

### 3.3. Sponsorship obligations

Division 2.19 of Part 2A of the Regulations provides the sponsorship obligations which an approved work sponsor must satisfy, including an obligation to:

- regulation 2.78 - Cooperate with Inspectors who are appointed under section 140V, and exercising powers under the Migration Act
- regulation 2.79 - Ensure equivalent terms and conditions of employment of a sponsored person holding a Subclass 457 Temporary Work Skilled visa or a Subclass 482 Temporary Skill Shortage visa, or whose the last substantive visa held was a Subclass 457 (Temporary Work Skilled) visa or a Subclass 482 Temporary Skill Shortage visa;
- regulation 2.79A - Ensure equivalent terms and conditions of employment of a sponsored person holding a Subclass 494 Skilled Employer Sponsored Regional Provisional visa, or whose last substantive visa held held was a Subclass 494 Skilled Employer Sponsored Regional Provisional visa;
- regulation 2.80 - Pay travel costs to enable sponsored persons to leave Australia
- regulation 2.80A - Pay travel costs - Domestic Worker (Executive) that requires the sponsor to pay for the sponsored person to travel to Australia, and leave Australia
- regulation 2.81 - Pay costs incurred by the Commonwealth to locate and remove unlawful non-citizen
- regulation 2.82 - Keep records
- regulation 2.83 - Provide records and information to the Minister
- regulation 2.84 - Provide information to the Department when certain events occur
- regulation 2.85 - Secure an offer of a reasonable standard of accommodation
- regulation 2.86 - Ensure primary sponsored person works or participates in nominated occupation, program or activity
- regulation 2.86A - Ensure primary sponsored person works or participates in activity in relation to which the visa was granted
- regulation 2.87 - Not to recover, transfer or take actions that would result in another person paying for certain costs
- regulation 2.87C - Not to engage in discriminatory recruitment practices.

The two tables that follow demonstrate which sponsorship obligation applies to which class of sponsor and the relevant visa subclasses:

- Table 1 outlines the obligations that apply to all temporary work sponsors, with the exception of the temporary activities sponsor.
- Table 2 outlines which obligations that apply for temporary activities sponsors, dependent on which visa criteria is met, or visa subclass approved.

**Note:** Some obligations may vary depending on which activity, stream, program or visa criteria for which the sponsored person was approved.

#### 3.3.1. Table 1 - Obligations for sponsorship class

		Regulation														
		2.78	2.79	2.79A	2.80	2.80A	2.81	2.82	2.83	2.84	2.85	2.86	2.86A	2.87	2.87C	
Visa subclass	457	Standard business	YES	YES	NO	YES	NO	YES	YES	YES	YES	NO	YES	NO	YES	YES
	482		YES	NO	YES	YES	NO	YES	YES	YES	YES	NO	YES	NO	YES	YES
	494		YES	NO	NO	*	*	YES	YES	YES	YES	*	YES	NO	YES	NO
	401	Long stay activity	YES	NO	NO	NO	NO	YES	YES	YES	YES	*	*	NO	YES	NO
	402	Training and research	YES	NO	NO	NO	NO	YES	YES	YES	YES	*	*	NO	YES	NO
	402	Professional development	YES	NO	NO	YES	NO	YES	YES	YES	YES	YES	YES	NO	NO	NO
	403	Temporary activities sponsor*	Refer to Table 2													
	407															
	408															
	416	Special program	YES	NO	NO	YES	NO	YES	YES	YES	YES	YES	YES	NO	YES	NO
	420	Entertainment	YES	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	NO
	488	Superyacht	YES	NO	NO	NO	NO	YES	YES	YES	YES	NO	YES	NO	YES	NO
		Work (labour) agreement	As per the work agreement													



## Division 2.19 - Sponsorship obligations [r2.77 to r2.87C]

### Division 2.19 Sponsorship obligations

#### Subdivision 2.19.1—Sponsorship obligations of approved work sponsors etc.

##### Reg 2.77 Preliminary

For subsection [140H\(1\)](#) of the Act, each of the obligations mentioned in this Subdivision is a sponsorship obligation that a person to whom the obligation applies must satisfy.

##### Reg 2.78 Obligation to cooperate with inspectors

- (1) This regulation applies to a person who is or was an [approved work sponsor](#).
- (2) The person must cooperate with an inspector if:
  - (a) the inspector is appointed under section [140V](#) of the Act; and
  - (b) the inspector is exercising powers under [Subdivision F](#) of [Division 3A](#) of Part 2 of the Act.
- (3) Without limiting subregulation (2), the person is taken not to have cooperated with an inspector if:
  - (a) the person hinders or obstructs an inspector while the inspector is exercising powers under [Subdivision F](#) of [Division 3A](#) of Part 2 of the Act; or
  - (b) the person conceals, or attempts to conceal, from an inspector the location of a person, document or thing while the inspector is exercising powers under [Subdivision F](#) of [Division 3A](#) of Part 2 of the Act; or
  - (c) the person prevents, or attempts to prevent, another person from assisting an inspector while the inspector is exercising powers under [Subdivision F](#) of [Division 3A](#) of Part 2 of the Act; or
  - (d) the person assaults an inspector or a person assisting the inspector while the inspector is exercising powers under [Subdivision F](#) of [Division 3A](#) of Part 2 of the Act; or
  - (e) the person intimidates or threatens, or attempts to intimidate or threaten, an inspector or a person assisting the inspector while the inspector is exercising powers under [Subdivision F](#) of [Division 3A](#) of Part 2 of the Act.
- (4) If the person is or was approved as a work sponsor in a class of sponsor under subsection [140E\(1\)](#) of the Act, the obligation mentioned in subregulation (2):
  - (a) starts to apply on the day on which the person is approved as a work sponsor in a class under subsection [140E\(1\)](#) of the Act; and

(b) ends 5 years after the day on which the person ceases or ceased to be an approved work sponsor.

(5) If the person is or was a party to a [work agreement](#), the obligation mentioned in subregulation (2):

(a) starts to apply on the day on which the [work agreement](#) commences; and

(b) ends 5 years after the day on which the [work agreement](#) ceases or ceased.

## Reg 2.79 Obligation to ensure equivalent terms and conditions of employment - Subclass 457 (Temporary Work (Skilled)) visa and Subclass 482 (Temporary Skill Shortage) visa

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(1) Subject to subregulation (1A):

(a) this regulation applies to a person who is or was a [standard business sponsor](#) of a [primary sponsored person](#) if:

(i) the [primary sponsored person](#) holds a Subclass 457 (Temporary Work (Skilled)) visa or a [Subclass 482 \(Temporary Skill Shortage\) visa](#); or

(ii) the last [substantive visa](#) held by the [primary sponsored person](#) was a Subclass 457 (Temporary Work (Skilled)) visa or a [Subclass 482 \(Temporary Skill Shortage\) visa](#); and

(b) this regulation applies to a person who is or was a party to a [work agreement](#) (other than a Minister), and who is or was an [approved work sponsor](#) of a [primary sponsored person](#), if:

(i) the [primary sponsored person](#) holds a Subclass 457 (Temporary Work (Skilled)) visa or a [Subclass 482 \(Temporary Skill Shortage\) visa](#); or

(ii) the last [substantive visa](#) held by the [primary sponsored person](#) was a Subclass 457 (Temporary Work (Skilled)) visa or a [Subclass 482 \(Temporary Skill Shortage\) visa](#).

(1A) This regulation does not apply to a [standard business sponsor](#) of a [primary sponsored person](#) if:

(a) either:

(i) the [primary sponsored person](#) holds a Subclass 457 (Temporary Work (Skilled)) visa or a [Subclass 482 \(Temporary Skill Shortage\) visa](#); or

(ii) the last [substantive visa](#) held by the [primary sponsored person](#) was a Subclass 457 (Temporary Work (Skilled)) visa or a [Subclass 482 \(Temporary Skill Shortage\) visa](#); and

(b) the annual earnings of the [primary sponsored person](#) are equal to or greater than the amount specified by the Minister in an [instrument in writing](#) for this paragraph.

