



Department of Immigration and Multicultural Affairs

All Department of Immigration and Multicultural Affairs (the department) forms referred to on this form can be found on the department's website

www.immi.gov.au/allforms/ or are available from your nearest office of the department.

This form provides information to Australian organisations intending to sponsor visa applicants under the Professional Development visa (PDV) (subclass 470) as well as potential professional development visa applicants and their overseas employers.

Professional Development visa

The PDV (subclass 470) caters for groups of professionals, managers and government officials from overseas who wish to come to Australia to enhance their professional or managerial skills by undertaking professional development training.

There are 3 steps to applying for a professional development visa:

Step 1 – a professional development agreement must be established between an Australian organisation and an overseas employer;

Step 2 – sponsorship approval of the Australian organisation; and

Step 3 – visa applications are lodged by approved sponsors.

Step 1 – Professional Development Agreement

The first step that must be undertaken by an Australian organisation that wishes to bring overseas participants<sup>1</sup> to Australia to undertake professional development training is to establish a professional development agreement with an overseas employer. The agreement between the sponsorship applicant and the overseas employer must be a formal one so that the overseas employer, the intending Australian sponsoring organisation and any other party to the agreement are bound by it. A template for a professional development agreement can be provided by sending an e-mail request to profdev@immi.gov.au

The agreement rules are specified in the Migration Regulations and require the agreement to clearly set out the following:

- the parties to the agreement must include the proposed Australian sponsor and the overseas employer. Other parties to the agreement may be either Australian organisations or Australian government agencies;

<sup>1</sup> 'Overseas participant' means:

- (a) a person who holds a subclass 470 (Professional Development) visa; or
- (b) a person:
  - (i) who is in Australia; and
  - (ii) who does not hold a substantive visa; and
  - (iii) whose last substantive visa was a subclass 470 (Professional Development) visa.

<sup>2</sup> 'Participant costs' means the cost of the overseas participant's:

- (a) travel and entry to Australia;
- (b) tuition for the professional development program;
- (c) accommodation in Australia;
- (d) living expenses in Australia;
- (e) health insurance in Australia; and
- (f) return travel from Australia.

- specify who is responsible for the participant costs<sup>2</sup> of persons who are selected by an overseas employer to be overseas participants and undertake the professional development program;
- a description of the professional development program and what is to be provided by the sponsor;
- a description of the roles of each of the parties under the agreement;
- the duration of the agreement;
- arrangements for mediation of disputes and other conflict resolution arrangements;
- arrangements made by the sponsor to subcontract provision of any part of the professional development program;
- a description of the arrangements for insurance relating to the sponsor;
- a description of the arrangements for recovery of costs if the sponsor, or another provider of the professional development program, ceases operations for any reason;
- a description of the characteristics of the persons whom the overseas employer proposes to select as overseas participants, and how overseas participants will be selected;
- if proposed overseas participants will be expected to pay for some of their participation costs (other than tuition which they are not permitted to fund), the agreement must contain:
  - a statement that the proposed overseas participants will be expected to meet the costs set out, and
  - a declaration from the overseas employer that the employer will not select an employee to be an overseas participant without being first satisfied that the employee can meet those costs; and
- the agreement is signed and dated by representatives of each party who are authorised to sign the agreement.

Step 2 – Sponsorship approval

In order to lodge a valid application for a professional development visa an Australian organisation must first be approved as a professional development sponsor. An approved sponsorship comprises 3 elements:

- A – the sponsor;
- B – the professional development program; and
- C – the overseas employer.

A – The Sponsor

The criteria to be approved as a professional development sponsor includes that the organisation must:

- be a lawfully established, actively operating organisation in Australia (ie. a corporation, association or government agency);
- have the capacity to provide training (either by itself or via nominated training providers);
- make and have the capacity to comply with sponsorship undertakings;
- provide evidence of a formal professional development agreement with an overseas organisation sending the participants; and
- provide a security bond if required.

## Undertakings

Sponsors are required to make enforceable undertakings in relation to their own behaviour and the conduct of each overseas participant they sponsor. For this reason it is important that sponsors carefully assess the genuineness of their nominated visa applicants, closely monitor their conduct in Australia and report any non-compliance or change of circumstances to the department.

