



Application for approval as a Special Programme Sponsor

Form

1416S

About this form

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

All forms are available from the Department of Immigration and Border Protection (the department) website
www.immi.gov.au/allforms/

Forms are available in PDF file format and can be filled in on screen, printed and mailed to the department.

Who should use this form

This form should be used by organisations who want to be approved as a sponsor for the Special Programme (subclass 416) visa.

Sponsorship arrangements NOT covered by this form

If you want to sponsor a person for any visa other than the Special Programme (subclass 416) visa, do not use this form. For the appropriate form, check the department's website
www.immi.gov.au/allforms/

Sponsorship arrangement

Sponsor class – Special Programme (subclass 416) visa.

Eligibility – must be a youth exchange organisation, community based not for profit organisation, other Australian organisation or government agency operating in Australia that has an approved Special Programme Agreement.

Note: Schools seeking to invite participants under the School to School Interchange or School Language Assistants Programmes do not require an approved Special Programme Agreement but do require sponsorship.

Nomination – Not required

If your application is approved in relation to a programme other than a Special Programme of Seasonal Work, you may only sponsor the total number of people specified in the approved Special Programme Agreement.

You can apply to vary (extend) your sponsorship.

A sponsor may be approved for up to 3 years.

It is important to ensure that visa applications are lodged well before the expiry of the sponsorship approval as a visa can only be granted when the sponsorship approval is valid. If the sponsorship period ceases you will need to reapply and be approved as a sponsor to sponsor further visa applicants.

Who can be an approved Special Programme Sponsor?

To be approved as a Special Programme Sponsor, an organisation must be:

- a lawfully established and actively operating entity in Australia (ie. a corporation, incorporated body or government agency); or
- an organisation operating under the auspices of an international organisation recognised by Australia.

In addition, an organisation applying to be a sponsor must have:

- signed the *Sponsorship applicant's declaration* at Part G;
- entered into a Special Programme Agreement with the Secretary or delegate except for the School to School Interchange or School Language Assistants Programme; and
- a satisfactory record of compliance with laws of Australia.

Sponsorship obligations

Note: A **primary sponsored person** is the person the sponsor nominates to employ or engage in the nominated occupation or activity. **Secondary sponsored persons** are members of the primary sponsored person's family unit.

The obligations apply to all sponsors unless otherwise indicated.

Obligation to cooperate with inspectors

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

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

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

This obligation ends 5 years after the day on which the approved sponsorship ceases.

Obligation to keep records

The sponsor must keep records of their compliance with the obligations. All 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/business/pages/temporary-residence-sponsor-obligations.aspx

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

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

- the approved sponsorship ceases; and
- there are no sponsored persons in relation to the sponsorship.

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

Obligation to provide records and information

The sponsor must provide records or information relating to the administration of sponsorship requested by written notice if the sponsor is required to keep the records or information:

- under a law of the Commonwealth or a state or territory; or
- the obligation to keep records.

The records and information must be provided in the manner, and within the timeframe, requested in the written notice.

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

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

- the approved sponsorship ceases; and
- there are no sponsored persons in relation to the sponsorship.

Obligation to provide information to the department when certain events occur

The sponsor must provide certain information to the department when certain events occur. This information must be provided by registered post or email, to a specified address and within 10 working days of the event occurring. For a complete list of the information and events see www.immi.gov.au/business/pages/temporary-residence-sponsor-obligations.aspx

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

This obligation ends on the day after the concurrence of the following 2 events:

- the approved sponsorship ceases; and
- there are no sponsored persons in relation to the sponsorship.

Obligation not to recover certain costs from a sponsored person

The sponsor must not charge, transfer or recover, or seek to charge, transfer or recover, from the sponsored person, all or part of the costs (including migration agent costs):

- in relation to the recruitment of the primary sponsored person;
- in association with becoming or being a sponsor or former approved sponsor.

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

This obligation ends on concurrence of the following 2 events:

- the approved sponsorship ceases; and
- there are no sponsored persons in relation to the sponsorship.

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

The sponsor must pay costs incurred by the Commonwealth in locating and/or removing a sponsored person from Australia, if requested 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) and any amount already paid under the *Obligation to pay travel costs to enable sponsored persons to leave Australia*.

This obligation starts to apply on the day on which the 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 time the sponsored person leaves Australia.

Obligation to secure an offer of a reasonable standard of Accommodation (does not apply to a Special Programme of Seasonal Work)

Where the primary sponsored person is not receiving a salary or wages, the sponsor must secure an offer of a reasonable standard of accommodation for the sponsored persons while they are in Australia. For a guide to what is 'a reasonable standard' see www.immi.gov.au/business/pages/temporary-residence-sponsor-obligations.aspx

This obligation starts to apply on the day the person is granted the visa.

