

Monitoring and Compliance

Australian Business Sponsorship (SBS) Obligations are as follows:

-  You must ensure the terms of employment for the primary visa applicant (your employee) are not less favourable than those provided to an Australian in an equivalent role in the same workplace. The salaries will be determined by Market rates. Refer latest TSMIT on the DIAC website or contact **ISA Group**. This obligation begins when the Nomination is approved or 457 visa granted. This obligation ceases the day the person ceases employment.
-  The employer CANNOT seek or recover from the sponsored person any or part of the costs, including migration agent costs, recruitment costs or sponsorship costs. This is at any time. The primary applicant can pay their own costs for their 457 visa directly to a migration agent. This obligation begins when the Nomination is approved or the 457 visa granted. This obligation ceases when the person has been approved under another SBS or approval of a new visa or the person has left the country or their 457 ceases and their BVB (Bridging Visa B) has ceased.
-  You ensure that the 457 visa holder ONLY works in the position nominated. For a major change in duties, a new nomination is required. You cannot employ foreign independent contractors unless they are in an EXEMPT occupation. This obligation ceases when the person has been approved under another SBS or approval of a new visa or the person has left the country or their 457 ceases and their BVB (Bridging Visa B) has ceased.
-  You must pay the reasonable and necessary travel costs within 30 days of being requested by either DIAC or the visa holders, including the cost of: Travel from usual place of residence to the point of departure; Economy ticket (or cost of) to their passport country or, where more than one, the country of choice. The request must be made in writing, specifying the country of destination for which the person must have a passport and be made whilst the person is on valid 457 visa. This obligation ceases when the person has been approved under another SBS or approval of a new visa or the person has left the country or their 457 visa ceases and their Bridging Visa B (BVB) has ceased. You must pay the location and removal costs incurred in relation to the visa holder(s) between the time they become unlawful and the time they depart Australia to a maximum of A\$10,000. Any return travel costs already paid will be deducted. This cost is an obligation to the sponsor for 5 years after the person leaves Australia, but only begins once the person becomes unlawful.
-  You need to notify DIAC within 10 working days: Change of address/contact details; Cessation of employment of visa holder. This notification can occur in advance; Payment of travel costs to sponsored person; Any changes to training information provided for sponsorship approval/extension; Changes to corporate structure. This obligation begins at the time the sponsorship or work agreement commences and ends when the sponsorship ceases and there are no primary or secondary (family) visa holders in relation to the sponsor.

-  You must keep records in a reproducible format as specified by the Minister; Documents relating to return travel costs including the written request for payment, when it was received and when, how and to whom it was paid. These records must be kept in a way that can be verified by an independent person; Proof of how, when and to whom DIAC was notified of any of the events listed above; The tasks performed by the person as the holder of the visa; The locations at which this work was carried out. This obligation begins at the time the sponsorship or work agreement commences and ends 2 years after the sponsorship ceases and there are no primary or secondary (family) visa holders in relation to the sponsor.
-  You need to provide relevant records to the Minister when requested. These might include any record that is required to be kept under a law of the Commonwealth, State or Territory. This obligation begins at the time the sponsorship or work agreement commences and ends 2 years after the sponsorship ceases and there are no primary or secondary (family) visa holders in relation to the sponsor.
-  You must cooperate with and refrain from hindering or obstructing an inspector carrying out functions under the ACT, including: Inspecting any work, material, machinery, facility; Interviewing any person; Requiring the production of things within a specified period. This obligation begins at the time the sponsorship or work agreement commences and ends 5 years after the sponsor ceases to be a sponsor.

You must NOT employ a person who would be in breach of the immigration laws of Australia as a result of being employed.

-  General Corporate Compliance
 - Comply with its responsibilities under the immigration laws of Australia.
 - Comply with its responsibilities under the industrial, tax, superannuation laws of Australia. This is no longer an obligation under the Migration Act but if other laws are breached, this will seriously impair your ability to become or remain a sponsor.
 - Ensure that a sponsored person holds any license, registration or membership that is mandatory for the performance of work by the person.
 - Ensure that, if it is a term of the approval of the nomination of a position that a sponsored person must be employed in a particular location, the business will notify Immigration of any change in the location which would affect the nomination approval.
 - If a person changes their nominated occupation, a new nomination must be lodged and approved.

Your SBS is valid for 3 years. Your company can sponsor an employee for up to 4 years and extend the visa providing the 457 visa holder still meets the requirements.

Feel free to contact us if you have further questions.

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