The undertakings that an approved professional development sponsor must make for each overseas participant they intend to sponsor to Australia are:

- a) to ensure that the participant costs of an overseas participant are met, while the overseas participant is the holder of the subclass 470 (Professional Development) visa; and
- b) to ensure that an overseas participant complies with the conditions to which the overseas participant's visa is subject; and
- c) to ensure that an overseas participant complies with the immigration laws of Australia; and
- d) to comply with its responsibilities under the immigration laws of Australia; and
- e) to ensure that an overseas participant's standard of living (including the overseas participant's accommodation) while the overseas participant is the holder of a subclass 470 (Professional Development) visa is consistent with a reasonable standard of living in Australia; and
- f) to give the Secretary accurate information, as soon as practicable, about:
  - (i) any material change in the approved professional development sponsor's circumstances; or
  - (ii) any matter that may affect the approved professional development sponsor's ability to carry out the undertakings mentioned in this regulation; or
  - (iii) any material change in an overseas participant's circumstances; or
  - (iv) any matter that may affect an overseas participant's ability to comply with the conditions to which the overseas participant's visa is subject; and
- g) not to make a material change to the professional development program for an overseas participant unless the Secretary has approved the change in writing; and
- h) to give officers reasonable access, at reasonable times, to premises at which the approved professional development sponsor provides, or will provide, a professional development program, for the purpose of assessing:
  - (i) the approved professional development sponsor's compliance with the Act and Regulations in relation to the approved professional development sponsor's sponsorship, the program and any overseas participant; and
  - (ii) an overseas participant's compliance with the conditions to which the overseas participant's visa is subject; and
- i) to co-operate with the department's monitoring of the approved professional development sponsor and of an overseas participant sponsored by the sponsor; and
- j) not to employ a non-citizen who does not hold a visa permitting the non-citizen to work (whether for reward or otherwise); and
- k) not to employ a non-citizen in breach of a visa condition restricting the work that the non-citizen may perform in Australia; and
- l) to pay all medical or hospital expenses for the overseas participant arising from treatment administered in a public hospital (other than expenses that are met by health insurance or reciprocal health care arrangements); and

- m) to pay to the Commonwealth an amount equal to all costs incurred by the Commonwealth in relation to an overseas participant. These costs include:
  - locating the overseas participant;
  - detaining the overseas participant;
  - removing the overseas participant from Australia;
  - processing an application for a protection visa made by the overseas participant; and
- n) to replace any amount of bond that has been forfeited within the time requested.

**Note:** The maximum amount that a sponsor will be liable for in relation to locating and detaining an overseas participant is capped at A\$10,000 for each overseas participant.

## Enforceability of undertakings

Undertaking (l) – remains enforceable until: the time when the expenses are paid.

Undertaking (m) and (n) – are enforceable until: the time when the amount is paid.

Undertaking (c); (d); (f)iii; (h); (i); (j) and (k) – are enforceable until: if the sponsor ceases to be an approved sponsor of the sponsored person and the sponsored person ceases to hold a subclass 470 (Professional Development) visa for which he or she was sponsored – the time when the person ceases to be an overseas participant.

Undertaking (a); (b); (e); (f)i; (f)ii; (f)iv and (g) – are enforceable until: if the sponsor ceases to be an approved sponsor of the sponsored person and the sponsored person ceases to hold a subclass 470 (Professional Development) visa for which he or she was sponsored – the time when the sponsored person ceases to hold the subclass 470 (Professional Development) visa.

## Security bond

The department will normally require a sponsorship applicant to lodge a security bond for each professional development program that it wishes to establish unless the participants are nationals of an Electronic Travel Authority eligible country or the sponsor is another Commonwealth department or agency. The security bond must be lodged by the specified time in order for the sponsorship application to be approved.

The purpose of requiring a security bond is to:

- encourage the sponsor to carefully pre-assess their visa applicants and the genuineness and the intentions of the overseas organisation; and
- enable amounts from the security bond to be forfeited in instances of non-compliance (by either the sponsor and/or their sponsored overseas participants) with undertakings and visa conditions.

While there is no upper limit to the amount of security that may be required, under current policy, it is considered that A\$15,000 is an appropriate amount. It is expected that in most cases the security bond will take the form of a bank guarantee.

Forfeiture of amounts from a security bond can only be imposed against those sponsors that were required to lodge a security bond. Sponsoring organisations should note that the Migration Regulations prescribe that any forfeiture from the security bond will require timely replacement of the forfeited amount. Non-financial sanctions apply to all sponsoring organisations regardless of whether or not they have been required to lodge a security bond.