(3) The person must ensure that:

(a) if:

(i) the person is mentioned in paragraph (1)(a); and

(ii) the nomination by the person of an occupation in which the primary sponsored person is identified was made before 18 March 2018;



the terms and conditions of employment provided to the primary sponsored person are:

(iii) no less favourable than the terms and conditions of employment that the Minister was satisfied, under paragraph 2.72(10)(c) (as in force before 18 March 2018), were no less favourable than the terms and conditions of employment that are provided, or would be provided, to an Australian citizen or an Australian permanent resident; and

(iv) no less favourable than the terms and conditions of employment that the person provides, or would provide, to an Australian citizen or an Australian permanent resident to perform equivalent work in the person's workplace at the same location; or

(b) if the person is mentioned in paragraph (1)(a) and the nomination by the person of an occupation in which the primary sponsored person is identified was made on or after 18 March 2018:

(i) the primary sponsored person's annual earnings in relation to the occupation are not less than the annual earnings the person indicated, at the time the nomination was approved, would be provided to the primary sponsored person for the occupation; and

(ii) the primary sponsored person's earnings in relation to the occupation are not less than the earnings an Australian citizen or an Australian permanent resident earns or would earn for performing equivalent work in the same workplace at the same location; and

(iii) the employment conditions (other than in relation to earnings) that apply to the primary sponsored person are no less favourable than those that apply, or would apply, to an Australian citizen or an Australian permanent resident performing equivalent work at the same location; or

(e) if the person is mentioned in paragraph (1)(b), the terms and conditions of employment provided to the [primary sponsored person](#) are no [less favourable](#) than the terms and conditions of employment set out in the [work agreement](#).

Note: The terms and conditions of a [work agreement](#) may refer to a minimum salary level specified in an instrument in writing.

**(4)** The obligations mentioned in subregulations (2) and (3):

(a) start to apply on:

(i) the day on which the Minister approves a nomination by the person in which the [primary sponsored person](#) is identified; or

(iii) if the [primary sponsored person](#) does not hold a Subclass 457 (Temporary Work (Skilled)) visa or a [Subclass 482 \(Temporary Skill Shortage\) visa](#) on the day the Minister approves the nomination — the day on which the [primary sponsored person](#) is granted the visa on the basis of being identified in an approved nomination by the person; and

(b) end on the earlier of:

(i) the day on which the [primary sponsored person](#) is granted a further [substantive visa](#) that:

(A) is not a Subclass 457 (Temporary Work (Skilled)) visa or a [Subclass 482 \(Temporary Skill Shortage\) visa](#); and

(B) is in effect; and

(ii) the day on which the [primary sponsored person](#) ceases employment with the person.

## 2.79A Obligation to ensure equivalent terms and conditions of employment—Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa

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**(1)** This regulation applies:

(a) to a person who is or was a standard business sponsor of a primary sponsored person if:

(i) the primary sponsored person holds a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#); or

(ii) the last substantive visa held by the primary sponsored person was a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#); or

(b) to a person who is or was a party to a work agreement (other than a Minister), and who is or was an approved work sponsor of a primary sponsored person, if:

(i) the primary sponsored person holds a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#); or

(ii) the last substantive visa held by the primary sponsored person was a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#).

**(2)** This regulation does not apply to a standard business sponsor of a primary sponsored person if the annual earnings of the primary sponsored person are equal to or greater than the amount specified by the Minister in an instrument in writing for the purposes of paragraph [2.79\(1A\)\(b\)](#).

**(3)** The person must ensure that:

(a) if the person is mentioned in paragraph [\(1\)\(a\)](#):

(i) the primary sponsored person's annual earnings in relation to the occupation are not less than the annual earnings the person indicated, at the time the nomination was approved, would be provided to the primary sponsored person for the occupation; and

(ii) the primary sponsored person's earnings in relation to the occupation are not less than the earnings an Australian citizen or

an Australian permanent resident earns or would earn for performing equivalent work in the same workplace at the same

location; and

(iii) the employment conditions (other than in relation to earnings) that apply to the primary sponsored person are no less favourable than those that apply, or would apply, to an Australian citizen or an Australian permanent resident performing equivalent work at the same location; or

(b) if the person is mentioned in paragraph (1)(b), the terms and conditions of employment provided to the primary sponsored person are no less favourable than the terms and conditions of employment set out in the work agreement.

(4) The obligations mentioned in subregulation (3):

(a) start to apply on:

(i) the day on which the Minister approves a nomination by the person in which the primary sponsored person is identified; or

(ii) if the primary sponsored person does not hold a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#) on the day the Minister approves the nomination—the day on which the primary sponsored person is granted the visa on the basis of being identified in an approved nomination by the person; and

(b) end on the earlier of:

(i) the day on which the primary sponsored person is granted a further substantive visa that:

(A) is not a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#); and

(B) is in effect; and

(ii) the day on which the primary sponsored person ceases employment with the person.

## Reg 2.80 **Obligation to pay travel costs to enable sponsored persons to leave Australia**

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(1) This regulation applies to a person who is or was:

(a) a temporary activities sponsor or a [long stay activity sponsor](#) of a [primary sponsored person](#) or a [secondary sponsored person](#) (the **sponsored person**), if:

(i) the primary sponsored person holds a [Subclass 408 \(Temporary Activity\) visa](#) granted on the basis that the [primary sponsored person](#) satisfied the criteria in clause 408.223 (religious

worker) of Schedule 2; or

(ii) the last [substantive visa](#) held by the [primary sponsored person](#) was a [Subclass 408 \(Temporary Activity\) visa](#) granted on the basis that the [primary sponsored person](#)

satisfied the criteria in clause 408.223 (religious worker) of Schedule 2; or

(aa) a [long stay activity sponsor](#) of a [primary sponsored person](#) or a [secondary sponsored person](#) (the **sponsored person**), if:

(i) the [primary sponsored person](#) holds a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Religious Worker stream; or

(ii) the last [substantive visa](#) held by the [primary sponsored person](#) was a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Religious Worker stream; or

(b) a [professional development sponsor](#) of a [primary sponsored person](#) (the **sponsored person**), if:

(i) the [primary sponsored person](#) holds a Subclass 402 (Training and Research) visa in the Professional Development stream; or

(ii) the last [substantive visa](#) held by the [primary sponsored person](#) was a Subclass 402 (Training and Research) visa in the Professional Development stream; or

(c) a special program sponsor of a [primary sponsored person](#) or a [secondary sponsored person](#) (the **sponsored person**), if:

(i) the [primary sponsored person](#) holds a Subclass 416 (Special Program) visa granted on the basis that the person satisfied the criterion in paragraph 416.222(a) of Schedule 2; or

(ii) the last [substantive visa](#) held by the [primary sponsored person](#) was a Subclass 416 (Special Program) visa granted on that basis; or

(ca) a temporary activities sponsor or a special program sponsor of a [primary sponsored person](#) or a [secondary sponsored person](#) (the **sponsored person**), if:

(i) the [primary sponsored person](#) holds a [Subclass 408 \(Temporary Activity\) visa](#) granted on the basis that the [primary sponsored person](#) satisfied the criteria in clause 408.228 (special program) of Schedule 2; or

(ii) the last [substantive visa](#) held by the [primary sponsored person](#) was a [Subclass 408 \(Temporary Activity\) visa](#) granted on the basis that the [primary sponsored person](#) satisfied the criteria in clause 408.228 (special program) of Schedule 2; or

