



Australian Government

Department of Immigration  
and Citizenship

# Nominating overseas employees to work temporarily in Australia

Form

1196N

Forms are available as PDF files and can be filled in on screen, printed and mailed to the Department of Immigration and Citizenship (the department).

You are also able to apply online through the department's website [www.immi.gov.au/e\\_visa/](http://www.immi.gov.au/e_visa/)

## About this form

Important – Please read this information carefully before you complete your application. Once you have completed your application we strongly advise that you keep a copy for your records.

## Who should use this form?

This form should be used by businesses seeking to nominate a person to work in Australia on a subclass 457 Business (Long Stay) visa for a stay of up to 4 years. A new nomination form 1196N is required for each person you wish to sponsor.

## Integrity of application

The department is committed to maintaining the integrity of its visa and citizenship programs. If you provide us with fraudulent documents or claims, this may result in processing delays and/or your application being refused. Providing false or misleading information, documents or statements to an officer is a serious offence, with a maximum penalty of 10 years imprisonment or 1,000 penalty units, or both.

## Complete applications

The department encourages the lodgement of complete applications. For further information on how to make a complete application, see [www.immi.gov.au](http://www.immi.gov.au)

## Sponsorship arrangements covered by this form

Approval as a **Standard Business Sponsor (SBS)** allows employers to nominate persons to fill skilled positions in their business.

It is important to ensure that nominations and visa applications are lodged well before expiry of the approval as a sponsor. Nominated persons who are granted a visa may stay in Australia for the length of the visa period – the visa does not automatically expire when the SBS expires.

**Labour Agreements (LA)** are formal agreements between the Australian Government and an employer, which have generally been negotiated to meet special labour market circumstances that cannot be covered by the SBS arrangements. The LA provides for the entry of persons to fill skilled positions under the terms and conditions of the LA.

## Work agreement or employment contract disclaimer

If you provided a work agreement or employment contract with your application, then the department only considers this work agreement in relation to determining whether the obligation to ensure equivalent terms and conditions of employment in regulation 2.79 of the Migration Regulations 1994 is satisfied. The department makes no comment on whether the work agreement complies with the relevant laws relating to workplace relations. It is the employer's responsibility to ensure they comply with such laws.

## Nominated person

The nominated person is generally the person who the standard business sponsor nominates to work in the nominated occupation (ie. the primary sponsored person).

## Secondary person(s)

### • Partner

'Partner' means the nominated person's spouse or de facto partner (including same-sex partners).

### • Dependent child (under 18 years of age) of the spouse or de facto partner

A dependent child is the child or step-child of the nominated person, their spouse or de facto partner where the nominated person, their spouse or de facto partner has legal responsibility for the child.

### • Dependent child (aged 18 years and over) and other relatives

Dependent children (aged 18 years and over) and other relatives of the nominated person or their spouse or de facto partner may be considered in the application if:

- they have never married or been in a de facto relationship, are widowed, divorced or separated;
- they rely on the nominated person for financial support for their basic needs;
- the nominated person has supported them for a substantial period;
- they rely on the nominated person more than any other person or source; and
- they are usually resident in the nominated person's household.

Children who were assessed as a member of the family unit of the nominated person for the purposes of a previous subclass 457 visa may be eligible for a further secondary subclass 457 visa if:

- they have not married or entered a de facto relationship since the last subclass 457 visa was granted; and
- they have not yet turned 21 years.

Employers should list all secondary persons who will accompany the nominated person to, or remain in, Australia at Part C *Secondary person(s) details* (Question 53).

## Nominating a current subclass 457 visa holder

If you are nominating a current subclass 457 visa holder, you may only need to lodge a nomination application. The person you are nominating will not need to apply for a new visa unless their current visa is about to expire.

You are encouraged to discuss the application with the person you are proposing to sponsor **prior** to lodgement.

You should request that the nominated person agrees, in writing, to the lodgement of the application.

You are also encouraged to keep the nominated person informed of the progress of the application.

## ANZSCO Dictionary

The ANZSCO Dictionary is the Australian and New Zealand Standard Classification of Occupations, as published by the Australian Bureau of Statistics. For more information see [www.abs.gov.au](http://www.abs.gov.au)

## Occupation Code

An Occupation Code is the code used to identify the occupation as defined by the ANZSCO Dictionary or the code used to identify the occupation as defined in the Labour Agreement.

## Sponsorship Obligations

### Obligation to cooperate with inspectors

The standard business sponsor must cooperate with inspectors appointed under the *Migration Act 1958* in determining whether:

- a sponsorship obligation is being, or has been, complied with; and
- other circumstances, in which the department may take administrative action, exist or have existed (see below).

This obligation starts to apply on the day the standard business sponsorship is approved.

This obligation ends 5 years after the day on which the person ceases to be an approved sponsor.

