



*Little
Florence Solutions*
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Information Sheet

SPONSOR OBLIGATIONS



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Sponsor obligations for Standard business



Overview:

Sponsorship obligations apply to all sponsors. They are in place to ensure that overseas skilled workers are protected from exploitation, and that the visa programs are being used to meet genuine skills shortages, and not to undercut local labour wages and conditions.

Tell us when certain events occur

Sponsors must notify the Department of any changes in their situation or the sponsored person's circumstances within 28 days upon certain events occur.

Sponsored workers:

Skills in Demand/Temporary Skill Shortage (Subclass 482) visa holders:

- if you terminate the visa holder's employment or they stop working for you
- if you change the visa holder's work hours, duties, or pay

See what else you must let us know and what you can do if there is a change in the situation.

Employer Nomination Scheme (Subclass 186).

If you sponsor a worker for a Regional Sponsored Migration Scheme, let us know if the visa holder:

- doesn't start work for you within 6 months of visa grant
- leave their nominated employment within 2 years of the visa grant

Company changes:

- legal name
- trading name
- registration details
- business structure
- ongoing communication contact
- owners, directors, principals or partners
- business address
- becomes insolvent or is bankrupt
- goes into receivership, liquidation, or administration
- ceases to exist as a legal entity

This obligation starts:

- on the day of the standard business sponsorship approval; or
- the work agreement commences.

This obligation ends:

- when sponsorship or the work agreement ends and
- no longer employ a sponsored visa holder.



Ensure equivalent terms and conditions of employment

If you are a standard business sponsor:

- the annual earnings of the employee must be at least the same as those stated on the nomination application when we approved the application
- the employment conditions of the employee must not be less favourable than those of an equivalent Australian worker

Note, this obligation:

- applies only if the annual earnings of the employee is less than AUD250,000.
- also applies to labour agreement sponsors unless otherwise stated in the labour agreement

This obligation starts the day (whichever is the earliest):

- employee's SID/TSS or SESR visa grant; or
- nomination approval if the employee already holds a SID/TSS or SESR or SC 457 visa.

This obligation ends the day:

- the nominated employee stops working for you; or
- the employee's visa grant is not SID/TSS or SESR, bridging, criminal justice or enforcement visa.



Ensure your employee works only in the nominated occupation

The sponsor must ensure that the sponsored employee works only in the nominated occupation and must have a written contract of employment.

If a visa holder wants to work in a different occupation, lodge a new nomination. The employee under the Skills in Demand (SID)/Temporary Skill Shortage visa (TSS) (subclass 482) or the Skilled Employer Sponsored Regional (Provisional) (SESR) visa (subclass 494), will also need to apply for and be granted a new visa.

This obligation starts:

- on the day of the visa grant; or
- on the day the nomination is approved if the nominee is already working for the sponsor.

This obligation ends on the day (whichever is the earliest):

- the employee has a nomination approved for a different approved sponsor;
- the employee's visa grant is not SID/TSS or SESR, bridging, criminal justice or enforcement visa; or
- the employee leaves Australia and their SID/TSS or SESR visa (or any subsequent bridging visa) is no longer in effect.

Not engage in discriminatory recruitment practices

The sponsor 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.





Assume all costs yourself

You must pay and assume all of the following costs yourself:

- cost of becoming a sponsor
- sponsorship and nomination charges
- migration agent costs associated with sponsorship and nomination applications

You must also pay and assume all costs associated with the recruitment process including:

- recruitment agent fees
- migration agent fees
- advertising
- screening, shortlisting, interviewing and conducting reference checks of candidates
- salaries of recruitment or human resource staff
- outsourcing background checks, police checks, and psychological testing
- responding to queries from potential candidates and advising unsuccessful applicants
- traveling nationally or internationally to interview and/or meet applicants

Note: You must not, or attempt to, transfer or charge these costs to another person such as a sponsored visa holder or their sponsored family members.

This obligation starts:

- on the day we approve your standard business sponsorship;
- or the work agreement starts.

This obligation ends two years after:

- sponsorship or the work agreement ends and
- no longer employ a sponsored visa holder.

Pay travel costs

You must pay reasonable and necessary travel costs to let the sponsored employee and their sponsored family members, leave Australia.

We consider all of these costs to be reasonable and necessary:

- 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

To pay travel costs, a written request for payment must be made by:

- the sponsored employee; or
- The Department of Home Affairs on behalf of the sponsored employee.

Travel costs must be paid within 30 days of receiving the request.

Pay travel costs once only. If, after paying travel costs your employee returns to Australia holding the visa for which you sponsored them, you don't have to pay their travel costs again.

This obligation starts on the day (whichever is earliest):

- we grant the visa; or
- we approve your nomination if the nominee held a SID/TSS or SESR visa on that day.