(d) a party to a work agreement (other than a Minister), and who is or was an [approved work sponsor](#) of a [primary sponsored person](#) or [secondary sponsored person](#) (the **sponsored person**), if

(i) the [primary sponsored person](#) holds a Subclass 457 (Temporary Work (Skilled)) visa, a [Subclass 482 \(Temporary Skill Shortage\) visa](#) or a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#); or

(ii) the last [substantive visa](#) held by the [primary sponsored person](#) was a Subclass 457 (Temporary Work (Skilled)) visa, a [Subclass 482 \(Temporary Skill Shortage\) visa](#) or a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#); or

(e) a [standard business sponsor](#) of a [primary sponsored person](#) or a secondary sponsored person (the **sponsored person**), if:

(i) the [primary sponsored person](#) holds a Subclass 457 (Temporary Work (Skilled)) visa, a [Subclass 482 \(Temporary Skill Shortage\) visa](#) or a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#); or

(ii) the last [substantive visa](#) held by the [primary sponsored person](#) was a Subclass 457 (Temporary Work (Skilled)) visa, a [Subclass 482 \(Temporary Skill Shortage\) visa](#) or a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#).

**(2)** The person must pay the travel costs of the [primary sponsored person](#) or the [secondary](#)

[sponsored person](#):

(a) if the costs have been requested in writing by:

(i) the Minister on behalf of the [primary sponsored person](#) or the [secondary sponsored person](#); or

(ii) the [primary sponsored person](#); or

(iii) the [primary sponsored person](#) on behalf of the [secondary sponsored person](#); or

(iv) the [secondary sponsored person](#); or

(v) the [secondary sponsored person](#) on behalf of the [primary sponsored person](#); and

(b) that have not already been paid in accordance with this regulation; and

(c) that are reasonable and necessary.

**(3)** The request to pay travel costs must:

(a) specify the person or persons whose travel will be funded by the costs; and

(b) specify the country that the person, whose travel will be funded, holds a [passport](#) for and will travel to; and

(c) if the person is a multiple [passport](#) holder — specify the country that the person holds a passport for and wants to travel to; and

(d) be made while the person whose travel will be funded is the holder of the Subclass 401 (Temporary Work (Long Stay Activity)) visa, the Subclass 402 (Training and Research) visa, the [Subclass 408 \(Temporary Activity\) visa](#), the Subclass 416 (Special Program) visa, the Subclass 457 (Temporary Work (Skilled)) visa, the [Subclass 482 \(Temporary Skill Shortage\) visa](#) or the [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#).

**(4)** Without limiting paragraph (2)(c), a person is taken to have paid reasonable and necessary costs if:

(a) the costs include the cost of travel from the [primary sponsored person's](#) usual place of residence [in Australia](#) to the place of departure from Australia; and

(b) the costs include the cost of travel from Australia to the country the person specifies in accordance with subregulation (3); and

(c) the costs are paid within 30 days of receiving the request for costs; and

(d) the costs are for economy class air travel or the equivalent of economy class air travel.

**(5)** The obligation mentioned in subregulation (2):

(a) starts to apply:

(i) if the [primary sponsored person](#) holds a [Subclass 402 \(Training and Research\) visa](#)—on the day the [primary sponsored person](#) is granted the visa; or

(ia) if the [primary sponsored person](#) or [secondary sponsored person](#) holds a [Subclass 408 \(Temporary Activity\) visa](#) or a [Subclass 416 \(Special Program\) visa](#)—on the day the [primary](#)



[sponsored person](#) or [secondary sponsored person](#) is granted the visa; or

(ii) if the [primary sponsored person](#) or [secondary sponsored person](#) holds a Subclass 401 (Temporary Work (Long Stay Activity)) visa, a Subclass 457 (Temporary Work (Skilled)) visa, a [Subclass 482 \(Temporary Skill Shortage\) visa](#) or a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#);

(A) on the day on which the Minister approves a nomination by the person that identifies the [primary sponsored person](#); or

(B) if the [primary sponsored person](#) does not hold the visa on the day the Minister approves the nomination — on the day on which the [primary sponsored person](#) is granted the visa on the basis of being identified in an approved nomination by the person; and

(b) for a [primary sponsored person](#) — ends on the earliest of:

(i) the day on which the Minister approves a nomination under section 140GB of the Act by another [approved work sponsor](#) in which the [primary sponsored person](#) is identified; and

(ii) the day on which the primary sponsored person is granted a further substantive visa that is in effect and is:

(A) if the last substantive visa held by the primary sponsored person was a Subclass 457 (Temporary Work (Skilled)) visa—a visa that is not a Subclass 457 (Temporary Work (Skilled)) visa or a [Subclass 482 \(Temporary Skill Shortage\) visa](#); or

(B) in any other case—a visa of a different subclass to the last substantive visa held by the primary sponsored person; and

(iii) the first day on which each of the following has occurred:

(A) the [primary sponsored person](#) has [left Australia](#);

(B) the [Subclass 401 \(Temporary Work \(Long Stay Activity\)\) visa](#), the [Subclass 402 \(Training and Research\) visa](#), the [Subclass 408 \(Temporary Activity\) visa](#), the [Subclass 416 \(Special Program\) visa](#), the [Subclass 457 \(Temporary Work \(Skilled\)\) visa](#), the [Subclass 482 \(Temporary Skill Shortage\) visa](#) or the [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#) has ceased to be in effect;

(C) if:

(I) the [primary sponsored person](#) held a [Subclass 020 \(Bridging B\) visa](#) when the [primary sponsored person](#) [left Australia](#); and

(II) the last [substantive visa](#) held by the [primary sponsored person](#) was a [Subclass 401 \(Temporary Work \(Long Stay Activity\)\) visa](#), the [Subclass 402 \(Training and Research\) visa](#), a [Subclass 408 \(Temporary Activity\) visa](#), a [Subclass 416 \(Special Program\) visa](#), a [Subclass 457 \(Temporary Work \(Skilled\)\) visa](#), a [Subclass 482 \(Temporary Skill Shortage\) visa](#) or a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#);

the bridging visa has ceased to be in effect; and

(c) for a [secondary sponsored person](#) — ends on the earliest of:

(i) the day on which the Minister approves a nomination by another [approved work sponsor](#) in which the [primary sponsored person](#) is identified; and

(ii) the day on which the secondary sponsored person is granted a further substantive visa that is in effect and is:

(A) if the last substantive visa held by the secondary sponsored person was a [Subclass 457 \(Temporary Work \(Skilled\)\) visa](#)—a visa that is not a [Subclass 457 \(Temporary Work \(Skilled\)\) visa](#) or a [Subclass 482 \(Temporary Skill Shortage\) visa](#); or

(B) in any other case—a visa of a different subclass to the last substantive visa held by

the secondary sponsored person; and

(iii) the first day on which each of the following has occurred:

(A) the [secondary sponsored person](#) has [left Australia](#);

(B) the Subclass 401 (Temporary Work (Long Stay Activity)) visa, the Subclass 408 (Temporary Activity) visa, the Subclass 416 (Special Program) visa, the Subclass 457 (Temporary Work (Skilled)) visa, the [Subclass 482 \(Temporary Skill Shortage\) visa](#) or the [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#) has ceased to be in effect;

(C) if:

(I) the [secondary sponsored person](#) held a [Subclass 020 \(Bridging B\) visa](#) when the [secondary sponsored person](#) left Australia; and

(II) the last [substantive visa](#) held by the [secondary sponsored person](#) was a Subclass 401 (Temporary Work (Long Stay Activity)) visa, a [Subclass 408 \(Temporary Activity\) visa](#), a Subclass 416 (Special Program) visa, a Subclass 457 (Temporary Work (Skilled)) visa, a [Subclass 482 \(Temporary Skill Shortage\) visa](#) or a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#);

the [bridging visa](#) has ceased to be in effect.