## B – Professional Development Program (PDP)

The PDP:

- must be designed to enhance the participant's professional/managerial skills in their present occupation;
- must be primarily (ie. 55% at least) classroom (ie. face-to-face) type instruction;
- should not exceed 18 months in length (except in exceptional circumstances); and
- may include participation in a course that would lead to the award of a recognised Australian qualification.

While practical components can be included in PDPs, the following conditions apply:

- they must not adversely impact on the Australian labour market; and
- any remuneration to overseas participants during the practical component must be paid by the overseas employer that has the agreement with the Australian sponsoring organisation.

## C – Overseas Employer

The sponsorship applicant must demonstrate that it has a documented relationship with an overseas employer. The overseas employer:

- must be either a foreign government agency, usually limited to provincial/state level and above, or a reputable lawfully operated business, or a multilateral agency<sup>3</sup>;
- must not have any adverse information about its background known to the department, taking in to consideration:
  - the previous conduct of visa holders from this organisation;
  - the refusals of previous applicants from this organisation; or
  - other immigration compliance.
- must have a demonstrated history of business, relevant to and consistent with, the proposed PDP.

Each sponsorship approved will usually involve one overseas employer, however, more than one overseas employer may be allowed under the same sponsorship approval providing the following criteria are met:

- all the overseas employers to be involved in the PDP are listed on the application at the time the sponsorship is applied for; and
- the same PDP is to be delivered to all the listed overseas employers.

## Lodging a sponsorship application

Australian organisations will need to lodge a completed and signed form 1226 *Application for approval as a Professional Development Sponsor*. The completed form, together with the appropriate application charge (unless a Commonwealth Government department or agency) and any relevant additional information as required by this form, should then be lodged either by courier, by mail or by fax to the Hobart Professional Development Visa Processing Centre. The details of this centre are on page 5.

Current charges are detailed on form 990i *Charges*.

## The sponsorship

Once a sponsorship is approved, the Australian organisation may sponsor visa applicants employed by an overseas business or employed/nominated by a foreign government agency or employed/nominated by a multilateral agency to undertake the approved PDP. 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.

A sponsorship approval will be valid for a period of up to a maximum of 3 years, or the duration of the agreement between the sponsor and the overseas organisation (whichever is shorter). Following expiry, should the former sponsor wish to continue to sponsor other persons to undertake the PDP, it will have to apply to have a new sponsorship approved.

Should a sponsor wish to sponsor people to undertake different PDPs, a new sponsorship approval will be required to cover each PDP. Major adjustments to the structure of approved PDPs will also require a new sponsorship approval.

## Sanctions

If an approved professional development sponsor breaches a sponsorship undertaking, the department has discretion to impose a sanction. According to the *Migration Act 1958* (Cth) and the *Migration Regulations 1994* (Cth), the kinds of sanctions that can be imposed include:

1. barring the sponsor for a specified period [s.140L(c), (d), (e) and (f)]; and/or
2. forfeiture of part or all of the money provided to the department as security at the time the sponsorship was approved (s.269); and/or
3. cancelling approval as a sponsor [s.140L (a) and (b)].

### 1. The types of bars that may be imposed are:

- s.140L(c) barring the sponsor, for a specified period, from sponsoring more people under the terms of one or more of that sponsor's existing approved professional development sponsorships;
- s.140L(d) barring the sponsor, for a specified period, from sponsoring more people under the terms of all existing approved temporary visa sponsorships;
- s.140L(e) barring the sponsor, for a specified period, from making future applications for approval as a professional development sponsor;
- s.140L (f) barring the sponsor, for a specified period, from making future applications for approval as a sponsor for all temporary visas for which sponsorship is a criterion.

### 2. Forfeiture

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.

### 3. Cancelling approval as a sponsor

Under s.140L of the Act, the department has discretion to:

- cancel the approval of a sponsor as a professional development sponsor s.140L(a); or
- cancel the approval of a sponsor as a sponsor for all temporary visas s.140L(b).

<sup>3</sup> 'Multilateral agency' means an agency in which at least 3 national governments participate (eg. United Nations, World Bank).

## Responses to bars and cancellations

Where a decision is made to impose a bar, a sponsor may:

- apply to the Minister to have the bar waived; and/or
- apply for merits review of the decision by the Migration Review Tribunal.

Where a decision is made to cancel approval as a sponsor, the sponsor may apply for merits review of the decision by the Migration Review Tribunal.

