

SC407

UPDATED AUG 2017

SPONSORSHIP CHECKLIST AND OBLIGATIONS

CHECKLIST

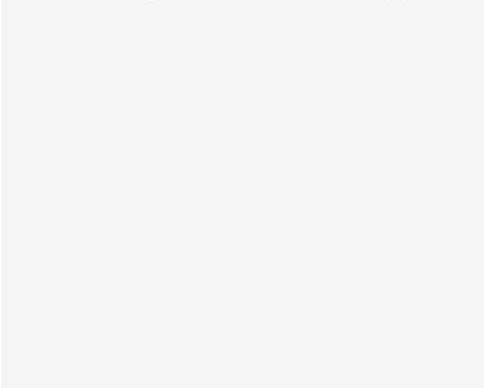
Provide these documents only if your business has been operating less than 12 months or the business employs less than 20 full-time staff.

- Evidence of active operation and ability to comply with sponsorship undertakings, such as:
 - detailed business plan
 - organisation structure
 - contract of sale relating to the purchase of the business
 - lease agreement relating to the business premises
 - contracts to provide services
 - evidence of employment of staff
 - Business Activity Statements for each complete quarter from commencement of operations to date of lodgement
 - business banking statements covering the period of operation.

Ability to comply with obligations

- Documents to demonstrate that you satisfy sponsorship/support requirements:
 - bank statements (provide at least six months' worth of your most recent bank statements)
 - tax returns for the most recently concluded year
 - profit and loss statements and balance sheets for the most recently concluded financial year
 - a letter of support from a qualified accountant (CPA, CA, Institute of Public Accountants (IPA) registered), or reputable financial institution that clearly summarises the organisation's ability to meet its financial responsibilities.

Generally, temporary activities sponsorships will be approved for a period of five years commencing from the date of approval.



OBLIGATIONS

SPONSORSHIP OBLIGATIONS - SUBCLASS 407 VISA

Sponsorship obligations include:

- **cooperate with inspectors** – an approved sponsor is obligated to cooperate with an appointed inspector. This obligation extends to any employee of an approved sponsor acting with actual or apparent authority.
- **pay costs incurred by the Commonwealth to locate and remove unlawful non-citizen** – an approved sponsor is required to pay costs incurred by the Commonwealth in locating and/or removing an unlawful non-citizen who was a sponsored person if requested. It applies to a person who is or was an approved sponsor.
- **keep records** – an approved sponsor is required keep specified records to demonstrate compliance with the sponsorship obligations. It applies to a person who is or was an approved sponsor. All of the records must be kept in a reproducible format. No record needs to be kept for more than five years.
- **provide records and information to the Minister** – an approved sponsor must provide certain records and information to the Minister (or a delegated officer) in specified circumstances. It applies to a person who is or was an approved sponsor.
- **provide information to this Department when certain events occur** – an approved sponsor must provide information to the Department when certain events occur. It applies to a person who is or was an approved sponsor.
- **secure an offer of a reasonable standard of accommodation** – an approved sponsor must secure one or more offers of accommodation for sponsored persons (granted the visa in relation to a volunteer role) that:
 - will provide for a reasonable standard of accommodation and
 - will ensure that the sponsored person has accommodation while the sponsored person is in Australia.
- **ensure primary sponsored person works or participates in nominated occupation, programme or activity** – an approved sponsor is required to ensure that the sponsored person does not work in an occupation, programme or activity other than that for which a nomination has been approved in relation to the sponsored person.
- **not recover, transfer or take actions that would result in another person paying for certain costs** – the sponsor is solely responsible for certain costs.

REMUNERATION

Unless they are undertaking a volunteer position, occupational trainees must be paid in accordance with Australia's industrial relation laws. A copy of the training contract or agreement, detailing their remuneration, must be included with the nomination.

You must provide evidence of a direct employment arrangement, unless an exemption applies.

If the nominee will not be paid, the sponsoring organisation and the nominee should complete the [Acknowledgement of unpaid placement forms](#),

NOMINATION TYPES

Nomination requirements differ depending on the purpose or type of training that the visa applicant will be doing in Australia.

There are three types of occupational training (nomination eligibility types) covered by this visa:

- [workplace-based training required for registration](#)
- [structured workplace-based training to enhance skills in an eligible occupation](#)
- [training which promotes capacity building overseas](#). (this type includes the following categories:
 - overseas qualification
 - government support
 - professional development.

