



# Application for approval as a training and research sponsor or a professional development sponsor

## 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.

All relevant questions on this form should be answered and any requested information attached. The Department of Immigration and Border Protection (the department) may decide your application on the basis of the information provided on your application.

All forms are available from the department's website [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

## Who should use this form?

This form should be used by organisations seeking to sponsor a person(s) to participate in training or undertake research in Australia on a Training and Research (subclass 402) visa.

The types of training or activity allowed are:

- **Work-based training** – for people who need training or practical experience in the workplace to obtain registration for employment in their occupation in Australia or home country, or enhance skills and promote capacity building overseas;
- **Research project** – for professional academics visiting Australia on a temporary basis to observe or participate in an Australian research project; and
- **Professional development programme** – for professionals, managers and government officials who intend to undertake professional development training programme in Australia that is arranged by an overseas employer.

## Sponsorship arrangements covered by this form

A training and research sponsor and a professional development sponsor may be approved for a period of up to 3 years. There will not be a limit on the number of people you can sponsor while you are approved as a sponsor.

Requirements for approval are different for each sponsor class. Please read the *Training and research sponsor requirements* (see page 2) and the *Professional development sponsor requirements* (see pages 2 and 3) for information about each sponsor class.

A nomination will be required to match the person you wish to sponsor for the occupational trainee stream or a holder of the Occupational Trainee (subclass 442) visa. The nominated position may be for a period up to 2 years. It is important to ensure that nominations and visa applications are lodged well before the expiry of the sponsorship approval, as a visa can only be granted when the sponsorship or nomination approval is valid.

If you are approved as a training and research sponsor you can apply to vary (extend) your sponsorship before the current sponsorship expires to allow you to continue to sponsor people. If the sponsorship period expires you will need to reapply and be approved as a sponsor to nominate further visa applicants.

Persons who are granted a subclass 402 visa may stay in Australia for the length of the visa period – the visa does not automatically expire when your sponsorship approval expires.

## Sponsorship arrangements NOT covered by this form

If you want to sponsor a person:

- for long stay temporary business employment (subclass 457) in Australia, you should complete form 1196S *Sponsoring overseas employees to work temporarily in Australia*;
- to participate in a staff exchange arrangement, undertake ongoing sporting activities or religious work, you should complete form 1401S *Application for approval as a long stay activity sponsor*;
- to work in the entertainment industry, you should complete form 1420S *Application for approval as an entertainment sponsor*;
- to work in Australia as a superyacht crew member on a superyacht, you should complete form 1366 *Application for approval as a Superyacht Crew sponsor*.

Forms 1196S, 1401S, 1420S and 1366 are available from the department's website [www.immi.gov.au/allforms/](http://www.immi.gov.au/allforms/)

## Integrity of the sponsorship application

The department is committed to maintaining the integrity of the visa and citizenship programmes. 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)

## Training and research sponsor requirements

### Who can be an approved training and research sponsor?

To be eligible for approval as a training and research sponsor, an organisation will need to be of the appropriate entity type, as follows:

- if you will be sponsoring an academic to participate or observe in an Australian research project – an 'Australian organisation', a foreign government agency, or a government agency, that is a tertiary or research institution;
- if you will be nominating a person to participate in a work-based training programme – an 'Australian organisation', a foreign government agency, or a government agency, that is offering to conduct a structured training programme for the overseas participant.

**Note:** An 'Australian organisation' means a body corporate, a partnership or an unincorporated association (other than an individual or a sole trader) that is lawfully established in Australia.

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

- the capacity to comply with sponsorship obligations;
- a satisfactory record of compliance with laws of Australia;
- not be the subject of any adverse information; and
- signed the *Sponsorship declaration* at Part L.

### Sponsorship approval period for a training and research sponsor

A training and research sponsor may be approved for up to 3 years. There will not be a limit on the number of people you can sponsor while you are approved as a sponsor.

If you are approved as a training and research sponsor you can apply to vary (extend) your sponsorship before the current sponsorship expires to allow you to continue to sponsor people. If the sponsorship period expires you will need to reapply and be approved to sponsor further visa applicants.