### Obligation to ensure equivalent terms and conditions of employment

The standard business sponsor must ensure that the terms and conditions of employment provided to a primary sponsored person are no less favourable than the terms and conditions the person provides, or would provide, to an Australian citizen or Australian permanent resident to perform equivalent work in the person's workplace at the same location.

For more information see the department's website [www.immi.gov.au/skilled/](http://www.immi.gov.au/skilled/)

This obligation starts to apply on the day the primary sponsored person is granted a subclass 457 visa, unless he or she already holds a subclass 457 visa in which case the obligation starts to apply on the day the nomination for the primary sponsored person is approved.

This obligation ends on the day the primary sponsored person ceases employment with the sponsor or on the day the primary sponsored person is granted a further substantive visa (other than a subclass 457 visa). If the primary sponsored person is granted another subclass 457 visa in order to continue to work for the sponsor, the obligation continues.

## Obligation to pay travel costs to enable sponsored persons to leave Australia

The standard business sponsor must pay reasonable and necessary travel costs to enable the sponsored persons to leave Australia if the costs have been requested in writing by the department or the sponsored persons, and the costs have not already been paid by the sponsor in accordance with this obligation.

The costs will be considered reasonable and necessary provided they:

- include travel from the primary sponsored person's usual place of residence in Australia to the place of departure from Australia;
- include travel from Australia to the country (for which the person holds a passport) specified in the request to pay travel costs; and
- are paid within 30 days of receiving the request; and
- are for economy class air travel or, where unavailable, a reasonable equivalent.

This obligation starts to apply on the day the primary sponsored person is granted a subclass 457 visa, unless he or she already holds a subclass 457 visa in which case the obligation starts to apply on the day the nomination for the primary sponsored person is approved.

This obligation ends on the day:

- on which a nomination by another sponsor in relation to the primary sponsored person is approved;
- on which the sponsored person is granted a further substantive visa (other than a subclass 457 visa). If the primary sponsored person is granted another subclass 457 visa in order to continue to work for the sponsor, the obligation continues;
- the sponsored person has left Australia and no longer holds a visa.

## Obligation to pay costs incurred by the Commonwealth to locate and remove unlawful non-citizen

The standard business sponsor must pay costs incurred by the Commonwealth in locating and/or removing the primary or secondary sponsored persons from Australia, if the Minister has requested the payment by written notice. The sponsor is liable to pay the Commonwealth the difference between the actual costs incurred by the Commonwealth (up to a maximum of AUD10,000) less any amount already paid under the obligation to pay travel costs to enable sponsored persons to leave Australia (see above).

This obligation starts to apply on the day on which the primary sponsored person or secondary sponsored person becomes an unlawful non-citizen.

This obligation ends 5 years after the sponsored person leaves Australia. However, the sponsor is only liable for costs up to the point the sponsored person leaves Australia.

## Obligation to keep records

The standard business sponsor must keep records of their compliance with the other obligations. All of the records must be reproducible and some must be capable of verification by an independent person. For a complete list of the records that must be kept, including the manner in which the records should be kept, see [www.immi.gov.au/skilled/](http://www.immi.gov.au/skilled/)

This obligation starts to apply on the day the standard business sponsorship is approved.

This obligation ends 2 years after the concurrence of the following 2 events:

- the approved standard business sponsorship ceases; and
- there is no primary or secondary sponsored persons in relation to the sponsorship.

However, no record need be kept for more than 5 years under this obligation.

#### **Obligation to provide records and information to the Minister**

The standard business sponsor must provide records or information that goes to determining whether:

- a sponsorship obligation is being, or has been, complied with; and
- other circumstances, in which the Minister may take administrative action, exist or have existed (see below);

on request and in the manner and timeframe requested by the Minister.

This obligation starts to apply on the day the person is approved as a standard business sponsor.

This obligation ends 2 years after the concurrence of the following 2 events:

- the approved Standard Business Sponsorship ceases; and
- there is no primary or secondary sponsored persons in relation to the sponsorship.

#### **Obligation to provide information to the department when certain events occur**

The standard business sponsor must provide certain information to the department when certain events occur. This information must be provided by registered post or e-mail, to a specified address and within certain timeframes of the event occurring. For a complete list of the information, events and time periods, see [www.immi.gov.au/skilled/](http://www.immi.gov.au/skilled/)

This obligation starts to apply on the day the standard business sponsorship is approved.

This obligation ends 2 years after the concurrence of the following 2 events:

- the standard business sponsorship ceases; and
- there is no primary or secondary sponsored persons in relation to the sponsorship.