## Reg 2.80A **Obligation to pay travel costs — domestic worker (executive)**

**(1)** This regulation applies to a person who is or was a temporary activities sponsor, or a [long stay activity sponsor](#), of a primary sponsored person or a [secondary sponsored person](#), if:

(a) the sponsored person holds a [Subclass 408 \(Temporary Activity\) visa](#) granted on the basis that the [primary sponsored person](#) satisfied the criteria in clause 408.224 (domestic worker) of Schedule 2; or

(b) the last [substantive visa](#) held by the sponsored person was a [Subclass 408 \(Temporary Activity\) visa](#) granted on the basis that the [primary sponsored person](#) satisfied the criteria in clause 408.224 (domestic worker) of Schedule 2.

**(1A)** This regulation also applies to a person who is or was a [long stay activity sponsor](#) of a [primary sponsored person](#) or a [secondary sponsored person](#) if:

(a) the [primary sponsored person](#) holds a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Domestic Worker (Executive) Stream; or

(b) the last [substantive visa](#) held by the [primary sponsored person](#) was a Subclass 401 (Temporary Work (Long Stay Activity)), in the Domestic Worker (Executive) stream.

**(2)** The person must pay the travel costs of the sponsored person:

(a) that will enable the sponsored person to travel to Australia, and leave Australia; and

(b) that have not already been paid in accordance with this regulation; and

(c) that are reasonable and necessary.

**(3)** Without limiting paragraph (2)(c), a person is taken to have paid reasonable and necessary costs if:

(a) the costs include the cost of travel:

(i) to Australia; and

(ii) from the place of arrival [in Australia](#) to the sponsored person's usual place of residence [in Australia](#); and

- (b) the costs include the cost of travel from the sponsored person's usual place of residence in [Australia](#) to the place of departure from Australia; and
- (c) the costs include the cost of travel from Australia to the country from which the sponsored person came to Australia; and
- (d) the costs are for economy class air travel or the equivalent of economy class air travel.

**(4)** The obligation mentioned in subregulation (2):

- (aa) if subregulation (1) applies - starts to apply on the day on which the [primary sponsored person](#) is granted the visa referred to in that subregulation; or
- (a) if subregulation (1A) applied - on:
  - (i) the day on which the Minister approves a nomination by the person in which the [primary sponsored person](#) is identified; or
  - (ii) if the [primary sponsored person](#) does not hold a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Domestic Worker (Executive) Stream visa on the day the Minister approves the nomination — the day on which the [primary sponsored person](#) is granted the visa on the basis of being identified in an approved nomination by the person; and
- (b) for a [primary sponsored person](#) — ends on the earliest of:
  - (i) the day on which the Minister approves a nomination under section 140GB of the Act by another [approved work sponsor](#) in which the [primary sponsored person](#) is identified; and
  - (ii) the day on which the [primary sponsored person](#) is granted a further [substantive visa](#) that:
    - (A) is a visa of a different subclass to the last [substantive visa](#) held by the [primary sponsored person](#); and
    - (B) is in effect; and
  - (iii) the first day on which each of the following has occurred:
    - (A) the [primary sponsored person](#) has [left Australia](#);
    - (B) the Subclass 401 (Temporary Work (Long Stay Activity)) visa in the in the Domestic Worker (Executive) Stream or the Subclass 408 (Temporary Activity) visa has ceased to be in effect;
    - (C) if:
      - (I) the [primary sponsored person](#) held a [Subclass 020 \(Bridging B\) visa](#) when the [primary sponsored person](#) left [Australia](#); and
      - (II) the last [substantive visa](#) held by the [primary sponsored person](#) was a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Domestic Worker (Executive) Stream or a [Subclass 408 \(Temporary Activity\) visa](#);
- (c) for a [secondary sponsored person](#) — ends on the earliest of:
  - (i) the day on which the Minister approves a nomination under section 140GB of the Act by another [approved work sponsor](#) in which the [primary sponsored person](#) is identified; and
  - (ii) the day on which the [secondary sponsored person](#) is granted a further [substantive visa](#) that:
    - (A) is a visa of a different subclass to the last [substantive visa](#) held by the [secondary sponsored person](#); and

(B) is in effect; and

(iii) the first day on which each of the following has occurred:

(A) the [secondary sponsored person](#) has [left Australia](#);

(B) the Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Domestic Worker (Executive) Stream or the Subclass 408 (Temporary Activity) visa has ceased to be in effect;

(C) if:

(I) the [secondary sponsored person](#) held a [Subclass 020 \(Bridging B\) visa](#) when the [secondary sponsored person](#) left Australia; and

(II) the last [substantive visa](#) held by the [secondary sponsored person](#) was a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Domestic Worker (Executive) Stream or a Subclass 408 (Temporary Activity) visa;

the [bridging visa](#) has ceased to be in effect.

## Reg 2.81 **Obligation to pay costs incurred by the Commonwealth to locate and remove unlawful non-citizen**

(1) This regulation applies to a person who is or was an [approved work sponsor](#).

(2) The person must pay [costs](#) incurred by the Commonwealth:

(a) if the [costs](#) were incurred by the Commonwealth in taking either or both of the following actions in relation to the [primary sponsored person](#) or [secondary sponsored person](#):

(i) locating, as an [unlawful non-citizen](#) the [primary sponsored person](#) or the [secondary sponsored person](#);

(ii) removing, as an [unlawful non-citizen](#), the [primary sponsored person](#) or the [secondary sponsored person](#) from Australia; and

(b) if the Minister has requested the payment of the [costs](#) by written notice in the manner specified in subregulation (5); and

(c) if the [costs](#) were incurred by the Commonwealth within the period mentioned in subregulation (6).

(3) However, if the person has already paid the [costs](#) of return travel in accordance with the sponsorship obligation mentioned in regulation 2.80 (the **return costs**), the person is liable to pay to the Commonwealth only the difference between:

(a) the lesser of:

(i) the actual [costs](#) incurred by the Commonwealth in taking 1 or more of the actions mentioned in paragraph (2)(a); or

(ii) the [costs](#) up to the limit prescribed under paragraph 140J(1)(a) of the Act, as prescribed in subregulation (4); and

(b) the return costs that have already been paid by the person.

(4) For paragraph 140J(1)(a) of the Act, the limit in relation to the obligation at subregulation (2) is \$10 000.

(5) For paragraph (2)(b), the notice from the Minister requesting the payment of [costs](#) must:

(a) be given using a method mentioned in section 494B of the Act; and

(b) specify a date for compliance not earlier than 7 days after the date a person will be taken, by section 494C of the Act, to have received the notice.

**(6)** For paragraph 2(c):

(a) in relation to a [primary sponsored person](#) — the period within which the Commonwealth must incur the [costs](#):

(i) starts on the day on which the [primary sponsored person](#) becomes an [unlawful non-citizen](#); and

(ii) ends at the moment when the [primary sponsored person](#) leaves Australia; and

(b) in relation to a [secondary sponsored person](#) — the period within which the Commonwealth must incur the [costs](#):

(i) starts on the day on which the [secondary sponsored person](#) becomes an [unlawful non-citizen](#); and

(ii) ends at the moment when the [secondary sponsored person](#) leaves Australia.

**(7)** The obligation mentioned in subregulation (2):

(a) in relation to a [primary sponsored person](#):

(i) starts to apply on the day on which the [primary sponsored person](#) becomes an [unlawful non-citizen](#); and

(ii) ends 5 years after the time at which the [primary sponsored person](#) leaves Australia; and

(b) in relation to a [secondary sponsored person](#):

(i) starts to apply on the day on which the [secondary sponsored person](#) becomes an [unlawful non-citizen](#); and

(ii) ends 5 years after the time at which the [secondary sponsored person](#) leaves Australia.