If you intend to sponsor a person applying for a subclass 402 visa in the occupational trainee stream or a holder of a subclass 402 visa or an Occupational Trainee (subclass 442) visa, you will be required to lodge a nomination if your organisation is not a Commonwealth body. The nomination matches the person you wish to sponsor to the proposed position. The nominated position may be approved for up to 2 years. It is important to ensure that nominations and visa applications are lodged well before the expiry of the sponsorship approval, as a visa can only be granted when the sponsorship or nomination approval is valid.

## Professional development sponsor requirements

### Who can be an approved professional development sponsor?

To be eligible for approval as a professional development sponsor the Australian sponsoring organisation must:

- be either an Australian organisation that has operated in Australia continuously for one year or a government agency of the Commonwealth or of a State or Territory;
- be party to an eligible Professional Development Agreement with an eligible overseas employer. For more information see *Establish a Professional Development Agreement* on page 3;
- be offering to conduct an eligible professional development programme for the overseas participants, see *Professional development programme* on page 3;
- have the capacity to conduct the professional development programme involving sponsored overseas participants;

- have the capacity to meet its financial commitments;
- have paid the security bond (if requested); and
- not be the subject of any adverse information about them or a person associated with the organisation (for example, adverse information may include debts to the Commonwealth and the organisation's history of compliance with immigration laws of Australia).

**Note:** An 'Australian organisation' means a body corporate, a partnership or an unincorporated association (other than an individual or a sole trader) that is lawfully established in Australia.

The following requirements related to other parties must also be met for the Australian sponsoring organisation to be eligible for approval as a professional development sponsor:

- each of the parties to the Professional Development Agreement, including any overseas employer, must have the capacity to meet their financial commitments;
- if an overseas employer that is a party to the Professional Development Agreement has previously been required to comply with the immigration laws of Australia, they must have a satisfactory record of compliance.

Organisations approved as professional development sponsors may lodge *Professional Development Visa* applications on behalf of the overseas participant.

### Overseas employer

The organisation applying to be a professional development sponsor must have a Professional Development Agreement with an overseas employer of the proposed overseas participants.

The Migration Regulations define an overseas employer to mean:

- a body corporate or an unincorporated association (other than an individual or sole trader) that:
  - conducts activities under the auspices of the government of a foreign country or a province, territory or state of a foreign country; or
- a multilateral agency that:
  - is operating and has operated for a continuous period of one year before the date of the application; or
- a registered business that:
  - is conducted by a body corporate or unincorporated association (other than an individual or sole trader) outside Australia; and
  - is actively and lawfully operating outside Australia; and
  - has actively and lawfully operated outside Australia for a continuous period of one year before the date of application; and
  - employs the overseas participants.

A professional development programme may involve more than one overseas employer provided that:

- all overseas employers to be involved in the programme are party to the Professional Development Agreement and are listed on the application made by the organisation for approval as a professional development sponsor; and
- the same programme is to be delivered to the overseas participants employed by all of the overseas employers.

If any of the overseas employers that are a party to the Professional Development Agreement have previously been required to comply with the immigration laws of Australia, it is required that they have a satisfactory record of compliance. This compliance by all overseas employers is required for the organisation to be approved as a professional development sponsor.

## Establish a Professional Development Agreement

Before you apply to be a professional development sponsor you need to have a Professional Development Agreement with an eligible overseas employer in place.

A Professional Development Agreement is a binding agreement between the Australian sponsoring organisation and the overseas employer that employs or has invited the overseas participants.

Form 1402A *Professional Development Agreement* will need to be lodged with the sponsorship application in order for the application to be considered. For further information refer to form 1402A available from the department's website

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

### Sponsorship approval period for a professional development sponsor

The Australian sponsoring organisation must seek approval as a professional development sponsor for a specific professional development programme. Sponsorship approval will be valid for the period of the associated Professional Development Agreement up to a maximum of 3 years after the approval was granted.

If the Australian sponsoring organisation wants to sponsor overseas participants in a professional development programme for which the sponsorship period has expired, a new application for sponsorship approval must be submitted.

Should an Australian sponsoring organisation want to sponsor overseas participants to undertake different professional development programmes, a new sponsorship will be required to cover each programme. Major adjustments to the structure of approved programmes will also require a new sponsorship application.

There is no limit on the number of valid sponsorship approvals an organisation may hold concurrently or the number of overseas participants who may be sponsored under each sponsorship approval.

