style="text-align: center;"><u>Regulation 2.84</u></p>

<p>working for the business (regardless of whether the SBS has expired).</p>	
<p><u>Visa Applicant may only work in the nominated occupation</u></p> <ul style="list-style-type: none"> • The Visa Applicant is only able to work in the occupation that, as the sponsor, you nominated them for. • If they want to work in a different occupation, you must lodge a new nomination for that occupation, and they must make a new associated visa application. • This obligation commences the day the Applicant is granted their visa or the day the Applicant begins work. • This obligation ceases on the earlier of the Visa Applicant is nominated by a different sponsor, the Visa Applicant is granted a visa that is not one of a TSS, SESR, bridging visa, criminal justice or enforcement visa, or the Visa Applicant leaves Australia. 	<p><u>Regulation 2.86</u></p>
<p><u>Ensure equivalent terms and conditions of employment</u></p> <ul style="list-style-type: none"> • This means that Visa Applicant’s annual salary is at least what was included in the nomination when the application was approved. • Additionally, the conditions of employment for the Visa Applicant must not be less favourable than an equivalent Australian worker’s. This means that there is a continual onus on the sponsor to ensure that their sponsored workers are paid the market rate. This may increase year upon year so it is important to monitor this if a sponsor is 	<p><u>Regulation 2.79</u></p>

<p>benchmarking salaries against external market rates.</p> <ul style="list-style-type: none"> • It is important to note that this obligation only applies if the Visa Applicant's annual salary is less than \$250,000 AUD. • This obligation ends on the earlier of when the Visa Applicant is granted the visa or when the nomination is approved if their current visa is a TSS, SESR or Temporary Work (Skilled) (subclass 457) visa. 	
<p><u>Do not engage in discriminatory recruitment practices</u></p> <ul style="list-style-type: none"> • You must not engage in discriminatory recruitment practices that have or would negatively affect Australians or any other person based on the visa they hold or their citizenship status. • You should keep records to illustrate that during the recruitment process there was no discrimination. 	<p><u>Regulation 2.87C</u></p>
<p><u>Keep records</u></p> <ul style="list-style-type: none"> • You must keep records that illustrate that you have complied with these sponsorship obligations. • These records must be kept in a format that allows them to be reproduced and verified upon request of the Department or another authority (i.e. Fair Work Inspectors). • This obligation commences the day your sponsorship is approved or when the Visa Applicant begins work. 	<p><u>Regulation 2.82</u></p>

<ul style="list-style-type: none"> • This obligation ceases two years after your sponsorship ends and the Visa Applicant no longer works for you. 	
<p><u>Provide records and information to the Minister</u></p> <ul style="list-style-type: none"> • If a departmental officer requests any records or information, you must provide them. • This obligation commences on the day your sponsorship application is approved and ceases two years after your sponsorship ends and the Visa Applicant no longer works for you. 	<p><u>Regulation 2.83</u></p>
<p><u>Not recover, transfer or take action that would result in another person paying certain costs</u></p> <ul style="list-style-type: none"> • This means that you must bear all costs of becoming a sponsor and nominating the Visa Applicant. 	<p><u>Regulation 2.87</u></p>
<p><u>Pay return travel costs</u></p> <ul style="list-style-type: none"> • You are responsible for paying any reasonable and necessary costs to allow the Visa Applicant and their family leave Australia. • A request for such payment must be written and made by the Visa Applicant or a departmental officer. • These costs must then be paid within 30 days. • This obligation commences the earlier of the Visa Applicant is granted the visa or your nomination is approved. • This obligation ceases on the earlier of the Visa Applicant is nominated 	<p><u>Regulation 2.80</u></p>

<p>by a different sponsor, the Visa Applicant is granted a visa that is not one of a TSS, SESR, bridging visa, criminal justice or enforcement visa, or the Visa Applicant leaves Australia.</p>	
<p><u>Pay any costs incurred by the Commonwealth to locate and remove unlawful non-citizen</u></p> <ul style="list-style-type: none"> • If the visa applicant becomes unlawful you may be responsible to repay to the Commonwealth the costs associated from locating them and removing them from Australia. • This is a maximum of \$10,000 AUD. • This obligation commences on the day the Visa Applicant becomes unlawful. 	<p><u>Regulation 2.81</u></p>
<p><u>Cooperate with inspectors</u></p> <ul style="list-style-type: none"> • You may be required to cooperate with inspectors by providing them access to your business premises, providing documents, etc. • This obligation commences on the day your sponsorship is approved or the day the Visa Applicant begins work. • This obligation ceases five years after your sponsorship ends or the day the Visa Applicant stops working for you. 	<p><u>Regulation 2.78</u></p>