#### **Obligation to ensure primary sponsored person works or participates in the nominated occupation, program or activity**

The standard business sponsor must ensure that the primary sponsored person does not work in an occupation other than the occupation that is the subject of the most recent approved nomination for the person. If a sponsor wants to employ a primary sponsored person in a different occupation, the sponsor must lodge a new nomination in respect of that occupation for the primary sponsored person. The standard business sponsor must also ensure that they do not engage the primary sponsored person's services other than as an employee.

This obligation starts to apply on the day the primary sponsored person is granted a subclass 457 visa, unless he or she already holds a subclass 457 visa in which case the obligation starts to apply on the day the sponsor's nomination for the primary sponsored person is approved.

This obligation ends on the day:

- on which a nomination by another sponsor in relation to the primary sponsored person is approved;
- on which the person is granted a further substantive visa (other than a subclass 457 visa). If the primary sponsored person is granted another subclass 457 visa in order to continue to work for the sponsor, the obligation continues;
- the person has left Australia and no longer holds a visa.

#### **Obligation not to recover certain costs from a primary sponsored person or secondary sponsored person**

The standard business sponsor must not recover, or seek to recover, from the primary or secondary sponsored person, all or part of the costs (including migration agent costs):

- that relate specifically to the recruitment of the primary sponsored person;
- associated with becoming or being a sponsor or former approved sponsor.

This obligation starts to apply on the day the sponsor is approved as a sponsor and ends on the concurrence of the following 2 events:

- the approved sponsorship ceases; and
- there is no primary or secondary sponsored persons in relation to the sponsorship.

#### **Sanctions for failing to satisfy sponsorship obligations**

If the standard business sponsor fails to satisfy a sponsorship obligation, the Minister may take one or more of the following actions:

- bar the sponsor, for a specified period, from sponsoring more people under the terms of one or more existing approvals as a sponsor for different kinds of visas;
- bar the sponsor, for a specified period, from making future applications for approval as a sponsor in relation to one or more classes of sponsor;
- cancelling one or all of the sponsor's existing approvals as a sponsor;
- require and take a security;
- enforce a security already taken;
- issue an infringement notice of up to AUD6,600 for a body corporate and AUD1,320 for an individual for each failure; or
- apply to a Court for a civil penalty order of up to AUD33,000 for a corporation and AUD6,600 for an individual for each failure.

#### **Other circumstances in which the Minister may take administrative action**

There are a number of other circumstances (besides failure to satisfy a sponsorship obligation) in which the Minister may take the administrative actions described in the first 3 dot points above:

- provision of false or misleading information to the Department of Immigration and Citizenship or the Migration Review Tribunal;
- the sponsor no longer satisfies the criteria for approval as a standard business sponsor or for variation of that approval;
- the sponsor has been found by a court or competent authority to have contravened a Commonwealth, state or territory law; and
- a primary sponsored person is found to have contravened a law relating to the licensing, registration or membership required in order to work in the nominated occupation.

## Monitoring

If you are approved as a sponsor you must comply with the sponsorship obligations (as outlined above). The department will monitor compliance with the sponsorship obligations and whether associated visa holders are abiding by their visa conditions.

Routine monitoring is conducted from time to time and monitoring may also be initiated based on information provided to the department. This may take place during the approved sponsorship period and for up to 5 years after the sponsorship ceases.

The department conducts monitoring in 3 main ways:

- exchanging information with other Commonwealth, state and territory government agencies, including the Department of Education, Employment and Workplace Relations, the Australian Taxation Office and the Fair Work Ombudsman;
- written requests to the sponsor to provide information in accordance with the obligation to provide records and information;
- site visits, usually to the sponsored business premises, with or without notice.

Monitoring may include investigations being conducted by Commonwealth officers called inspectors. Inspectors have certain investigative powers under the *Migration Act 1958*. Failure to cooperate with inspectors is a failure to satisfy one of the sponsorship obligations and the department may take action against the sponsor. For details on the actions the department may take refer to *Sanctions for failing to satisfy sponsorship obligations* in this form.

All written communication about the department's monitoring requirements will be sent directly to you, unless you have authorised another person, including migration agents, to act and receive information on your behalf. The sponsorship obligations (including the obligations to cooperate and provide information to the department) will remain with you as the sponsor even if you have authorised another person to act and receive information on your behalf.

## Lodgement of this form

Businesses registered and actively engaged in business in Australia should lodge their application online or at an office of the department.

Businesses with no formal operating base in Australia should lodge their application at their nearest Australian mission overseas.

## Charges

Payment of the charge **must** accompany your application.

Payment does not guarantee approval of the application, and is generally not refundable. For SBS applicants, if you nominate one or more positions **before** your application for SBS status has been decided, and your application is subsequently refused, the charge(s) which you have paid in respect of your nomination(s) will be repaid to you.

Fees may be subject to adjustment at any time. Application Charges may be subject to adjustment on 1 July each year. This may increase the cost of an application.