The nominee must have [functional English language skills](#) to undertake the occupational training and understand workplace health and safety procedures

NOMINATION TYPE 1 - OCCUPATIONAL TRAINING FOR REGISTRATION

Occupational training required for registration etc.

(2) This subregulation applies if the Minister is satisfied that:

- (a) the occupational training is necessary for the nominee to obtain registration, membership or licensing [in Australia](#), or in the home country of the nominee, in relation to the occupation of the nominee; and
- (b) the registration, membership or licensing is required in order for the nominee to be employed in the occupation of the nominee [in Australia](#), or in the home country of the nominee; and
- (c) the duration of the occupational training is necessary for the nominee to obtain registration, membership or licensing [in Australia](#), or in the home country of the nominee, in relation to the occupation of the nominee, taking into account the prior experience of the nominee; and
- (d) the occupational training is workplace based; and

(e) the nominee has appropriate qualifications and experience to undertake the occupational training.

Duration of the training programme

Registration requirements usually specify the length of training or practical experience that is necessary to obtain the registration. Only training for an appropriate period of time to meet the registration requirement should be approved. For example, a pharmacist required to undertake a period of 12 months practical experience to obtain registration should only be granted an occupational trainee visa for 12 months training.

An appropriate length of training can be determined by reviewing the details of the registration requirements for the occupation on the internet or by contacting the relevant regulatory body.

When assessing whether the training duration is appropriate, officers should also consider the prior experience of the nominee. For example, if the trainee requires 12 months of practical experience to obtain registration and has already completed 6 months relevant experience, they should only be approved for 6 months training. If officers are unsure on the relevance of the nominee's prior experience for registration purposes they should contact the regulatory body for further information.

Note: officers may use their discretion to grant a period of stay of up to 2 months longer than the training programme to allow the visa holder to finalise registration, leave Australia and/or apply for another visa, if the circumstances suggest this is appropriate.

NOMINATION TYPE 2 - OCCUPATIONAL TRAINING TO ENHANCE SKILLS

(3) This subregulation applies if the Minister is satisfied that:

- (a) the occupational training is:
 - (i) a structured workplace training program; and
 - (ii) specifically tailored to the training needs of the nominee; and
 - (iii) of a duration that meets the specific training needs of the nominee; and

- (b) the occupational training is in relation to an occupation specified, with its corresponding 6-digit code, by the Minister in a [legislative instrument](#) made for the purposes of this paragraph.
- (ba) the occupation is applicable to the nominee in accordance with the specification of the occupation; and
- (c) the nominee has the equivalent of at least 12 months of full-time experience/study in the occupation to which the occupational training relates in the 24 months immediately preceding the time of the nomination.

Officers must be satisfied that the training is compatibly related to an eligible occupation and that the training programme matches the identified occupation. For example, occupational trainees nominated for the occupation of a Hotel or Motel Manager (ANZSCO 141311) may undertake a training programme that involves, if relevant to the enhancement of the trainee's skills in the nominated occupation, some tasks relating to the occupation of a Bar Attendant (ANZSCO 431111), however the majority of duties and tasks should reflect that of a Hotel or Motel Manager.

NOMINATION TYPE 3 - OCCUPATIONAL TRAINING FOR CAPACITY BUILDING OVERSEAS

Occupational training for capacity building overseas - overseas qualification

- (4)** This subregulation applies if the Minister is satisfied that:
 - (a) the nominee is required to complete a period of no more than 6 months of practical experience, research or observation to obtain a qualification from a foreign educational institution; and
 - (b) the occupational training is a structured workplace-based training program specifically tailored to the training needs of the nominee.

This nomination type subcategory enables students who are currently enrolled in a foreign educational institution and who are required to complete a period of practical training, research or observation (or any combination thereof) to obtain their qualification, the opportunity to undertake up to 6 months in Australia for this purpose.

The sponsor should submit, with the nomination, a letter from the educational provider in the home country advising that the practical experience, research or observation is a requirement of the nomination person's course. This letter is sufficient evidence to satisfy [2.72B\(4\)](#) if the letter

matches the educational details of the nominee's curriculum vitae (CV) and if the training does not exceed 6 months.

The occupational training must be a structured workplace-based training programme specifically tailored to the training needs of the nominee. Refer to Workplace-based training ([2.72B\(2\)](#) to (5))

Note:

- 1) A student who wishes to undertake workplace-based training that is not a formal requirement of their tertiary qualification is ineligible for nomination type 3 but may be eligible under type 2 if the training is in an eligible occupation - refer to [Nomination type 2 - Occupational training to enhance skills](#).