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

- on which the sponsored person is granted a substantive visa of a different subclass to the one last held (if the sponsored person is granted another substantive visa of the same type they last held in order to continue to work for the sponsor, the obligation continues); or
- the sponsored person has left Australia and the relevant visa (and any subsequent bridging visa) is no longer in effect.

Obligation to pay travel costs to enable sponsored persons to leave Australia (does not apply to a Special Programme of Seasonal Work)

The sponsor must pay reasonable and necessary travel costs to enable the sponsored person to leave Australia if the costs have been requested in writing by the department or the sponsored person, 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;
- are for economy class air travel or, where unavailable, a reasonable equivalent; and
- are paid within 30 days of receiving the request.

This obligation starts to apply on the day the sponsored person is granted a subclass 416 visa, unless he or she already holds a visa of the same subclass, 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 (whichever is the earliest):

- on which the sponsored person is granted a substantive visa other than a subclass 416 visa (if the primary sponsored person is granted another visa of the same subclass in order to continue to work for the sponsor, the obligation continues);
- the sponsored person has left Australia and the relevant visa (and any subsequent bridging visa) is no longer in effect.

Sanctions for failing to satisfy sponsorship obligations

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

Administrative

- 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;
- cancel one or all of the sponsor's existing approvals as a sponsor;

Civil

- 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; or
- issue an infringement notice of up to AUD6,600 for a body corporate and AUD1,320 for an individual for each failure.

Other reasons why administrative action may be taken

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

- provision of false or misleading information to the Department of Immigration and Border Protection or the Migration Review Tribunal;
- the sponsor no longer satisfies the criteria for approval as a sponsor or for variation of a term of that approval;
- the sponsor has been found by a court or competent authority to have contravened a Commonwealth, state or territory law;
- 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;
- an unapproved change to a Special Programme; or
- failure to comply with certain terms of a Special Programme Agreement.

Monitoring

If you are approved as a Special Programme Sponsor you must comply with the sponsorship obligations (as outlined on pages 1–3). 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 and the Australian Taxation Office;
- 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 breach 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.

Integrity of the sponsorship application

The department is committed to maintaining the integrity of the visa and citizenship programmes. Please be aware that if you provide us with fraudulent documents or claims, this may result in processing delays, your sponsorship application being refused and imposition of one or more of the sanctions listed.

Fees

An application fee is required when lodging this sponsorship application. Payment of the fee **must** accompany your sponsorship application. Payment of the fee does not guarantee sponsor approval and is not refundable.

Fees may be subject to adjustment at any time.

To check the sponsorship fee, refer to the department's website **www.immi.gov.au/fees-charges** or check with the nearest office of the department.

Method of payment

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

How to fill in this form

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

If insufficient space, give details at Part H.

Use the *Document checklist* at Part F to make sure you have provided everything required.

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

Lodge your application

To lodge your sponsorship application you must provide the completed sponsorship application, payment and any attachments, if required.

You can only apply for one sponsor class on each sponsorship application. If you want to apply for more than one sponsor class you will need to complete a separate sponsorship application for each class.

Your application should be lodged at the correct address for this sponsorship application. More information about Special Programme visas and lodgement addresses is available from the department's website

www.immi.gov.au/visas/pages/416-sp.aspx. Please read the information under 'How to apply' for the correct lodgement address for this application.

What happens next?

It is important that you lodge your sponsorship application with all the documents necessary to assess your sponsorship application. Lodging a complete sponsorship application assists case officers in making a fair and complete assessment of your claims and results in faster processing times. 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 sponsorship application has been approved. If your sponsorship 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 for a sponsor class, you should provide a copy of the approval letter to any person you intend to sponsor.

The primary person and any secondary persons may lodge a visa application at the same time as, or subsequent to, the approval of your sponsorship arrangement and/or nomination. However, their visas will not be granted until the sponsorship is in place and a nomination, if required, relating to the primary person is approved.

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.

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.

Information on migration agents, including a list of registered migration agents, is available on the Office of the MARA website **www.mara.gov.au**

You can also access information about migration agents on the department's website **www.immi.gov.au**

Exempt persons

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 (spouse, de facto partner, child, parent, brother or sister);
- 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.

Appointing a migration agent/exempt person

To appoint a migration agent/exempt person you should complete *Part D – Options for receiving written communications*.

Your migration agent/exempt person should complete form 956 *Advice by a migration agent/exempt person of providing immigration assistance*.