To check the application charge, see form 990i *Charges* available from the department's website

**[www.immi.gov.au/allforms/990i.htm](http://www.immi.gov.au/allforms/990i.htm)** or check with the nearest office of the department.

## Method of payment

### In Australia

To make a payment, please pay by credit card, debit card, bank cheque or money order made payable to the Department of Immigration and Citizenship. Debit card and credit card are the preferred methods of payment.

### Outside Australia

Before making a payment outside Australia, please check with the Australian Government office where you intend to lodge your application as to what methods of payment and currencies they can accept and to whom the payment should be made payable.

## How to fill in this form

Use a black or blue pen, and write neatly in English using BLOCK LETTERS.

If you need more space to answer questions or wish to provide additional relevant information, attach a signed and dated sheet with these details.

Any alterations made before you lodge the form must be dated and initialled.

**All questions must be fully answered.**

## What happens next?

Your application will be considered and you may be asked to provide additional information to enable a decision to be made.

You will be advised in writing whether or not your application has been approved. If your application has not been approved, you will be given a reason for the decision as well as information about your review rights.

If you are approved as a sponsor and your nominated activity is also approved, you should provide a copy of the approval letter to the person you have nominated to fill the position. You should also provide the person with a job description or duty statement, an outline of the skills required, including any licensing/registration or professional membership requirements, and a letter of employment or contract of service setting out the salary, base rate of pay, Guaranteed Earnings, total package, any other payments and the terms and conditions of employment.

The nominated person and any secondary persons may lodge the visa application at the same time as, or subsequent to, the approval of the nomination.



## About the information you give

The department is authorised to collect information provided on this form under Part 2 of the *Migration Act 1958* 'Control of Arrival and Presence of Non-Citizens'. Information provided will be used for assessing your application, and for other purposes relating to the administration of the Migration Act.

To ensure the integrity of the subclass 457 visa program, the department has a thorough monitoring process to assist in ensuring compliance with all program requirements and all relevant Australian laws.

The department will disclose your information to other Commonwealth, state and territory government departments and agencies for the purposes of administering migration legislation, and when it may assist another agency to perform a regulatory function. These departments and agencies include the Fair Work Ombudsman, Department of Education, Employment and Workplace Relations, Australian Taxation Office and Commonwealth, state and territory departments and agencies responsible for health, workplace safety, public safety, industrial relations, law enforcement, taxation, superannuation, fair trading and trade practices legislation.

The collection, access, storage, use and disclosure by the department of the information you provide in this form is governed by the *Privacy Act 1988* and, in particular, by the 11 Information Privacy Principles. The information form 993i *Safeguarding your personal information*, available from the department's offices, gives details of agencies to which your personal information will be disclosed. Form 993i is also available from the department's website

[www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

## Options for receiving written communications

You may authorise another person to receive all communications, both written and electronic, about your application with the department. You will be taken to have received any documents sent to that person as if they had been sent to you.

To do this you will need to complete Part E *Options for receiving written communications* and form 956 *Appointment of a migration agent or exempt agent or other authorised recipient*. For an explanation of what a migration agent or exempt agent or authorised recipient can do please read the sections below.

To change or end the appointment of your migration agent or exempt agent or authorised recipient you must promptly advise the department in writing. You can do this by using form 956 *Appointment of a migration agent or exempt agent or other authorised recipient*.

## Authorised recipient information

An authorised recipient is someone you appoint to receive written communications about your application with the department.

All written communication about your application will be sent to your authorised recipient, unless you indicate that you wish to have health and/or character information sent directly to you.

The department will communicate with the most recently appointed authorised recipient as you may only appoint one authorised recipient at any time for a particular application.

## Migration agent information

A migration agent is someone who can:

- advise you on the visa that may best suit you;
- tell you the documents you need to submit with your application;
- help you fill in the application and submit it; and
- communicate with the department on your behalf.

If you appoint a migration agent, the department will assume that your migration agent will be your authorised recipient, unless you indicate otherwise.

Your migration agent will be the person with whom the department will discuss your application and from whom it will seek further information when required.

You are not required to use a migration agent. However, if you use a migration agent, the department encourages you to use a registered migration agent. Registered agents are bound by the Migration Agents Code of Conduct, which requires them to act professionally in their clients' lawful best interests.

## Immigration assistance

A person gives immigration assistance to you if he or she uses, or claims to use, his or her knowledge or experience in migration procedure to assist you with your visa application, request for ministerial intervention, cancellation review application, sponsorship or nomination.

In Australia a person may only lawfully give immigration assistance if he or she is a registered migration agent or is exempt from being registered. Only registered migration agents may receive a fee or reward for providing immigration assistance.

If an unregistered person in Australia, who is not exempt from registration, gives you immigration assistance they are committing a criminal offence and may be prosecuted.