Occupational training for capacity building overseas - professional development

- (6) This subregulation applies if the Minister is satisfied that:
- (a) the nominee:
 - (i) has an overseas employer; and
 - (ii) is in a managerial or professional position in relation to the overseas employer; and
 - (b) the occupational training is relevant to, and consistent with, the development of the managerial or professional skills of the nominee; and
 - (c) the occupational training will provide skills and expertise relevant to, and consistent with, the business of the overseas employer of the nominee; and
 - (d) the primary form of the occupational training is the provision of face-to-face teaching in a classroom or similar environment.
-

DEFINITION OF WORKPLACE-BASED

The occupational training programme should:

- comprise at least 30 hours a week of training and
- at least 70 percent of that training must be conducted in the workplace (that is, not in a classroom or similar teaching environment).

Part-time, classroom-based study that is unrelated to the occupational training may be permitted, provided it does not interfere with the occupational training programme. The unrelated classroom study cannot count towards any component of the training programme and should be listed in the nominee's visa application.

Visa applicant:

Duration: Will get 1 up to 2 years' visa

Age: 18+

ADEQUATE MEANS OF SUPPORT

Requirements

Regulation 407.219 requires the applicant to provide evidence that they have adequate means to support themselves or access to adequate means to support themselves for the duration of their stay in Australia.

Under policy, the factors that a delegate may wish to take into account in assessing this include:

- the financial resources available to the applicant including salary to be earned in Australia to cover expenses associated with their stay in Australia and return fare home
- where applicable, evidence that (and to what extent – for example, accommodation, meals, and allowances) one or more third parties will be providing assistance including family members who will also be working

Level of support required

Officers should use their judgement, as there is not legislative criteria defining 'adequate means of support' and policy does not intend that any rigorous formula be applied. They may be guided by student visa financial capacity requirements (refer [PAM3: Sch2Visa500 - Student](#)).

Costs can vary significantly depending on where the applicant is intending to live in Australia. Remember also that the initial cost of relocating, even for a relatively short length of time, is

high. There are significant costs involved in travelling to Australia and setting up in new accommodation.

Family members have work rights and therefore their prospects of obtaining work in Australia may be taken into account in assessing this criterion. However as there is no guarantee any dependants would obtain employment, this evidence should be used in conjunction with the factors above.

Sources of funds

Delegates should take into account any salary the applicant will be earning during their stay in Australia, including any income from an overseas employer.

As a matter of policy, acceptable sources of funding include the following:

- money held in a bank account in the name of the applicant or a close family member for at least the 6 months immediately before the date of the application
- financial support from a government and
- a loan from a financial institution that is made to, and held in the name of, the applicant.

ENGLISH:

- You are the holder of a valid passport issued by the United Kingdom, the United States of America, Canada, New Zealand, or the Republic of Ireland and you are a citizen of that country.
- An International English Language Testing System (IELTS) test result of an average band score of at least 4.5 based on the four test components of speaking, reading, listening and writing. Your test must have been completed within 12 months of visa application lodgement or can be completed during visa application processing.
- A Test of English as a Foreign Language internet-based Test (TOEFL iBT) test result of a total band score of at least 32 based on the four test components of speaking, reading, writing and listening. Your test must have been completed within 12 months of visa application lodgement or can be completed during visa application processing.
- A Pearson Test of English (PTE) Academic test result of an overall band score of at least 30 based on the four test components of speaking, reading, writing and listening. Your test must have been completed within 12 months of visa application lodgement or can be completed during visa application processing.
- A Cambridge English: Advanced (CAE) test result of an overall band score of at least 147 based on the four test components of speaking, reading, writing and listening and the test must have been taken on or after 1 January 2015. Your test must have been completed within 12 months of visa application lodgement or can be completed during visa application processing.

seekvisa.com.au

- A positive assessment by an Adult Migrant English Program service provider in Australia that you have functional English.
- Completed all years of primary education and at least three years of secondary education in an educational institution in or outside Australia and all instructions were in English.
- Completed at least five years of secondary education in an institution in or outside Australia and all instructions were in English.
- Successfully completed at least one year of full-time study or equivalent part-time study towards a degree, higher degree, diploma, or associate diploma in an institution in Australia and all instructions were in English.
- Completed a degree, a higher degree, a diploma or a trade certificate that required at least two years of full-time study or training in an institution in or outside Australia and all instructions were in English.