Form 956 is available from the department's website **www.immi.gov.au/allforms/**

Options for receiving written communications

If you do not appoint a migration agent/exempt person you may still authorise another person, in writing, to receive written communications on your behalf. This person is called the authorised recipient.

Authorised recipient information

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.

You will be taken to have received any documents sent to that person as if they had been sent to you.

To appoint an authorised recipient you should complete:

- *Part D – Options for receiving written communications*; and
- form 956A *Appointment or withdrawal of an authorised recipient*.

Note: Migration agents/exempt persons do not need to complete form 956A.

Form 956A is available from the department's website www.immi.gov.au/allforms/

Consent to communicate electronically

The department may use a range of means to communicate with you. However, electronic means such as fax or email will only be used if you indicate your agreement to receiving communication in this way.

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.

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.

If you authorise another person to receive documents on your behalf and they wish to be contacted electronically, their signature is required on form 956 or 956A to indicate their consent to this form of communication.

Note: Electronic communication is the fastest means of communication available and the department prefers to communicate electronically because this results in faster processing.

Important information about privacy

Your personal information is protected by law, including the *Privacy Act 1988*. Important information about the collection, use and disclosure (to other agencies and third parties, including overseas entities) of your personal information, including sensitive information, is contained in form 1442i *Privacy notice*. Form 1442i is available from the department's website www.immi.gov.au/allforms/ or offices of the department. You should ensure that you read and understand form 1442i before completing this form.

Home page

www.immi.gov.au

*General
enquiry line*

Telephone **131 881** 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.



Application for approval as a Special Program Sponsor

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

Tick where applicable ☒

Part A – General information

- 1 Are you, or have you previously been, approved for a sponsor class?

No ☐

Yes ☐ ► Sponsor name

Business name

Australian Business Number (ABN) (if applicable)

Australian Company Number (ACN) (if applicable)

Approval date

DAY MONTH YEAR

Sponsor class

Sponsorship application ID number (if known)

Note: Sponsorship application ID number can be found on the approval letter from the department.

- 2 Are you seeking to vary your sponsorship (ie. extend the validity of your sponsorship)?

No ☐

Yes ☐ ► Give details

- 3 Have you previously been refused an application for a sponsorship?

No ☐

Yes ☐ ► Give details

- 4 Have you or your organisation, or any principal of the organisation, in the last 3 years:

- been found guilty by a court of an offence under a Commonwealth, state or territory law;
- been found by a competent authority to have acted in contravention of a law;
- been the subject of administrative action (including being warned) by a competent authority for possible contravention of a law;
- been under investigation, subject to disciplinary action or legal proceedings in relation to an alleged contravention of a law;
- become insolvent?

Note: A law mentioned above refers to a law relating to the following only: discrimination, immigration, industrial relations, occupational health and safety, people smuggling and related offences, slavery, sexual servitude and deceptive recruitment, taxation, terrorism and trafficking in persons, and debt bondage.

No ☐

Yes ☐ ► Give details

- 5 Are you or your organisation, or any principal of the organisation, currently awaiting the outcome of any proceedings mentioned at Question 4?

No ☐

Yes ☐ ► Give details

- 6 Is there any other adverse information relating to your suitability to sponsor overseas people?

No ☐

Yes ☐ ► Give details

18 What is the organisation's structure?

(Tick one box only)

Sole proprietor/sole trader ☐

Partnership ☐

Company ☐

Government agency or statutory authority ☐

Foreign government agency ☐

Religious institution ☐

Individual not operating as a business/organisation ☐

Unincorporated body ☐

Other type of entity ☐

Give details

19 What is the legal registered name of the business, organisation, company or trustee?

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

20 What is the organisation name or trading name under which you operate? (If the same as legal name at Question 19, write 'AS ABOVE')

21 Australian Business Number (ABN)

22 Australian Company Number (ACN) (if applicable)

23 Australian Registered Body Number (ARBN) (if applicable)

24 Australian Stock Exchange Code (ASX Code) (if applicable)

25 How long has the organisation been operating?

YEARS

MONTHS

26 Which industry sector is the organisation operating in?

(Tick one box only)

Where the organisation operates in more than one industry sector select the sector which most closely matches the primary activity.

Horticulture ☐ A

Cane ☐ B

Cotton ☐ C

Aquaculture ☐ D

Construction ☐ E

Wholesale trade ☐ F

Retail trade ☐ G

Accommodation and food services ☐ H

Transport postal and warehousing ☐ I

Information media and telecommunications ☐ J

Financial and insurance services ☐ K

Rental, hiring and real estate services ☐ L

Professional, scientific and technical ☐ M

Administrative and support services ☐ N

Government school ☐ O

Private/independent school ☐ P

Health care and social assistance ☐ Q

Arts and recreation services ☐ R

Other services ☐ S

Note: The industry sectors listed above are taken from the **Australia and New Zealand Standard Industrial Classification (ANZSIC)**.

