

Workers on 457 – sponsor obligations

All employers of subclass 457 visa holders have obligations as sponsors. These obligations help ensure that overseas skilled workers are protected from exploitation. Sponsorship obligations also ensure that the program is being used to meet genuine skills shortages, and is not being used to undercut local labour wages and conditions.

This information describes the obligations of a sponsor of skilled workers on a subclass 457 visa. If you believe your sponsor is not meeting one of these obligations please contact the Sponsor Monitoring Unit in your state with the details:

Australian Capital Territory

E: ACT.sponsor.monitoring@immi.gov.au
Sponsor Monitoring
GPO Box 717
Canberra ACT 2601

New South Wales

E: NSW.sponsor.monitoring@immi.gov.au
Sponsor Monitoring
GPO Box 9984
Sydney NSW 2001

Queensland

E: QLD.sponsor.monitoring@immi.gov.au
Sponsor Monitoring
GPO Box 9984
Brisbane Qld 4001

Northern Territory

E: NT.sponsor.monitoring@immi.gov.au
Sponsor Monitoring
GPO Box 864
Darwin NT 0801

South Australia

E: SA.sponsor.monitoring@immi.gov.au
Sponsor Monitoring
GPO Box 2399
Adelaide SA 5001

Tasmania

E: TAS.sponsor.monitoring@immi.gov.au
Sponsor Monitoring
GPO Box 794
Hobart Tas. 7001

Victoria

E: VIC.sponsor.monitoring@immi.gov.au
Sponsor Monitoring
GPO Box 241
Melbourne Vic. 3001

Western Australia

E: WA.sponsor.monitoring@immi.gov.au
Sponsor Monitoring
Locked Bag 7
Northbridge WA 6865

SPONSOR OBLIGATIONS

Obligation: Ensure equivalent terms and conditions of employment

Standard business sponsors must show that they are providing no less favourable terms and conditions of employment to the skilled worker than would be provided to an Australian performing equivalent work in the same workplace.

This obligation does not apply to the sponsor if the annual earnings of their sponsored visa holder are equal to, or greater than, the exemption level, which is currently set at AUD180 000.

Sponsors who are parties to labour agreements must ensure that overseas workers receive remuneration as specified in the agreement.

Obligation: No recovery of certain costs from a skilled worker or secondary sponsored person

The sponsor must not recover, or seek to recover, all or part of the costs (including migration agent costs) from the worker or any of their family members:

- if the costs relate specifically to the recruitment of the skilled worker
- if the costs are associated with your becoming or being an approved sponsor or former approved sponsor.

Obligation: Pay travel costs to enable sponsored persons to leave Australia

The sponsor must pay reasonable and necessary travel costs to enable sponsored workers and their family members to leave Australia. The skilled worker or their family must ask in writing. The department can also ask on their behalf.

The costs will be considered reasonable and necessary if they include all of the following:

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

Obligation: Cooperate with inspectors

The sponsor must cooperate with inspectors. The inspectors role is to determine both of the following:

- whether your employer is complying (or has complied) with their sponsorship obligations
- whether there are other circumstances in which the department may take administrative action.

Obligation: Pay costs incurred by the Commonwealth to locate and remove unlawful non-citizen

The sponsor is liable for any cost if the skilled worker or any of their family members go missing or will not voluntarily leave the country. In such cases, they will be unlawful non-citizens, and the sponsor will have to pay the costs of locating and removing them from Australia.

Obligation: Keep records

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

Obligation: Provide records and information to the Minister

The sponsor must provide records or information in a way and in the timeframe requested by the department.

Obligation: Provide information to the department when certain events occur

The sponsor must provide information to the department when certain events occur.

Sponsor must notify the department of the following changes or events within 10 working days of the change or event occurring:

- the skilled worker's employment ceases, or is expected to cease. (The sponsor must notify the department if a cessation date changes)
- there are changes to the work duties carried out by the skilled worker.
- there is a change to the information in the sponsorship application or the application to vary a term of sponsorship approval relating to the training requirement and the sponsor's address and contact details.
- if the sponsor is a party to a labour agreement, a change to the your address and contact details or the training information provided in the labour agreement.
- the sponsor has paid the return travel costs of a skilled worker or any of their family member in accordance with the obligation to 'pay return travel costs'.
- the sponsor has become insolvent within the meaning of subsections 5 (2) and (3) of the *Bankruptcy Act 1966* and section 95A of the *Corporations Act 2001*.
- the sponsor's business ceases to exist as a legal entity.

In addition to the above, there is also an obligation for certain sponsors to provide particular information to the department, depending upon their organisational structure. In all cases, the sponsor must notify the department within 10 working days of the change or event occurring.

Obligation: Ensure the skilled worker works or participates in the nominated occupation, program or activity

The sponsor must ensure that the skilled worker does not work in an occupation other than the occupation that was identified in the most recently approved nomination for that person. If the sponsor wants to employ a skilled worker in a different occupation they must have a new nomination approved specifying that occupation.

The sponsor must also ensure that they do not engage the skilled worker's services other than as a direct employee. There are two exceptions to this rule:

- a standard business sponsor operating in Australia may employ the skilled worker in an associated entity
- the skilled worker's occupation is an exempt occupation for the purposes of this obligation.

A list of the occupations that are exempt from this obligation is in [Specification of Occupations for Nominations in Relation to Subclass 457 for Positions other than in the Business of the Nominator](#)

For more information about the 457 visa program or other visa issues, contact your union, the ACTU on 1300 362 223 or:

Caroline Petricola
Union Outreach Officer to the ACTU
Department of Immigration and Citizenship
cpetricola@actu.org.au
Caroline.Petricola@immi.gov.au
Mob: 0466 153 108