**(8)** In this regulation:

**costs**, in relation to the removal of a former [primary sponsored person](#) or a former [secondary sponsored person](#) from Australia, has the same meaning as in paragraph (b) of the definition of [costs](#) in section 207 of the Act.

## Reg 2.82 **Obligation to keep records**

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**(1)** This regulation applies to a person who is or was an [approved work sponsor](#).

**(2)** The person must keep records:

(a) of a kind:

(i) if the person is a [standard business sponsor](#) — specified in subregulation (3); or

(ii) if the person is a party to a [work agreement](#) — specified in subregulations (3) and (3A); or

(iii) if the person is a temporary activities sponsor, a [temporary work sponsor](#) or a



[professional development sponsor](#) — specified in paragraphs (3)(a) and (b); and

(aa) of a kind specified by the Minister in an instrument in writing (if any) made for this subparagraph; and

(b) in a reproducible format; and

(c) either:

(i) in the manner specified by the Minister in an instrument in writing (if any) made for this subparagraph; or

(ii) if the record is a record mentioned in subparagraph (3)(a)(iii), (3)(e)(i), (3)(e)(ii) or paragraph (3)(g) — in a manner that is capable of being verified by an independent person; and

(d) for the period specified in subregulation (4), (5) or (6).

**(3)** For paragraph (2)(a), the records are:

(a) if the obligation mentioned in regulation [2.80](#) applies to the person:

(i) a record of the written request by the [primary sponsored person](#) or [secondary sponsored person](#) for the payment of return travel costs; and

(ii) a record of when the written request for the payment of return travel costs was received by the person; and

(iii) a record of how the person complied with the request to pay return travel costs, including:

(A) the costs paid; and

(B) who the costs were paid for; and

(C) the date of the payment of the costs; and

(b) if the obligation mentioned in regulation [2.84](#) applies to the person:

(i) a record of a notification to [Immigration](#) of an event specified in regulation [2.84](#) for the person; and

(ii) a record of the particulars of the notification of the event, including:

(A) the date on which the person notified [Immigration](#) of the event; and

(B) the method by which the notification was provided; and

(C) where the notification was provided; and

(c) if:

(i) the [primary sponsored person](#) holds a Subclass 457 (Temporary Work (Skilled)) visa, a [Subclass 482 \(Temporary Skill Shortage\) visa](#) or a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#); or

(ii) the last [substantive visa](#) held by the [primary sponsored person](#) was a Subclass 457

(Temporary Work (Skilled)) visa, a [Subclass 482 \(Temporary Skill Shortage\) visa](#) or a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#);

a record of the tasks performed by the [primary sponsored person](#) in relation to work

undertaken in relation to the nominated occupation; and

(d) a record of the location or locations at which the tasks mentioned in paragraph (c) were performed; and

(e) if the obligation mentioned in regulation [2.79](#) or [2.79A](#) applies to the person:

(i) a record of the money paid to the [primary sponsored person](#); and

(ii) a record of the money applied or dealt with in any way on the [primary sponsored person's](#) behalf or as the [primary sponsored person](#) directed; and

(iii) a record of the non-monetary benefits provided to the [primary sponsored person](#), including the agreed value and the time at which, or the period over which, those benefits were provided; and

(iv) if there is an equivalent worker or workers in the person's workplace — a record of the terms and conditions that apply, or did apply, to an equivalent worker or workers, including the period over which the terms and conditions applied; and

(f) a copy of the written contract of employment under which the [primary sponsored person](#) is employed; and

(g) if the person was approved as a standard business sponsor before 12 August 2018 and was lawfully operating a business in Australia at the time of:

(i) the person's approval as a standard business sponsor; or

(ii) the approval of a variation to the person's approval as a standard business sponsor;

all records showing that the person has complied with requirements relating to training specified by the Minister in an instrument in force before 12 August 2018 under subregulation [2.87B\(2\)](#) (as in force before 12 August 2018); and

(h) records to substantiate the annual turnover (within the meaning of the [Migration \(Skilling Australians Fund\) Charges Regulations 2018](#)) for nominations in relation to which the person is liable for nomination training contribution charge.

**(3A)** For subparagraph (2)(a)(ii), the records are the records specified in the [work agreement](#) as records that must be kept.

**(4)** If the person is or was approved as a work sponsor in a class of sponsor under subsection [140E\(1\)](#) of the Act, the obligation mentioned in subregulation (2):

(a) starts to apply on the day on which the person is approved as a work sponsor in a class of sponsor under subsection [140E\(1\)](#) of the Act; and

(b) ends 2 years after the first day on which each of the following occurs concurrently:

(i) the person ceases to be an [approved work sponsor](#);

(ii) there is no [primary sponsored person](#) or [secondary sponsored person](#) in relation to the person.

**(5)** If the person is or was a party to a [work agreement](#), the obligation mentioned in subregulation (2):

- (a) starts to apply on the day on which the [work agreement](#) commences; and
- (b) ends 2 years after the first day on which each of the following occurs concurrently:
  - (i) the person ceases to be a party to a [work agreement](#);
  - (ii) there is no [primary sponsored person](#) or [secondary sponsored person](#) in relation to the person.

**(6)** However, the obligation mentioned in subregulation (2) does not require a person to keep a record for a period of more than 5 years.

## **Reg 2.83** **Obligation to provide records and information to the Minister**

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- (1)** This regulation applies to a person who is or was an [approved work sponsor](#).
- (2)** The person must provide records or information to the Minister:
  - (a) if the Minister has requested the provision of the records or information by written notice in the manner specified in subregulation (3); and
  - (b) if the records requested by the Minister:
    - (i) are records the person is required to keep under a law of the Commonwealth or a State or Territory that applies to the person; or
    - (ii) are records the person is required to keep under regulation [2.82](#); and
  - (c) if the records or information relates to:
    - (i) the administration of [Division 3A](#) of Part 2 of the Act and the Regulations made under that Division; or
    - (ii) if the person is a party to a [work agreement](#) — the administration of the [work agreement](#); and
  - (d) in the manner, and within the timeframe, requested by the Minister in the notice mentioned in subregulation (3).
- (3)** A notice from the Minister requesting the provision of records or information must:
  - (a) be given using a method mentioned in section [494B](#) of the Act; and
  - (b) specify a date for compliance not earlier than 7 days after the date on which a person will be taken, by section [494C](#) of the Act, to have received the document.
- (4)** If the person is or was approved as a work sponsor in a class of sponsor under subsection [140E\(1\)](#) of the Act, the obligation mentioned in subregulation (2):
  - (a) starts to apply on the day on which the person is approved as a work sponsor under section

140E of the Act; and

(b) ends 2 years after the first day on which each of the following occurs concurrently:

- (i) the person ceases to be an [approved work sponsor](#); and
- (ii) there is no [primary sponsored person](#) or [secondary sponsored person](#) in relation to the person.

(5) If the person is or was a party to a [work agreement](#), the obligation mentioned in subregulation (2):

(a) starts to apply on the day on which the [work agreement](#) commences; and

(b) ends 2 years after the first day on which each of the following occurs concurrently:

- (i) the person ceases to be a party to a [work agreement](#);
- (ii) there is no [primary sponsored person](#) or [secondary sponsored person](#) in relation to the person.

## Reg 2.84 **Obligation to provide information to Immigration when certain events occur**

---

(1) This regulation applies to a person who is or was an [approved work sponsor](#).

(2) The person must:

(a) provide details of an event to [Immigration](#) when an event mentioned in this regulation, and specified for the person, occurs; and

(b) provide the details of the event:

- (i) electronically, in the manner specified by the Minister in a [legislative instrument](#) made for the purposes of this subparagraph; and
- (ii) within the period specified in subregulation (6).