## Step 3 – Professional Development visa applications

The Professional Development visa applicant:

- must be employed by a registered overseas business or employed/nominated by a government agency of a foreign country (or province/state of a foreign country), or employed/nominated by a multilateral agency;
- must have managerial or other professional skills relevant to the PDP;
- must have a genuine intention to undertake the training;
- must have a genuine intention to comply with the visa conditions and depart Australia at the end of the visa period; and
- will be required to meet general health and character requirements.

## Lodging a Professional Development visa application

Intending overseas participants do not lodge visa applications themselves. The approved professional development sponsor lodges the visa application forms on behalf of the intending overseas participants. The visa applicants must sign the part of the application form 1227 *Application for a Professional Development visa* which gives consent to the professional development sponsor to act on their behalf in relation to the visa application.

Each visa application must include:

- a completed form 1227 *Application for a Professional Development visa*. Applicants, sponsors and, if required, migration agents, must complete and sign the relevant parts of the form;
- the relevant visa application charge;
- 4 passport photographs of the applicant;
- a copy of the applicant's passport biodata page; and
- other documentation as required on the form.

**Applicants must provide their residential address. Failure to give a residential address will result in an application being invalid. A post office box will not be accepted as a residential address.**

Applications must be lodged at the Hobart Professional Development Visa Processing Centre either by courier, by mail, or by fax. To expedite processing, sponsors are encouraged to lodge visa applications in batches.

Once the visa application is lodged, if medical checks are required, the relevant medical forms with appropriate instructions will be forwarded to the sponsor to forward to the applicant for the applicant to complete. For information on the health requirements for temporary entry to Australia see form 1163i *Health requirement for temporary entry to Australia*.

Once a decision is made on a visa application, the sponsor will be informed of the visa decision. Visa applicants will not be notified. Sponsors will also be advised of procedures for obtaining visa labels for those granted visas. This will involve forwarding visa applicants' passports to an appropriate immigration office overseas. However, it will not be necessary for Electronic Travel Authority (ETA) eligible passport holders to obtain a visa label for their visa.

## Conditions on Professional Development visas

Successful applicants will be granted multiple entry visas for the duration of their PDP. This will include time to make arrangements to leave Australia after the completion of their PDP. If visa holders leave and return to Australia during the period of their PDP, they should ensure that they re-enter Australia before the expiry of their visa.

All professional development visas granted will by law have the following conditions attached to the visa:

- 8102** the holder must not engage in work in Australia (other than in relation to the holder's course of study or training);
- 8503** the holder will not, after entering Australia, be entitled to be granted a substantive visa, other than a protection visa, while the holder remains in Australia;
- 8531** the holder must not remain in Australia after the end of the period of stay permitted by the visa;
- 8501** the holder must maintain adequate arrangements for health insurance while the holder is in Australia;
- 8516** the holder must continue to be a person who would satisfy the primary or secondary criteria, as the case requires, for the grant of the visa;
- 8514** during the period of the visa there must be no material change in the circumstances on the basis of which it was granted;
- 8205** if the holder is over 11 and:
  - is from a country other than a country that is designated, by Gazette Notice, as a country in relation to which this condition does not apply; and
  - intends to study in a class-room environment for a period greater than 4 weeks;the holder must, before commencing that study, pass a chest x-ray examination carried out by a medical practitioner who is qualified as a radiologist;
- 8536** the holder must not discontinue, or deviate from the professional development program in relation to which the visa was granted.

Sponsors should ensure that visa holders are aware of the conditions attached to their visas, as a breach of visa conditions may lead to sanctions being imposed against the sponsor. **It is not a reasonable excuse to say that the visa holder was not aware of those conditions.**

## Health insurance

A requirement of this visa is that all applicants are covered by health insurance for the period of their stay in Australia.

**Note:** That where health insurance does not fully cover medical costs incurred by the visa holder while in Australia, the sponsor will be liable to repay these costs.

Overseas Student Health Cover (OSHC) is not appropriate for professional development visa applicants.

## Visa applicant's family members

An applicant's family members are not able to apply for this visa as dependants. Should an applicant's family members wish to travel with them or visit them in Australia, they will have to apply and meet the relevant criteria for the grant of a visitor or other appropriate visa.