### Security bond

The department may require the Australian organisation to lodge a security bond for each professional development programme that it establishes. The security bond is not required if the sponsor is a Commonwealth department or agency nor generally if the participants are nationals of an Electronic Travel Authority eligible country. To check if a country is an eligible country, see a list of countries included on the department's website [www.immi.gov.au/visas/pages/976.aspx](http://www.immi.gov.au/visas/pages/976.aspx) and [www.immi.gov.au/visas/pages/956-977.aspx](http://www.immi.gov.au/visas/pages/956-977.aspx)

The security bond will be requested after all other checks in respect of the sponsor application have been obtained. The purpose of the security bond is to:

- encourage the sponsor to carefully pre-assess the genuineness and the intentions of the visa applicant and overseas employer(s); and
- meet the potential costs incurred relating to breaches of obligations (eg. location and removal costs).

The security bond is usually AUD15,000 and it may take the form of:

- a bank guarantee/term deposit/bank cheque;
- a cash deposit with the department; or
- a money order.

Forfeiture of amounts from a security bond can only be imposed against those sponsors that were required to lodge a security bond. Any forfeiture from a bond will require timely replacement of the forfeited amount. For sponsoring organisations that were not required to lodge a security bond, all non-financial sanctions still apply.

## Professional development programme

The professional development programme must:

- be relevant to, and consistent with, the development of the skills of the proposed managers or professionals, or both, that will participate in the programme;
- provide skills and expertise relevant to and consistent with, the business and business background of the overseas employer;
- not exceed 18 months in length (except in approved exceptional circumstances); and
- be primarily face-to-face teaching in a classroom or similar environment.

Practical components can be included in a professional development programme but must not be the primary content of the programme.

Any practical component of the programme must:

- not exceed 7 hours in any day and 35 hours in any week;
- not adversely impact on the Australian labour market; and
- require or involve the payment of remuneration to overseas participants only by the overseas employer.

## Sponsorship obligations

**Note:** A primary sponsored person is the person the sponsor identifies to undertake the identified activity, or where nomination is required, is the person who the sponsor nominates to undertake the nominated activity.

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
- 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.

For more information see *Other reasons why administrative action may be taken* on page 5.

### 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](http://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](http://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. In addition to the above, if the sponsored person holds, or last held a subclass 402 visa, the sponsor must not recover, or seek to recover, from the sponsored person, expenditure by the sponsor in relation to financial support of the sponsored person in Australia.

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* (see page 5).

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 ensure the primary sponsored person works or participates in the nominated occupation, programme or activity** – *this obligation applies to a training and research sponsor when the sponsored person holds a Training and Research (subclass 402) visa in the occupational trainee stream or an Occupational Trainee (subclass 442) visa.*

The sponsor must ensure that the primary sponsored person works or participates in the nominated occupation, programme or activity. If a sponsor wants to employ or engage a primary sponsored person in a different occupation, programme or activity, the sponsor must lodge a new nomination in respect of that occupation, programme or activity for the primary sponsored person.

This obligation starts to apply on the day on which the primary sponsored person is granted a subclass 402 visa in the occupational trainee stream, unless he or she already holds a subclass 402 visa in the occupational trainee stream or an Occupational Trainee (subclass 442) 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 (whichever is the earliest):

- on which a nomination by another sponsor in relation to the primary sponsored person is approved;
- on which the primary sponsored person is granted a substantive visa of a different subclass to the one they last held (if the primary 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 person has left Australia and the relevant visa (and any subsequent bridging visa) is no longer in effect.

### **Obligation to secure an offer of a reasonable standard of accommodation**

The sponsor must secure an offer of a reasonable standard of accommodation for the sponsored persons while they are in Australia if the sponsored person holds:

- a subclass 402 visa under the occupational trainee stream;
- a subclass 402 visa under the professional development stream; or
- a subclass 442 visa.