This obligation ends on the day (whichever is the earliest):

- your employee has a nomination approved for a different approved sponsor;
- we grant your employee a visa that is not a SID/TSS or SESR, bridging, criminal justice or enforcement visa; or
- your employee leaves Australia and their SID/TSS or SESR visa (or any subsequent bridging visa) is no longer in effect.



Pay costs to locate and remove an unlawful non-citizen

If your sponsored employee or any of their sponsored family members becomes an unlawful non-citizen, you might have to repay the costs incurred by the Commonwealth in relocating and/or removing them from Australia.

If required, you must pay the difference between the actual costs incurred by the Commonwealth (up to a maximum of AUD10,000) less costs you might have already paid under your obligation to pay travel costs to enable sponsored people to leave Australia.

This obligation starts on the day:

- your sponsored employee or family member becomes an unlawful non-citizen.

The obligation ends:

- five years after they leave Australia. That is, we might require payment up to five years after your sponsored employee left Australia.

Keep records

The sponsor must keep records to show compliance with the sponsorship obligations. All records must be kept in a reproducible format and some must be capable of verification by an independent person.

- Written requests for payment of travel costs for the employee or their family, including when the request was received.
- How and when you paid the travel costs, how much you paid, and who you paid it to.
- Any event you need to report, including the date, method of notification, and where the notification was provided.
- Tasks performed by the employee in relation to the nominated occupation and where the tasks were performed.
- Earnings paid to the sponsored visa holder (unless the sponsored visa holder earns AUD250,000 or more).
- Money applied or dealt with in any way on behalf of, or as directed by, the employee (unless the sponsored visa holder earns AUD250,000 or more).
- Non-monetary benefits provided to the employee. Record the agreed value and the time at which, or the period over which, those benefits were provided (unless the sponsored visa holder earns AUD250,000 or more).
- If there is an equivalent worker in the workplace, the terms and conditions of the equivalent worker, including the period over which the terms and conditions apply (unless the sponsored visa holder earns AUD250,000 or more).
- Written contract of employment for each employee.
- Compliance with the training obligations (documentation that the business was lawfully operating in Australia when the standard business sponsorship was approved or the terms of the approval as a standard business sponsor were varied).
- The records you need to keep as party to a work agreement, if applicable.

This obligation starts:

- on the day of the sponsorship approval;
- or the day the nominee starts work with the sponsor.

This obligation ends two years after:

- sponsorship or the work agreement ends and
- no longer employ a sponsored visa holder.





Cost of Sponsoring

Application cost:

- Becoming an approved sponsor under the SID/TSS visa program: AUD420
- Nominating a visa applicant for the SID/TSS visa: AUD330
- Nominating a visa applicant for the ENS visa: AUD540 (subject to stream and location)
- Paying the Skilling Australians Fund levy: the amount depends on the business turnover, and in some subclasses, the proposed period of stay of the employee. The levy payments are tax deductible.

Note: DHA won't refund your costs if the application is not successful.

Calculating SAF levy

The amount of SAF levy you must pay depends on the:

- size of the sponsoring business and
- proposed period of stay of the overseas worker in Australia.

Business size	SID/TSS visa	ENS / RSMS and SESR visas
Small (annual turnover less than \$10 million)	AUD1200 per year or part thereof	AUD3000 one-off
Other business (annual turnover of \$10 million or more)	AUD1800 per year or part thereof	AUD5000 one-off

Example: a business with an annual turnover of more than AUD10 million per year that wishes to nominate a SID/TSS worker for a period of 4 years would be liable to pay a levy of AUD7,200 (4 years x AUD1,800).



Getting a refund

Refunds of the levy are only available in the following scenarios:

- We have approved the nomination and visa applications, but the overseas skilled worker (visa holder) does not arrive/commence employment with the employer.
- We have approved the nomination application for the overseas skilled worker, but have refused the associated visa application on health or character grounds.
- An employer withdraws the nomination application because they provided incorrect information (sponsor turnover or proposed employment period) to calculate the SAF levy.
- An employer withdraws the nomination application in the labour agreement stream before they have entered into the labour agreement.
- An employer withdraws a nomination application where we have reached the yearly ceiling or the employer has specified an incorrect occupation.
- A SID/TSS or SESR visa holder leaves the sponsoring employer within the first 12 months of employment where the visa period was for more than 12 months. Refunds will only be available in this scenario for unused full years of the SAF levy.
 - **Note:** This does not apply to ENS or RSMS holders who leave their employer within the first 12 months of employment.
- The SID/TSS or SESR nomination application is withdrawn because a concurrent sponsorship application is refused or withdrawn.
- An employer withdraws the ENS or RSMS or SESR nomination application because they specified the incorrect stream.
- An employer withdraws the ENS TRT nomination application or SESR nomination application because they specified the incorrect occupation.