## Where to lodge sponsorship and visa applications

Visa and sponsorship applications can be lodged either by courier to:

Hobart Professional Development Visa Processing Centre  
13th floor  
188 Collins Street  
HOBART TAS 7000

or by mail to:

Hobart Professional Development Visa Processing Centre  
PO Box 1623  
HOBART TAS 7001

or by fax to: (03) 6220 4029

Applications by fax should be sent with a cover sheet identifying the number of visa applicants included in the batch. In order to meet the requirements of lodging a valid application when applying by fax, the appropriate application charge must be paid by credit card. This can be done by completing the relevant section on credit card payment details on forms 1226 *Application for approval as a Professional Development Sponsor* and 1227 *Application for a Professional Development visa*.

## Application charges

Application charges are required for sponsorship and visa applications. To check the amount of this charge, refer to form 990i *Charges*.

Payment must accompany an application and is generally not refunded if an application is unsuccessful.

To make payment, please pay by credit card, debit card or by bank cheque or money order made payable to the 'Department of Immigration and Multicultural Affairs'. **Please do not pay by cash or personal cheque.**

## English translations

Documents in languages other than English must be accompanied by an English translation. The translator of such documents must be accredited by the National Accreditation Authority for Translators and Interpreters (NAATI). Translating and Interpreting Services (TIS) translators are NAATI accredited.

## Withdrawal of an application

An application may be withdrawn in writing at any time before a decision is made. Any charges that have been paid at the time of lodgment of the application are usually non-refundable.

## Review rights

Decisions to refuse sponsorship or visa applications are reviewable by the Migration Review Tribunal. If an application for the approval of a sponsorship or professional development visa is refused, the sponsor will be notified of their review rights in writing and the time limits for lodging an appeal.

## Using a migration agent

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 in the lawful best interests of their clients and act professionally.

**Sponsors of applicants for professional development visas are exempt from the requirements to be registered with the Migration Agents Registration Authority (MARA) in order to assist applicants in relation to professional development visas.**

A list of registered migration agents is available from the Migration Agents Registration Authority (MARA) website [www.themara.com.au](http://www.themara.com.au)

You can contact the MARA at:

E-mail: [themara@themara.com.au](mailto:themara@themara.com.au)

PO Box Q1551  
QVB NSW 1230  
AUSTRALIA

Telephone: 61 2 9299 5446

Fax: 61 2 9299 8448

The MARA investigates complaints against registered migration agents and may take disciplinary action against them. If you or the visa applicant have a concern about a registered migration agent, either you or the visa applicant should contact the MARA. A copy of the complaint form is available from the MARA website.

## Disclosure of personal information

In order to accord natural justice to an approved professional development sponsor or former approved professional development sponsor personal information may be disclosed to an approved professional development sponsor or a former approved professional development sponsor about the holder or former holder of a subclass 470 (Professional Development) visa (the person). That personal information is:

- details of any breaches of visa conditions by the person; and
- if the person no longer holds a valid subclass 470 (Professional Development) visa and remains in Australia as an unlawful non-citizen — that information; and
- details of any hospital or medical expenses for the person that the sponsor or former sponsor is required to pay; and
- details of any costs incurred by the Commonwealth in relation to the person; and
- details of the cost of return travel from Australia by the person, while the person was the holder of a subclass 470 (Professional Development) visa; and
- details of any non-compliance with the immigration laws of Australia by the person; and
- if the person's standard of living, while the person was the holder of a subclass 470 visa was not consistent with a reasonable standard of living in Australia — that information; and
- details of any material change in the person's circumstances; and
- details of any matter that affected the person's ability to comply with the conditions to which the person's visa was subject.

The circumstances in which the Minister may disclose the personal information are that the disclosure is necessary:

- to allow the sponsor or former sponsor to respond to a claim about conduct that may lead to action under section 140J or 140K of the Act against the sponsor or former sponsor; or
- to allow the sponsor or former sponsor to meet a liability relating to the sponsorship of the holder or former holder of a subclass 470 (Professional Development) visa; or
- in connection with a proceeding for review of a decision mentioned in paragraph 4.02 (4) (h) of the Migration Regulations.

The circumstances in which the sponsor or former sponsor may use or disclose the information are the same as the circumstances set out in the paragraph above.

If personal information is disclosed the department will notify the visa holder or former visa holder of the disclosure and the details of the personal information disclosed.

For clarification on matters related to the Professional Development visa, e-mail your enquiries to [profdev@immi.gov.au](mailto:profdev@immi.gov.au)

*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.