If the sponsored person holds a subclass 402 visa under the occupational trainee stream or a subclass 442 visa, this obligation only applies when the sponsored person is in a 'volunteer position' and the secondary sponsored person. For a guide to what is 'a reasonable standard' see

[www.immi.gov.au/business/pages/temporary-residence-sponsor-obligations.aspx](http://www.immi.gov.au/business/pages/temporary-residence-sponsor-obligations.aspx)

This obligation starts to apply:

- *if the sponsored person holds a subclass 402 visa under the occupational trainee stream or a subclass 442 visa* – on the day on which a nomination by the sponsor of an occupation or activity for the primary sponsored person is approved or if the sponsor is a Commonwealth agency, on the day the person or the secondary person is granted a subclass 402 visa;
- *if the sponsored person does not hold a subclass 402 visa under the occupational trainee stream or a subclass 442 visa on the day the nomination is approved* – on the day the person or the secondary person is granted a subclass 402 visa; or
- *if the primary sponsored person does not hold a subclass 402 visa* – on the day the person or the secondary person is granted a subclass 402 visa.

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

- on which a nomination by another sponsor in relation to the sponsored person is approved;
- 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** – *this obligation applies to a professional development sponsor when the sponsored person holds a Training and Research (subclass) 402 visa in the professional development stream.*

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 (note, however, the obligation to pay costs continues beyond the 30 days as specified below).

This obligation starts to apply on the day the sponsored person is granted a subclass 402 visa in the professional development stream.

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

- on which a nomination by another sponsor in relation to the primary sponsored person is approved;
- on which the sponsored person is granted a substantive visa other than a subclass 402 visa in the professional development stream (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 AUD51,000 for a corporation and AUD10,200 for an individual for each failure; or
- issue an infringement notice of up to AUD10,200 for a body corporate and AUD2,040 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 Minister may take administrative actions to bar or cancel a professional development sponsor. These circumstances are if the sponsor:

- has provided false or misleading information to the department or the Migration Review Tribunal;
- no longer satisfies the criteria for approval as a professional development sponsor;
- has made an unapproved change to the professional development programme;
- has been found by a court of competent authority to have contravened a Commonwealth, state or territory law;
- has not paid a request for additional security;
- or if the 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 on pages 3–5). 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 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 Employment, the Fair Work Ombudsman and the Australian Taxation Office;
- written requests to the sponsor to provide information in accordance with the obligation to provide records and information; and
- 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* on this page.

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.

## How to apply

### Step 1 – How to fill in this form

This form is available as a PDF and can be filled in on screen, printed and mailed to the department or you can print a copy and use a black or blue pen, write neatly in English using BLOCK LETTERS.

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

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

Any alterations made on the form must be dated and initialled.

### Step 2 – Application fee

A prescribed application fee is required and must accompany the application. However, a Commonwealth agency is eligible for a fee exemption if applying for approval as a professional development sponsor. Payment of the fee does not guarantee sponsorship approval and is not refundable.

Fees may be subject to adjustment at any time.

Application fees may be subject to adjustment on 1 July each year. This may increase the cost of an application.

To check the sponsorship fee, refer to the department's website [www.immi.gov.au/fees-charges](http://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.

### Step 3 – Lodge your sponsorship application

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

[www.immi.gov.au/visas/pages/402.aspx](http://www.immi.gov.au/visas/pages/402.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 the sponsorship application and fee with all the documents necessary to assess the 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 the application has been approved. If the application has not been approved, you will be given a reason for the decision as well as information about your review rights.

You may lodge nominations in anticipation of this application being approved, however, they will not be considered until such time as you are approved as a training and research sponsor.

The primary person and any secondary persons cannot lodge the visa application until the nomination has been lodged. The visa applicant will also need a copy of the sponsorship approval letter you received from the department or a copy of the sponsorship application acknowledgement of receipt letter if the sponsorship application has not been decided. Their visas will not be granted until the sponsorship is in place and the nomination 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](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)

### 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 I – 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/](http://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 I – 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/](http://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/](http://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](http://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.

*Please keep these information pages for your reference*

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# Application for approval as a training and research sponsor or a professional development sponsor

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 as a sponsor?

No

Yes  **▶** Sponsor name

Organisation name

Approval date

DAY	MONTH	YEAR

Sponsor class

Sponsorship application ID number (if known)

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

**2** Is this an application to vary the terms of an existing training and research sponsorship (ie. extend the validity of your sponsorship)?  
For further information see *Sponsorship arrangements covered by this form* on page 1.

**Note:** A professional development sponsor cannot extend their sponsorship and are required to apply for sponsorship approval in relation to each agreement.

No

Yes

**3** Which sponsor class does this application relate to?

For further information see *Sponsorship agreements covered by this form* on page 1.