(3) If the person is or was a [standard business sponsor](#) or a party to a [work agreement](#), the person must notify [Immigration](#) about each of the following events:

(a) the cessation, or expected cessation, of a [primary sponsored person's](#) employment with the person;

(aa) a change to the work duties carried out by a [primary sponsored person](#);

(ab) a primary sponsored person failing to commence employment by the time agreed between the person and the primary sponsored person;

(b) a change to the information provided to [Immigration](#) in the person's application for approval as a work sponsor in relation to:

- (i) the training requirement mentioned in paragraphs [2.59\(d\)](#) and [\(e\)](#) (as in force before 18 March 2018); and
- (ii) the person's address and contact details;

(ba) if the person is or was a party to a [work agreement](#) — a change to:

- (i) the training information provided in the [work agreement](#); or
- (ii) the person's address and contact details provided in the [work agreement](#);

(c) a change to the information provided to [Immigration](#) in the person's application for a variation of a term of approval in relation to the training requirement mentioned in paragraphs [2.68\(e\)](#) and [\(f\)](#) (as in force before 18 March 2018);

(d) the legal entity of the person ceases to exist;

- (e) if the legal entity of the person is a company — a new director is appointed;
- (f) if the legal entity of the person is a partnership — a new partner joins the partnership;
- (g) if the legal entity of the person is an unincorporated association — a new member is appointed to the managing committee of the association;
- (h) the person has paid the return travel costs of a [primary sponsored person](#) or [secondary sponsored person](#) in accordance with the obligation mentioned in regulation 2.80;
- (i) the person has become insolvent within the meaning of subsections 5(2) and (3) of the [Bankruptcy Act 1966](#) and section 95A of the [Corporations Act 2001](#);
- (j) if the person is a natural person — any of the following:
  - (i) the person enters into a personal insolvency agreement under Part X of the [Bankruptcy Act 1966](#);
  - (ii) the person enters into a debt agreement under Part IX of the [Bankruptcy Act 1966](#);
  - (iii) a sequestration order is made against the estate of the person under Part IV of the [Bankruptcy Act 1966](#);
  - (iv) the person becomes a bankrupt by virtue of the presentation of a debtor's petition under Part IV of the [Bankruptcy Act 1966](#);
  - (v) the person presents a declaration of intention to present a debtor's petition under Part IV of the [Bankruptcy Act 1966](#);
  - (vi) a composition or scheme of arrangement is presented in relation to the person in accordance with Division 6 of Part IV of the [Bankruptcy Act 1966](#);
- (k) if the person is a company — any of the following:
  - (i) an administrator is appointed for the company under Part 5.3A of the [Corporations Act 2001](#);
  - (ii) the company resolves by special resolution to be wound up voluntarily under subsection 491(1) of the [Corporations Act 2001](#);
  - (iii) a court has ordered that the company be wound up in insolvency under Part 5.4, or on other grounds under Part 5.4A, of the [Corporations Act 2001](#);
  - (iv) a court has appointed a registered liquidator to be the provisional liquidator of the company under Part 5.4B of the [Corporations Act 2001](#);
  - (v) a court has approved a compromise or arrangement proposed by the company under Part 5.1 of the [Corporations Act 2001](#);
  - (vi) the property of the company becomes subject to a receiver or other controller under Part 5.2 of the [Corporations Act 2001](#);
  - (vii) procedures are initiated for the deregistration of the company under Part 5A.1 of the [Corporations Act 2001](#);
  - (viii) a restructuring practitioner for the company is appointed under Part 5.3B of the



*Corporations Act 2001;*

(l) if the person is a partner of a partnership, or a member of a managing committee for an unincorporated association — any of the events of the kind mentioned in paragraphs (j) and (k).

**(4)** If the person is or was a **professional development sponsor** of a **primary sponsored person**, the person must inform **Immigration** about each of the following events:

(a) a change to the information provided to **Immigration** in the person's application for approval as a work sponsor in relation to:

- (i) the person's address and contact details; and
- (ii) the person's capacity to deliver the approved **professional development program**; and
- (iii) the capacity of a sub-contractor involved in the delivery of the approved **professional development program** to deliver the program or any part of the program;

(b) the legal entity of the person ceases to exist;

(c) if the legal entity of the person is a company — a new director is appointed;

(d) if the legal entity of the person is a partnership — a new partner joins the partnership;

(e) if the legal entity of the person is an unincorporated association — a new member is appointed to the managing committee of the association;

(f) the person has become insolvent within the meaning of subsections 5(2) and (3) of the *Bankruptcy Act 1966* and section 95A of the *Corporations Act 2001*;

(h) if the person is a company — any of the following:

- (i) an administrator is appointed for the company under Part 5.3A of the *Corporations Act 2001*;
- (ii) the company resolves by special resolution to be wound up voluntarily under subsection 491(1) of the *Corporations Act 2001*;
- (iii) a court has ordered that the company be wound up in insolvency under Part 5.4, or on other grounds under Part 5.4A, of the *Corporations Act 2001*;
- (iv) a court has appointed an official liquidator to be the provisional liquidator of the company under Part 5.4B of the *Corporations Act 2001*;
- (v) a court has approved a compromise or arrangement proposed by the company under Part 5.1 of the *Corporations Act 2001*;
- (vi) the property of the company becomes subject to a receiver or other controller under Part 5.2 of the *Corporations Act 2001*;
- (vii) procedures are initiated for the deregistration of the company under Part 5A.1 of the *Corporations Act 2001*;
- (viii) a restructuring practitioner for the company is appointed under Part 5.3B of the *Corporations Act 2001*;

(i) if the person is a partner of a partnership, or a member of a managing committee for an

unincorporated association — any of the events of the kind mentioned in paragraph (h);

(j) the [primary sponsored person](#) is unable to participate in the [professional development program](#);

(k) the [primary sponsored person](#) has ceased participation in the [professional development program](#) prior to the ending of the [professional development program](#);

(l) the [primary sponsored person](#) has failed to attend the [professional development program](#) and this absence was not authorised by the [professional development sponsor](#).

**(4A)** If the person is or was a temporary activities sponsor, the person must inform [Immigration](#) about a change in information, in relation to the sponsor's address and contact details, provided to [Immigration](#) in the person's application for approval as a temporary activities sponsor.

**(4B)** If the person is or was:

(a) a temporary activities sponsor in relation to a [primary sponsored person](#); or

(b) a professional development sponsor in relation to a primary sponsored person who holds a [Subclass 407 \(Training\) visa](#); or

(c) any of the following kinds of sponsor in relation to a [primary sponsored person](#) who holds a [Subclass 408 \(Temporary Activity\) visa](#):

(i) a special program sponsor;

(ii) an [entertainment sponsor](#);

(iii) a superyacht crew sponsor;

(iv) a [long stay activity sponsor](#);

(v) a training and research sponsor;

the person must inform [Immigration](#) about each of the following events:

(d) the [primary sponsored person](#) failing to participate in the activity in relation to which the visa was granted;

(e) the [primary sponsored person](#) ceasing participation in the activity in relation to which the visa was granted;

(f) if the [primary sponsored person](#) was granted a [Subclass 408 \(Temporary Activity\) visa](#) on the basis that subclause 408.222(3) (elite player, coach, instructor or adjudicator) of Schedule 2 applied to the [primary sponsored person](#) - a change to the formal arrangement referred to in paragraph 408.222(3)(c) of Schedule 2;

(g) if the [primary sponsored person](#) was granted a [Subclass 408 \(Temporary Activity\) visa](#) on the basis that the [primary sponsored person](#) satisfied the criteria in clause 408.225 (superyacht crew) of Schedule 2 - the cessation, or expected cessation, of a [primary sponsored person's](#) employment with the sponsor;