## Migration agents in Australia

Migration agents in Australia must be registered with the Office of the Migration Agents Registration Authority (Office of the MARA) unless they are exempt from registration.

## Migration agents outside Australia

Migration agents who operate outside Australia do not have to be registered. The department may give some overseas agents an ID number. This number does not mean that they are registered.

**Note:** Some Australian registered migration agents operate overseas.

## Exempt agents

The following people do not have to be a registered migration agent in order to provide immigration assistance, but they must not charge a fee for their service:

- a close family member (partner, child, parent, brother or sister);
- a sponsor or nominator for this visa application;
- a member of parliament or their staff;
- an official whose duties include providing immigration assistance (eg. a Legal Aid provider);
- a member of a diplomatic mission, consular post or international organisation.

**'Partner'** means your spouse or de facto partner (including same-sex partners).

**Further information on migration agents**

Information on migration agents, including a list of registered migration agents, is available on the Office of the MARA website [www.mara.gov.au](http://www.mara.gov.au)

You can also access information about migration agents on the department’s website [\*\*www.immi.gov.au\*\*](http://www.immi.gov.au)

**Consent to communicate electronically**

The department may use a range of methods to communicate with you. Electronic means such as fax or e-mail will only be used if you indicate your agreement to receiving communication in this way. The department may also contact people by mail, telephone or in person. However, if you have an e-mail address, this may speed up communication.

To process your application the department may need to communicate with you about sensitive information, for example, health, police checks, financial viability and personal relationships. Electronic communications, unless adequately encrypted, are not secure and may be viewed by others or interfered with. If you agree to the department communicating with you by electronic means, the details you provide will only be used by the department for the purpose for which you have provided them, unless there is a legal obligation or necessity to use them for another purpose, or you have consented to use for another purpose. They will not be added to any mailing list without your consent.

The Australian Government accepts no responsibility for the security or integrity of any information sent to the department over the internet or by other electronic means.

<i>Home page</i>	<b><a href="http://www.immi.gov.au">www.immi.gov.au</a></b>
<i>General enquiry line</i>	Telephone <b>131 881</b> during business hours in Australia to speak to an operator (recorded information available outside these hours). If you are outside Australia, please contact your nearest Australian mission.



# Nominating overseas employees to work temporarily in Australia

Form  
**1196N**

Please use a pen, and write neatly in English using BLOCK LETTERS.

Tick where applicable ☒

- 1** Are you:
- an approved Standard Business Sponsor, OR
  - party to an approved Labour Agreement (LA), OR
  - have you lodged an application for approval as a Standard Business Sponsor?

No ☐ Complete a form 1196S *Sponsoring overseas employees to work temporarily in Australia*

Yes ☐

- 2** Indicate the type, the date and the number of the sponsorship or agreement as applicable

Labour Agreement (LA) ☐

Invest Australia Supported Skills (IASS) agreement ☐

Standard Business Sponsorship (SBS) ☐

Date of sponsorship approval, or date of LA or IASS agreement

DAY MONTH YEAR  
/ /

Approval or agreement number

- 3** What is the legal name of the business, organisation or company?  
**Note:** If the business or organisation is a trust the legal name should be recorded in the following format '(Name of the Trustee) As Trustee For (Name of the Trust)'.

  

**Note:** All references to 'the business' in this form are made in relation to the person or entity indicated in this question.

- 4** What is the registered business name or trading name under which you operate? *(if different from legal name at Question 3)*

  

- 5** Australian Business Number (ABN)

- 6** Australian Company Number (ACN) *(if applicable)*

- 7** Client ID (provided by the department) *(if applicable)*

- 8** Australian Registered Body Number (ARBN) *(if applicable)*

- 9** Australian Stock Exchange Code (ASX Code) *(if applicable)*

- 10** Street address of the business *(where the business is physically located)*  
**Note:** Cannot be care of a migration agent, authorised person, or exempt agents

  
  
 POSTCODE

- 11** Postal address of the business  
*(If same as street address, write 'AS ABOVE')*  
**Note:** Cannot be care of a migration agent, authorised person, or exempt agents

  
  
 POSTCODE

- 12** Contact officer for enquiries

**Note:** This person is different to any authorised recipient, migration agent or exempt agent *(if applicable)*

Office hours telephone

 (AREA CODE )

E-mail address

## Part A – Nomination details

A new nomination application is required for each person you seek to sponsor. Additional forms are available from the department's website [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

### Details of the position to be filled

**Note:** If nominating under a Labour Agreement, the name of the occupation must match one of the occupations approved in the agreement.