(Tick one box only)

Training and research sponsor

Professional development sponsor

## Part B – Organisation details

**4** Legal registered name

**5** Trading name

**6** Registration type

Australian Business Number (ABN)

Australian Company Number (ACN) (if applicable)

Australian Registered Body Number (ARBN) (if applicable)

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

Certificate of Incorporation (if applicable)

**7** Which industry sector will you be operating in? (Tick one box only)

**Note:** Industry sectors listed below 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.

Agriculture, forestry and fishing

Mining

Manufacturing

Electricity, gas, water and waste services

Construction

Wholesale trade

Accommodation and food services

Transport postal and warehousing

Information media and telecommunications

Financial and insurance services

Rental, hiring and real estate services

Professional, scientific and technical

Administrative and support services

Public administration and safety

Education and training

Health care and social assistance

Arts and recreation services

Other services

8 What is the organisation structure?

**Note:** A sole trader or an individual is not eligible for approval as a sponsor.

- Partnership
- Company
- Commonwealth agency
- Government agency or statutory authority
- Foreign government agency
- Tertiary or research institution
- Unincorporated body
- Other type of entity  **▶ Give details**

9 Street address where the organisation is located

**Note:** A street address is required as a post office box address cannot be accepted.

POSTCODE

10 Postal address

*(If the same as street address, write 'AS ABOVE')*

POSTCODE

11 Contact person in the organisation for enquiries about this application

Family name

Given names

Position

Telephone number  (AREA CODE  )

Mobile/cell

12 Do you agree to the department communicating with you by email?

This may include receiving notification of the outcome of this application.

**Note:** We can communicate about this application more quickly using email.

No

Yes  **▶** Email address *(Please print your email address clearly)*

## Part C – Operations of organisation

13 Date business commenced operations, or organisation established business in Australia

DAY	MONTH	YEAR

14 For the operations of the organisation, what is the total number of:

Australian employees (Australian citizens and permanent residents)

Foreign employees (non-Australian citizens or non-permanent residents)

Full-time employees

15 What was the annual turnover for the organisation for the last financial year?

**▶▶** If you are applying for approval as a:

Training and research sponsor **▶ Go to Part D**

Professional development sponsor **▶ Go to Part E**

## Part D – Training and research sponsor

16 Description of the organisation

For further information see *Who can be an approved training and research sponsor* on page 2.

*(Tick all that apply)*

**▶ Go to Question 17**  
An Australian organisation, government agency or foreign government agency that intends to engage in occupational training

**▶ Go to Part G**  
An Australian organisation, government agency or foreign government agency that is a tertiary or research institution

**▶ The organisation is not eligible for approval as a training and research sponsor.**

17 What is the objective of the occupational training the organisation intends to engage in?

Occupational training for registration

Occupational training to enhance skills  **▶ Give details**

Occupational training for capacity building overseas

*If insufficient space, give details at Part M*

**▶▶ Go to Part G**

## Part E – Professional development sponsor

**18 Note:** A Professional Development Agreement is established between an organisation in Australia and an overseas employer. This agreement must include details of the proposed professional development programme.

Have you attached form 1402A *Professional Development Agreement* with this application?

No  **Important** – For approval as a professional development sponsor you will need to provide a completed form 1402A with required supporting documents.

Yes

**19** Professional Development Agreement name

Agreement commencement date

DAY MONTH YEAR

Agreement cease date

Details of the overseas employer(s) covered by the agreement?  
For more information see *Overseas employers* on Page 2.

Employer name

Employer type:

Government organisation directly employing the participants	<input type="checkbox"/>	Level of government:	National	<input type="checkbox"/>
Government organisation nominating the participants	<input type="checkbox"/>		Provincial	<input type="checkbox"/>
Multilateral agency directly employing the participants	<input type="checkbox"/>		Municipal	<input type="checkbox"/>
Multilateral agency nominating the participants	<input type="checkbox"/>			
Registered business	<input type="checkbox"/>			

*If more than 1 agreement, give details at Part M*

**20** What is the proposed duration (in months) of the professional development programme?

**21** Will the professional development programme:

- provide at least 55% classroom/theory based? No  Yes

Any practical component of the programme is:

- not exceeding 35 hours per week? No  Yes

- not adversely impacting on the Australian labour market? No  Yes

**22** Expected number of participants in the professional development programme

**23** Does the proposed professional development programme lead to an Australian qualification or other recognised award?