(h) if the [primary sponsored person](#) was granted a [Subclass 408 \(Temporary Activity\) visa](#) on the

basis that the [primary sponsored person](#) satisfied the criteria in clause 408.227 (staff exchange) of

Schedule 2 - a change to the agreement referred to in paragraph 408.227(b) of Schedule 2;

(i) if the [primary sponsored person](#) was granted a [Subclass 408 \(Temporary Activity\) visa](#) on the basis that the [primary sponsored person](#) satisfied any criteria in clause 408.229A (entertainment) of Schedule 2 and the sponsor is an Australian organisation - the organisation ceasing to exist;

(j) if the [primary sponsored person](#) was granted a [Subclass 408 \(Temporary Activity\) visa](#) on the basis that the [primary sponsored person](#) satisfied the criteria in subclause 408.229A(2), (3), (4), (5) or (6) (entertainment) of Schedule 2 - the sponsor ceasing to hold a licence referred to in paragraph 408.229A(2)(d), (3)(d), (4)(d), (5)(d) or (6)(d) of Schedule 2, as the case may be;

(k) the person paying the return travel costs of the [primary sponsored person](#), or a [secondary sponsored person](#) in relation to a [primary sponsored person](#), in accordance with the obligation referred to in regulation 2.80.

**(4C)** If the person is or was a [special program sponsor](#), the person must inform [Immigration](#) about each of the following events:

- (a) a non-Subclass 408 [primary sponsored person](#) is unable to meet the requirements of the special program;
- (b) a non-Subclass 408 [primary sponsored person](#) is unable to participate in a special program;
- (c) a non-Subclass 408 [primary sponsored person](#) ceases participation in a special program prior to the ending of the special program;
- (d) a non-Subclass 408 [primary sponsored person](#) fails to attend a special program.

**(4E)** If the person is or was an [entertainment sponsor](#), the person must inform [Immigration](#) about each of the following events:

- (a) a non-Subclass 408 [primary sponsored person](#) fails to participate in the nominated activity for which the non-Subclass 408 [primary sponsored person](#) was identified;
- (b) if a non-Subclass 408 [primary sponsored person](#) was identified in a nomination to perform in a film or television production — the cessation of the non-Subclass 408 [primary sponsored person's](#) participation in the nominated activity for which the non-Subclass 408 [primary sponsored person](#) was identified;
- (c) a non-Subclass 408 [primary sponsored person](#) (other than a person mentioned in paragraph (b)) ceases participation, in the nominated activity for which the non-Subclass 408 [primary sponsored person](#) was identified, prior to the cessation date specified in the itinerary provided to the Minister in accordance with the nomination criteria;
- (d) the [entertainment sponsor](#) ceases to hold a licence that the [entertainment sponsor](#) was required to hold for the nomination to be approved;
- (e) a change to the information, in relation to the person's address and contact details, provided to [Immigration](#) in the person's application for approval as an [entertainment sponsor](#);
- (f) if the [entertainment sponsor](#) is an [Australian organisation](#) — the legal entity of the sponsor ceases to exist.

**(4)** If the person is or was a superyacht crew sponsor, the person must inform [Immigration](#) about

each of the following events:

- (a) the cessation, or expected cessation, of a non-Subclass 408 [primary sponsored person's](#) employment with the person;
- (b) a change to the information, in relation to the person's address and contact details, provided to [Immigration](#) in the person's application for approval as a superyacht crew sponsor.

**(4K)** If the person is or was a [long stay activity sponsor](#), the person must inform [Immigration](#) about each of the following events:

- (a) a change to the information, in relation to the person's address and contact details, provided to [Immigration](#) in the person's application for approval as a [long stay activity sponsor](#);
- (b) a non-Subclass 408 [primary sponsored person](#) fails to participate in the nominated occupation or activity for which the non-Subclass 408 [primary sponsored person](#) was identified;
- (c) a non-Subclass 408 [primary sponsored person](#) ceases participation in the nominated occupation or activity for which the non-Subclass 408 [primary sponsored person](#) was identified;
- (d) a change to the formal arrangement between the non-Subclass 408 [primary sponsored person](#) and the person;
- (e) a change to the exchange agreement;
- (f) the person has paid the return travel costs of a non-Subclass 408 [primary sponsored person](#) or [secondary sponsored person](#) in accordance with the obligation mentioned in regulation 2.80.

**(4L)** If the person is or was a training and research sponsor, the person must inform [Immigration](#) about each of the following events:

- (a) a change to the information, in relation to the person's address and contact details, provided to [Immigration](#) in the person's application for approval as a training and research sponsor;
- (b) a non-Subclass 408 [primary sponsored person](#) fails to participate in the nominated occupation, program or activity for which the [primary sponsored person](#) was identified;
- (c) a non-Subclass 408 [primary sponsored person](#) ceases participation in the nominated occupation, program or activity for which the [primary sponsored person](#) was identified;
- (d) a non-Subclass 408 [primary sponsored person](#) fails to participate in the research project in relation to which the [primary sponsored person](#) was granted the visa.

**(5)** For paragraphs (3)(a), (4B)(g) or (4J)(a):

- (a) the person may notify [Immigration](#) of the final date of employment of the non-Subclass 408 [primary sponsored person](#) before that date; and
- (b) if the non-Subclass 408 [primary sponsored person](#) does not cease employment with the person, or ceases employment on a different date — the person must notify [Immigration](#) of the continued employment or the new date of cessation.

**(6)** The notification of an event mentioned in an item of the table must be made within the timeframe mentioned in the item.

Item	For an event mentioned in ...	the notification must be made ...
1	paragraph (3)(a), (4B)(g) or (4J)(a)	within 28 days of the non-Subclass 408 <a href="#">primary sponsored person</a> ceasing employment
2	paragraphs (3)(aa) to (l)	within 28 days of the change or event occurring
3	subregulation (4)	within 28 days of the change or event occurring
3A	subregulations (4A) to (4L), other than the paragraphs mentioned in item 1	within 28 days of the change or event occurring
4	paragraph (5)(b)	the earlier of: (a) within 28 days of the cessation date notified under paragraph (3)(a), (4B)(g) or (4J)(a); and (b) within 28 days of the actual cessation date

**(7)** If the person is or was approved as a work sponsor in a class of sponsor under subsection [140E\(1\)](#) of the Act, the obligation mentioned in subregulation (2):

- (a) starts to apply on the day on which the person is approved as a work sponsor under section [140E](#) of the Act; and
- (b) ends after the first day on which each of the following occurs concurrently:
  - (i) the person ceases to be an [approved work sponsor](#); and
  - (ii) there is no non-Subclass 408 [primary sponsored person](#) or [secondary sponsored person](#) in relation to the person.

**(8)** If the person is or was a party to a [work agreement](#), the obligation mentioned in subregulation (2):

- (a) starts to apply on the day on which the [work agreement](#) commences; and
- (b) ends after the first day on which each of the following occurs concurrently:
  - (i) the person ceases to be a party to a [work agreement](#); and
  - (ii) there is no non-Subclass 408 [primary sponsored person](#) or [secondary sponsored person](#) in relation to the person.

**(9)** In this regulation:

***non-Subclass 408 primary sponsored person*** means a [primary sponsored person](#) who does not hold a [Subclass 408 \(Temporary Activity\) visa](#).