- 13** Name of the occupation as it appears in the ANZSCO Dictionary or Labour Agreement

- 14** Occupation Code as it appears in the ANZSCO Dictionary or Labour Agreement

**15** Street address where the primary person will be employed

POSTCODE

**16** Is this position full-time?

No ☐

Yes ☐

**17** How many hours per week will the nominated person work?

*Terms and conditions that apply to your current employees*

**18** Do you already have an Australian employee(s) in your workplace doing the same work as the nominated person?

No ☐ ► Go to Question 21

Yes ☐

**19** What terms and conditions of employment apply to your Australian employee(s)?

Collective/  
Enterprise  
agreement
☐ ►

Name/reference  
Classification/level

Award  
(including  
Modern  
Award)
☐ ►

Name/reference  
Classification/level

Individual  
arrangement
☐ ►

Provide details and attach relevant  
documentation (eg. employment contract, AWA,  
above award agreement)

Other
☐ ►

Provide details and attach relevant  
documentation

**20** Will the terms and conditions of employment of your Australian employee(s) apply to the nominated person?

No ☐ ► Explain and provide evidence of how the terms and conditions that will apply to the nominated person are at least as favourable as those that apply to the Australian employee(s) doing the same work in your workplace.

Yes ☐ ► Go to Question 22

**21** If there are no equivalent Australian workers, explain what process you followed to determine the terms and conditions of employment that will apply to the nominated person.

Provide further information and evidence



*Terms and conditions of employment that will apply to the nominated person*

22 Base rate of pay (per annum)

**Note:** The base rate of pay is the rate of pay payable to the employee for his or her ordinary hours of work, but not including any of the following:

- superannuation;
- incentive-based payments and bonuses;
- loadings;
- monetary allowances;
- overtime or penalty rates;
- any other separately identifiable amounts.

23 Guaranteed annual earnings

**Note:** Guaranteed Annual Earnings include:

- the person's wages;
- amounts applied or dealt with in any way on the person's behalf or as the person directs;
- the agreed money value of non-monetary benefits

but do not include:

- contributions to a superannuation fund;
- payments the amount of which cannot be determined in advance;
- reimbursements.

**Note:** Non-monetary benefits are benefits other than an entitlement to a payment of money to which the employee is entitled in return for the performance of work and for which a reasonable money value has been agreed by the employee and the employer.

Base rate of pay and guaranteed annual earnings may be the same amount.

24 Will you make any deductions from these earnings apart from tax?

No ☐

Yes ☐ Give details including amounts and purpose of deductions


25 Explain how the base rate of pay and guaranteed annual earnings were determined for the nominated person


26 How often will the nominated person be paid?

Weekly ☐

Fortnightly ☐

Monthly ☐

Other ☐

Give details


**Note:** The standard business sponsor must keep records of payments to visa holders that are capable of verification by an independent person.

27 How will the nominated person be paid?

Cash ☐

Bank deposit ☐

Cheque ☐

28 Terms and conditions of employment

Attach a copy of the common law contract, Certified Agreement or Enterprise Agreement, or state the industrial instrument that will apply to the nominated person


29 If a migration agent has been involved with this application, has the sponsoring employer agreed to pay or paid the migration agent's fee?

No ☐

Yes ☐

Not applicable ☐

30 Has the nominated person agreed to pay or paid the employer or the employer's agent any amount of money to obtain a visa, for their recruitment or for any other purpose?

No ☐

Yes ☐ Give details


31 Will the business be paying the nominated person's salary?

No ☐ Give details

Yes ☐


**32** Is the position listed in Question 13 in your business or with an entity associated with your business?

Neither ☐

In the business ☐

With an associated entity ☐ Give details about the relationship


**33** Describe the position to be undertaken, including responsibilities and main duties *(If insufficient space attach additional details)*

Responsibilities


Main tasks


Other information about the position


**34** Describe the qualifications, essential skills, employment experience and registrations/licenses required to perform the position in Question 13.

*(If insufficient space attach additional details)*

Qualifications


Essential skills (including English language skills)


Employment experience (include number of years skilled experience required)


Registration/Licensing/Professional membership requirements *(if applicable)*


**35** What is the proposed period of employment?

YEARS	MONTHS
-------	--------

**36** Is this an intra-company transfer?

*(An intra-company transfer involves a transfer of an employee from one office of a Business to another office of the same Business in Australia)*

No ☐

Yes ☐ ► Provide information on the nature of the transfer

[illegible]

### ***Part B – Nominated person's details***

**37** Is the nominated person currently the holder of a subclass 457 visa?

No ☐  Go to Question 39

Yes ☐ Visa number

**38** Is the nominated person: changing employer ☐  
(Tick all that apply) ☐

already employed in your business ☐

changing occupation ☐

**39** Nominated person's full name

Family name	
-------------	--

Given names	
-------------	--

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	DAY	MONTH	YEAR
<b>40</b> Date of birth	/	/	

**41** Has the nominated person been known by any other names?  
(including name at birth, previous married names, aliases)

No ☐

Yes ☐ Give details

Family name

Given names	
-------------	--

*If they have been known by other names, attach a page giving the names*

**42** Sex    Male ☐    Female ☐

**43** Place of birth

Town/city	
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Country 

**44** Current residential address

POSTCODE

**45** Address for correspondence  
(If the same as residential address, write 'AS ABOVE')

POSTCODE

## 46 Telephone numbers

Office hours (AREA CODE )

After hours (AREA CODE )

Mobile/cell	
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- 47 Does the nominated person agree to the department communicating with them by fax, e-mail or other electronic means?