ANZSIC is the standard classification used in Australia and New Zealand for the collection, compilation and publication of statistics by industry.

27 How many people are employed by the organisation in Australia?

28 How many employees are not Australian citizens or permanent residents?

29 What is the annual turnover for the organisation for the most recent full financial year?

AUD

Attach supporting evidence if required. Refer to Part F.

Part F – Document checklist

- 36** You **may** need to provide supporting documents to demonstrate that you satisfy sponsorship requirements.

Financial status

<p>You may need to provide evidence of your financial status.</p> <p>You do not need to provide evidence of financial status of the organisation if it:</p> <ul style="list-style-type: none"> operates in the government administration industry sector (ie. the organisation is an Australian Commonwealth, state, territory or local government organisation, a government business enterprise or a statutory authority/agency); or is listed on the Australian Stock Exchange (ASX) and you have provided an ASX Code at Question 24 is a foreign government agency operating in Australia; or has more than 20 full-time employees, has satisfactorily sponsored temporary resident visa holders previously, and is listed with the Australian Securities and Investments Commission (ASIC), and you have provided an ABN and/or ACN/ARBN at Questions 21, 22 and 23 	<input type="checkbox"/>
<p>In any other instance you should provide:</p> <ul style="list-style-type: none"> a letter of support from a chartered accountant, CPA, PNA, FPNA or reputable financial institution that clearly summarises the organisation's ability to meet its financial responsibilities 	<input type="checkbox"/>
<p>If you do not choose to provide a letter of support, you may need to provide other details of the organisation's financial status such as:</p> <ul style="list-style-type: none"> bank statements 	<input type="checkbox"/>
<ul style="list-style-type: none"> balance sheets/profit and loss statements for the business relating to the most recently concluding financial year 	<input type="checkbox"/>
<ul style="list-style-type: none"> relevant extracts from the business plan including cash flow projections 	<input type="checkbox"/>
<ul style="list-style-type: none"> contracts 	<input type="checkbox"/>
<ul style="list-style-type: none"> lease agreements 	<input type="checkbox"/>
<ul style="list-style-type: none"> statements concerning the source of any funds 	<input type="checkbox"/>

New or Start-up business (a business that has operated for less than 12 months at the time this application is lodged)

A combination of the following documentation may be submitted, depending on the specific circumstances:	
<ul style="list-style-type: none"> detailed Business Plan 	<input type="checkbox"/>
<ul style="list-style-type: none"> Contract of Sale relating to the purchase of the business 	<input type="checkbox"/>
<ul style="list-style-type: none"> lease agreement relating to business premises 	<input type="checkbox"/>
<ul style="list-style-type: none"> evidence of lease or purchase of machinery, equipment, furniture, etc 	<input type="checkbox"/>
<ul style="list-style-type: none"> contracts to provide services 	<input type="checkbox"/>
<ul style="list-style-type: none"> evidence of employment of staff 	<input type="checkbox"/>
<ul style="list-style-type: none"> Business Activity Statements (BAS) for each complete quarter from commencement of operations to date of lodgement 	<input type="checkbox"/>
<ul style="list-style-type: none"> business bank statements covering the period of operation 	<input type="checkbox"/>

Other documents

Attach the following documents (where relevant) to this application.

Refer to the question to see if you need to attach the document.

Tick ☒ when completed

Question	Document	Attached?
14	Copy of the organisation's Special Programme Agreement with the Department of Immigration and Border Protection	<input type="checkbox"/>
15	Copy of the organisation's structure chart	<input type="checkbox"/>
34	<p>If authorising another person, provide either:</p> <ul style="list-style-type: none"> completed form 956 <i>Advice by a migration agent/exempt person of providing immigration assistance</i>; or completed form 956A <i>Appointment or withdrawal of an authorised recipient</i> 	<input type="checkbox"/> <input type="checkbox"/>

Part G – Sponsorship applicant's declaration

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

- 37** Have you read and understood your obligations as a sponsor?
For further information see *Sponsorship obligations* on pages 1–3.

No ☐

Yes ☐

- 38** *I understand the sponsorship obligations and other sponsorship requirements and understand that the organisation is bound by the sponsorship obligations and other sponsorship requirements with respect to all primary and secondary persons that the organisation consents to sponsor in writing.*

No ☐

Yes ☐

- 39** *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 organisation

Office hours telephone

(AREA CODE)

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