No

Yes  **Give details**

**24** How will the professional development programme contribute to the professional development of the overseas employer and the participants?

Including:

- the skills and expertise relevant to the business and business background of the overseas employer; and
- details of how the programme will develop the skills of the managers and/or professionals that will participate in the programme.

*If insufficient space, give details at Part M*

## Part F – Professional development sponsorship information

**25** Have you or any of the organisation's close business associates previously sponsored visa applicants for a Professional Development visa whose application has been refused?

No

Yes  **Give the name of each visa applicant whose applications have been refused**

1. Family name

Given names

Date of birth

DAY MONTH YEAR

2. Family name

Given names

Date of birth

DAY MONTH YEAR

*If more than 2 visa applicants, give details at Part M*

**26** Has your organisation, or any of the organisation's close business associates, previously had a sanction imposed on them as a professional development sponsor?

No

Yes  Give details of each professional development sponsor

1. Legal Registered name   
Australian Business Number (ABN)

2. Legal Registered name   
Australian Business Number (ABN)

*If more than 2 organisations, give details at Part M*

**27** Do you have any outstanding debts in relation to a sponsored person?

No

Yes  Give details for each sponsored person

1. Family name   
Given names   
Amount

2. Family name   
Given names   
Amount

3. Family name   
Given names   
Amount

*If more than 3 sponsored persons, give details at Part M*

### **Part G – General sponsorship information**

**28** Have you previously been refused an application for any class of sponsorship?

No

Yes  Give details

*If insufficient space, give details at Part M*

**29** Have you, 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;  
**(Note:** A law 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, trafficking in persons and debt bondage.)

- 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; or

- become insolvent?

No

Yes  Give details

*If insufficient space, give details at Part M*

**30** Are you, or any principal of the organisation, currently awaiting the outcome of any proceedings mentioned at Question 29?

No

Yes  Give details

*If insufficient space, give details at Part M*

**31** Is there any adverse information relating to your suitability to sponsor people from overseas?

No

Yes  Give details

*If insufficient space, give details at Part M*

**32** Have you taken any action, or sought to take any action, that would result in the **transfer** to another person, some or all of the costs associated with you becoming an approved sponsor or that relate to the recruitment of a person from overseas (including migration agent costs)?

No

Yes  Give details

*If insufficient space, give details at Part M*

**33** Have you taken any action, or sought to take any action, that would result in another person(s) **paying** some or all of the costs associated with you becoming an approved sponsor or that relate to the recruitment of a person from overseas (including migration agent costs)?

No

Yes  Give details

*If insufficient space, give details at Part M*

**34** Have you **recovered**, or sought to **recover**, from another person, some or all of the costs associated with you becoming an approved sponsor or that relate to the recruitment of a person from overseas (including migration agent costs)?

No

Yes  Give details

*If insufficient space, give details at Part M*

## Part H – Assistance with this form

**35** Did you receive assistance in completing this form?

No  **Go to Part I**

Yes  Please give details of the person who assisted you

Title: Mr  Mrs  Miss  Ms  Other

Family name

Given names

Address

POSTCODE

Telephone number or daytime contact

	COUNTRY CODE	AREA CODE	NUMBER
Office hours	( )	( )	)

Mobile/cell

**36** Is the person an agent registered with the Office of the Migration Agents Registration Authority (Office of the MARA)?

No

Yes  **Go to Part I**

**37** Is the person/agent in Australia?

No  **Go to Part I**

Yes

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

No

Yes

## Part I – Options for receiving written communications

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

Myself

**OR**

Authorised recipient  You should complete form 956A *Appointment or withdrawal of an authorised recipient*

**OR**

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

**OR**

Exempt person

## Part J – Payment details

### 40 How will you pay your application charge?

**Note:** A surcharge may apply to payments made by credit card.

Further information is available from

[www.immi.gov.au/fees-charges/how-to-pay.htm](http://www.immi.gov.au/fees-charges/how-to-pay.htm)

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 Border Protection.