No ☐

Yes ☐ ► Give details

Fax number

E-mail address

- 48 Citizenship of nominated person

- 49 Does the nominated person hold any other citizenship?

Not known ☐

No ☐

Yes ☐ ► Provide country of citizenship

- 50 Does the nominated person hold an identity card or identity number issued by their government (if applicable) eg. National identity card?

**Note:** If they are the holder of multiple identity numbers because they are a citizen of more than one country, enter the identity number on the card from the country that they live in.

Not known ☐

No ☐

Yes ☐ ► Give details

Identity number

Country of issue

- 51 Details of nominated person's valid passport

Passport number

Country of passport

Date of issue

Date of expiry

Issuing authority/  
Place of issue as  
shown in passport

- 52 Will the nominated person be accompanied by any secondary persons?

Not known ☐ ► Go to Part D

No ☐

Yes ☐ ► Go to Part C

## Part C – Secondary person(s) details

- 53 Give details of all secondary persons who will accompany the nominated person to Australia.

*If there are more than 4 secondary persons, attach additional details*

1. Family name

Given names

Have they been known by any other names?

*(including name at birth, previous married names, aliases)*

Not known ☐

No ☐

Yes ☐ ► Give details

Family name

Given names

*If they have been known by other names,  
attach a page giving the names*

Sex Male ☐ Female ☐

Date of birth

Relationship to the  
nominated person

Citizenship

Details from passport

Passport number

Country of  
passport

Date of issue

Date of expiry

Issuing authority/  
Place of issue as  
shown in passport

Does the secondary person hold an identity card or identity number issued by their government (if applicable) eg. National identity card?

**Note:** If they are the holder of multiple identity numbers because they are a citizen of more than one country, enter the identity number on the card from the country that they live in.

Not known ☐

No ☐

Yes ☐ ► Give details

Identity number

Country of issue

2. Family name

Given names

Have they been known by any other names?  
(including name at birth, previous married names, aliases)

Not known ☐

No ☐

Yes ☐ ► Give details

Family name

Given names

*If they have been known by other names,  
attach a page giving the names*

Sex Male ☐ Female ☐

Date of birth

Relationship to the nominated person

Citizenship

Details from passport

Passport number

Country of passport

Date of issue

Date of expiry

Issuing authority/  
Place of issue as  
shown in passport

Does the secondary person hold an identity card or identity number  
issued by their government (if applicable) eg. National identity  
card?

**Note:** If they are the holder of multiple identity numbers because  
they are a citizen of more than one country, enter the identity  
number on the card from the country that they live in.

Not known ☐

No ☐

Yes ☐ ► Give details

Identity number

Country of issue

3. Family name

Given names

Have they been known by any other names?  
(including name at birth, previous married names, aliases)

Not known ☐

No ☐

Yes ☐ ► Give details

Family name

Given names

*If they have been known by other names,  
attach a page giving the names*

Sex Male ☐ Female ☐

Date of birth

Relationship to the nominated person

Citizenship

Details from passport

Passport number

Country of passport

Date of issue

Date of expiry

Issuing authority/  
Place of issue as  
shown in passport

Does the secondary person hold an identity card or identity number  
issued by their government (if applicable) eg. National identity  
card?

**Note:** If they are the holder of multiple identity numbers because  
they are a citizen of more than one country, enter the identity  
number on the card from the country that they live in.

Not known ☐

No ☐

Yes ☐ ► Give details

Identity number

Country of issue



4. Family name   
Given names

Have they been known by any other names?  
(including name at birth, previous married names, aliases)

Not known ☐

No ☐

Yes ☐ ► Give details

Family name

Given names

*If they have been known by other names,  
attach a page giving the names*

Sex Male ☐ Female ☐

Date of birth DAY MONTH YEAR  
/ /

Relationship to the  
nominated person

Citizenship

Details from passport

Passport number

Country of  
passport

Date of issue DAY MONTH YEAR  
/ /

Date of expiry / /

Issuing authority/  
Place of issue as  
shown in passport

Does the secondary person hold an identity card or identity number  
issued by their government (if applicable) eg. National identity  
card?

**Note:** If they are the holder of multiple identity numbers because  
they are a citizen of more than one country, enter the identity  
number on the card from the country that they live in.