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"/> American Express <input type="checkbox"/> JCB <input type="checkbox"/> Visa <input type="checkbox"/>	AUD
---	-----

Credit card number

: : : : : : : : : : : : : : : : : :
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Expiry date MONTH / YEAR

Cardholder's name

--

Telephone number

(AREA CODE )

Address

POSTCODE

*As the cardholder I acknowledge and accept that a credit card surcharge may apply to the transaction.*

**Signature of cardholder**



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

## Part K – Document checklist

### 41 You **may** need to provide supporting documents to demonstrate that you satisfy sponsorship requirements.

#### Financial status

You will need to provide evidence of your financial status. Evidence may include but is not limited to the following.  You do not need to provide evidence of financial status of the organisation if it: <ul style="list-style-type: none"> <li>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</li> <li>is listed on the Australian Stock Exchange (ASX) and you have provided an ASX Code at Question 6; or</li> <li>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 Question 6</li> </ul>	<input type="checkbox"/>
In any other instance you should provide: <ul style="list-style-type: none"> <li>a letter of support that clearly summarises the organisation's ability to meet its financial responsibilities</li> </ul>	<input type="checkbox"/>
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: <ul style="list-style-type: none"> <li>bank statements</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>balance sheets/profit and loss statements for the business relating to the most recently concluding financial year</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>relevant extracts from the business plan including cash flow projections</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>contracts</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>lease agreements</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>statements concerning the source of any funds</li> </ul>	<input type="checkbox"/>

**Note:** Your case officer may request further evidence.

**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:	
• detailed Business Plan	<input type="checkbox"/>
• Contract of Sale relating to the purchase of the business	<input type="checkbox"/>
• lease agreement relating to business premises	<input type="checkbox"/>
• evidence of lease or purchase of machinery, equipment, furniture, etc	<input type="checkbox"/>
• contracts to provide services	<input type="checkbox"/>
• evidence of employment of staff	<input type="checkbox"/>
• Business Activity Statements (BAS) for each complete quarter from commencement of operations to date of lodgement	<input type="checkbox"/>
• business bank statements covering the period of operation	<input type="checkbox"/>

**Evidence required if applying for approval as a professional development sponsor**

Completed form 1402A <i>Professional Development Agreement</i>	<input type="checkbox"/>
Evidence required for organisation to demonstrate its capacity to deliver the training programme Provide either: • a Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registration number as part of the sponsorship; or • an approved registered training organisation (RTO) status by a relevant state authority	<input type="checkbox"/>
If the organisation is neither registered on CRICOS nor an RTO, the organisation should demonstrate its capacity to provide training programmes, eg. by: • demonstrating the existence of a dedicated in-house training institution and employment of a dedicated in-house training officer; or • providing a detailed in-house competency-based training manual which outlines courses, training modules, competencies to be acquired, means of assessment and performance feedback mechanisms for each occupation within the employer's operations or past history of delivering developmental training programmes	<input type="checkbox"/>

**Overseas organisation is actively and lawfully operating**

Supporting evidence is required to verify that the overseas employer is one of the following:

- a body corporate or an unincorporated association (other than an individual or sole trader) that:
  - conducts activities under the auspices of the government of a foreign country or a province, territory or state of a foreign country; and
  - has agreed to the professional development sponsor, or the proposed professional development sponsor, lodging a visa application on behalf of the person(s)

or

- a multilateral agency that:
  - is operating; and
  - has operated for a reasonable period of time before the date of the application; and
  - has agreed to the professional development sponsor, or the proposed professional development sponsor, lodging a visa application on behalf of the person(s)

or

- a registered business that:
  - is conducted by a body corporate or unincorporated association (other than an individual or sole trader) outside Australia; and
  - is actively and lawfully operating outside Australia; and
  - has actively and lawfully operated outside Australia for a reasonable period of time before the date of application; and
  - employs the person(s)

To demonstrate that the business is actively and lawfully operating, please provide the following:

Evidence from annual financial reports lodged in accordance with the requirements of the relevant law of the country. (Evidence of business activity and business transactions, eg. bank statements, business letters, contracts obtained or awarded and personnel records may also be sought.)

**Evidence that the overseas employers business background is relevant to and consistent with the proposed professional development programme**

Supporting information is required to demonstrate:

- how the programme will provide skills and expertise relevant to, and consistent with, the business and business background of a proposed primary sponsored person's overseas employer; and
- the organisation's capacity to deliver the training programme

**Professional development programme**

Provide a training plan or training agreement (if available), that details:

- training modules
- proposed timelines for training
- a breakdown of training hours.