Not known ☐

No ☐

Yes ☐ ► Give details

Identity number

Country of issue

*If there are more than 4 secondary persons, attach additional details*

## Part D – Assistance with this form

54 Did you receive assistance in completing this form?

No ☐ ► Go to Part E

Yes ☐ ► Please give details of the person who assisted you

Title: Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other

Family name

Given names

Address

<input type="text"/>
<input type="text"/>
<input type="text"/>
POSTCODE

Telephone number or daytime contact

Office hours COUNTRY CODE AREA CODE NUMBER  
( ) ( )

Mobile/cell

E-mail address

55 Is the person or agent registered with the Office of the Migration  
Agents Registration Authority (Office of the MARA)?

No ☐

Yes ☐ ► Go to Part E

56 Is the person/agent in Australia?

No ☐ ► Go to Part E

Yes ☐

57 Did you pay the person/agent and/or give a gift for this assistance?

No ☐

Yes ☐

## Part E – Options for receiving written communications

58 All written communications about this application should be sent to:  
(Tick one box only)

Myself ☐ ►

OR

Authorised  
recipient ☐ ►

OR

Migration agent ☐ ►

OR

Agent exempt  
from registration ☐ ►

All written communications will be sent to  
the address for communications that you  
have provided in this form.

You must complete form 956 *Appointment  
of a migration agent or exempt agent or other  
authorised recipient* and attach it to this  
application form. Form 956 is available from  
the department's website  
**www.immi.gov.au**

## Part F – Employer's declaration

59 I certify that:

- the tasks of the position include a significant majority of the tasks of the nominated occupation at Question 13, as listed in the ANZSCO Dictionary or Labour Agreement.
- the qualifications and experience of the person identified at Question 39, in relation to the nominated occupation at Question 13, are commensurate with the qualifications and experience specified for the occupation in the ANZSCO Dictionary.

**Note:** You should request that the nominated person agrees, in writing, to the lodgement of the application.

I declare that the details provided on this form are correct.

Signature of  
authorised  
officer\*

Date DAY MONTH YEAR  
/ /

Full name (block letters)

Position in the business or authority to sign on behalf of the business

Office hours telephone

(AREA CODE )

E-mail address

\* Form must be signed by someone with legal authority to act on behalf of the business.

## Part G – Payment details

60 How will you pay the charge for this application?

Current charges are detailed on form 990i *Charges*, available from the department's website [www.immi.gov.au/allforms/990i.htm](http://www.immi.gov.au/allforms/990i.htm)

Payment of the charge **must** accompany your application. Payment does not guarantee approval of the application, and is not refundable.

If applying **in Australia**, debit card or credit card are the preferred methods of payment. Debit cards cannot be used for applications lodged by mail. If paying by bank cheque or money order please make payable to the Department of Immigration and Citizenship.

If applying **outside Australia**, please check with the Australian Government office where you intend to lodge your application as to what methods of payment and currencies they can accept and to whom the payment should be made payable.

Bank cheque ☐

Money order ☐

Debit card ☐ Cannot be used for applications lodged by mail

Credit card ☐ Give details below

Payment by (tick one box)

Australian Dollars

MasterCard <input type="checkbox"/>	Diners Club <input type="checkbox"/>	<input type="text" value="AUD"/>
American Express <input type="checkbox"/>	JCB <input type="checkbox"/>	
Visa <input type="checkbox"/>		

Credit card number

Expiry date MONTH YEAR  
: / :

Cardholder's name

Telephone number COUNTRY CODE AREA CODE NUMBER  
( ) ( )

Address

  
  

Signature of  
cardholder

Credit card information will be used for charge paying purposes only.

## Part H – Nominator's declaration

### 61 Only answer this question if you are a party to a Labour Agreement or Invest Australia Supported Skills agreement.

By consenting to sponsor nominated or secondary persons, either by listing them on this form or by subsequently notifying the department of consent to sponsor other nominated or secondary persons in writing, the business is bound by the sponsorship obligations in relation to those persons to the extent that they are reflected in the agreement.

*I declare that the business will meet the sponsorship obligations to the extent they are reflected in the agreement with respect to all nominated and secondary persons the business consents to sponsor in writing.*

No ☐ ☐ Please complete Question 62  
Yes ☐

### 62 **WARNING:** Giving false or misleading information is a serious offence.

**Note:** If this form is not signed, the processing of the application will be delayed until the form is signed.

*I declare that the details provided on this form are correct*

**Signature of  
authorised  
officer\***

DAY MONTH YEAR  
Date / /

Full name (*block letters*)

Position in the business (authority to sign on behalf of the business)

Office hours telephone

(AREA CODE )

E-mail address

\* Form must be signed by someone with legal authority to act on behalf of the business.

We strongly advise that you keep a copy of your application and all attachments for your records.