## Reg 2.85 **Obligation to secure an offer of a reasonable standard of accommodation**

**(1)** This regulation applies to a person who is or was:

- (a) an [approved work sponsor](#) in relation to a [primary sponsored person](#) or [secondary sponsored person](#), if:
  - (iii) the [primary sponsored person](#) holds a Subclass 402 (Training and Research) visa in the Professional Development stream; or
  - (iv) the last [substantive visa](#) held by the [primary sponsored person](#) was a Subclass 402 (Training and Research) visa in the Professional Development stream; or
- (b) a [special program sponsor](#) in relation to a [primary sponsored person](#) or a [secondary sponsored person](#), if:
  - (i) either:
    - (A) the [primary sponsored person](#) or [secondary sponsored person](#) holds a Subclass 416



(Special Program) visa; or

(B) the last [substantive visa](#) held by the [primary sponsored person](#) or [secondary sponsored person](#) was a Subclass 416 (Special Program) visa; and

(ii) the position in the activity in relation to which the [primary sponsored person](#) or [secondary sponsored person](#) was granted the Subclass 416 (Special Program) visa is a [volunteer role](#); or

(ba) a temporary activities sponsor or a special program sponsor in relation to a [primary sponsored person](#) or a [secondary sponsored person](#), if:

(i) the [primary sponsored person](#) or a [secondary sponsored person](#) holds a [Subclass 408 \(Temporary Activity\) visa](#) granted on the basis that the [primary sponsored person](#) satisfied the criteria in clause 408.228 (special program) of Schedule 2, or the last substantive visa held by the [primary sponsored person](#) or a [secondary sponsored person](#) was such a visa; and

(ii) the position in the activity in relation to which the [primary sponsored person](#) or a [secondary sponsored person](#) was granted the visa is a [volunteer role](#); or

(c) an [entertainment sponsor](#) in relation to a [primary sponsored person](#) or a [secondary sponsored person](#), if:

(i) either:

(A) the [primary sponsored person](#) or [secondary sponsored person](#) holds a Subclass 420 (Entertainment) visa; or

(B) the last [substantive visa](#) held by the [primary sponsored person](#) or [secondary sponsored person](#) was a Subclass 420 (Entertainment) visa; and

(ii) the [primary sponsored person](#) or [secondary sponsored person](#) was identified in a nomination of an occupation, a program or an activity that is a [volunteer role](#); or

(d) an [approved work sponsor](#) in relation to a [primary sponsored person](#) or [secondary sponsored person](#), if:

(i) the [primary sponsored person](#) holds a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Sport stream, or the Religious Worker stream, in relation to a [volunteer role](#); or

(ii) the last [substantive visa](#) held by the [primary sponsored person](#) was a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Sport stream, or the Religious Worker stream, in relation to a [volunteer role](#); or

(iii) the [primary sponsored person](#) holds a [Subclass 408 \(Temporary Activity\) visa](#) granted on the basis that the [primary sponsored person](#) satisfied the criteria in clause 408.222 (sport), 408.223 (religious worker) or 408.229A (entertainment) of Schedule 2 in relation to a [volunteer role](#); or

(iv) the last [substantive visa](#) held by the [primary sponsored person](#) was a visa referred to in subparagraph (iii); or

(v) the [primary sponsored person](#) holds a Subclass 428 (Religious Worker) visa in relation to a [volunteer role](#); or

(vi) the last [substantive visa](#) held by the [primary sponsored person](#) was a Subclass 428 (Religious Worker) visa in relation to a [volunteer role](#); or

(e) an [approved work sponsor](#) in relation to a [primary sponsored person](#) or [secondary sponsored person](#), if:

(i) the [primary sponsored person](#) holds a Subclass 402 (Training and Research) visa in the Occupational Trainee stream in relation to a [volunteer role](#); or

(ii) the last [substantive visa](#) held by the [primary sponsored person](#) was a Subclass 402 (Training and Research) visa in the Occupational Trainee stream in relation to a [volunteer](#)

role; or

(iii) the [primary sponsored person](#) holds a [Subclass 407 \(Training\) visa](#) in relation to a volunteer role; or

(iv) the last [substantive visa](#) held by the [primary sponsored person](#) was a [Subclass 407 \(Training\) visa](#) in relation to a volunteer role.

**(2)** The person must secure 1 or more offers of accommodation for the [primary sponsored person](#) or

[secondary sponsored person](#) that:

(a) will provide for a reasonable standard of accommodation; and

(b) will ensure that the [primary sponsored person](#) or [secondary sponsored person](#) has accommodation while the [primary sponsored person](#) or [secondary sponsored person](#) is in [Australia](#).

Example: If accommodation that has been secured becomes unavailable, the [approved work sponsor](#) must secure another offer of accommodation for the [primary sponsored person](#) or [secondary sponsored person](#).

**(3)** For subregulation (2)(a), accommodation is of a reasonable standard if the accommodation:

(a) meets all relevant State or Territory and local government regulations regarding fire, health and safety; and

(b) offers 24-hour access; and

(c) provides meals or a self-catering kitchen; and

(d) is clean and well-maintained; and

(e) has a lounge area; and

(f) has adequate laundry facilities or a laundry service; and

(g) provides power for lighting, cooking and refrigeration; and

(h) has an adequate ratio of guests to bathroom facilities; and

(i) has uncrowded sleeping areas; and

(j) provides appropriate gender segregated areas and bathroom facilities; and

(k) allows adequate privacy and secure storage for personal items.

**(4)** The obligation mentioned in subregulation (2):

(a) starts to apply:

(i) if the [primary sponsored person](#) or [secondary sponsored person](#) holds a [Subclass 408 \(Temporary Activity\) visa](#) granted on the basis that the [primary sponsored person](#) satisfied the criteria in clause 408.222 (sport), 408.223 (religious worker), 408.228 (special program) or 408.229A (entertainment) of Schedule 2 or a [Subclass 416 \(Special Program\) visa](#)— on the day on which the [primary sponsored person](#) or [secondary sponsored person](#) is granted the visa; or

(ii) if the [primary sponsored person](#) or [secondary sponsored person](#) holds a [Subclass 401 \(Temporary Work \(Long Stay Activity\)\) visa](#), a [Subclass 407 \(Training\) visa](#) or a [Subclass 420 \(Entertainment\) visa](#):

(A) on the day on which the Minister approves a nomination by the person that identifies the [primary sponsored person](#); or

(B) if the [primary sponsored person](#) does not hold the visa on the day the Minister

approves the nomination — on the day on which the [primary sponsored person](#) is granted the visa on the basis of being identified in an approved nomination by the person; or

(iii) if the [primary sponsored person](#) holds a Subclass 402 (Training and Research) visa in the Professional Development stream — on the day the visa is granted; or

(iv) if the [primary sponsored person](#) holds a Subclass 402 (Training and Research) visa in the Occupational Trainee stream:

(A) on the day the Minister approves a nomination by the person that identifies the [primary sponsored person](#); or

(B) if the [primary sponsored person](#) does not hold the visa on the day the Minister approves the nomination—on the day the [primary sponsored person](#) is granted the visa on the basis of being identified in an approved nomination by the person; and

(b) for a [primary sponsored person](#) — ends on the earliest of:

(i) the day on which the Minister approves a nomination under section 140GB of the Act by another [approved work sponsor](#) in which the [primary sponsored person](#) is identified; and

(ii) the day on which the [primary sponsored person](#) is granted a further [substantive visa](#) that:

(A) is a visa of a different subclass to the last [substantive visa](#) held by the [primary sponsored person](#); and

(B) is in effect; and

(iii) the first day on which each of the following has occurred:

(A) the [primary sponsored person](#) has [left Australia](#);

(B) the visa mentioned in subregulation (1) has ceased to be in effect;

(C) if:

(I) the [primary sponsored person](#) held a [Subclass 020 \(Bridging B\) visa](#) when the [primary sponsored person](#) [left Australia](#); and

(II) the last [substantive visa](#) held by the [primary sponsored person](#) was a visa mentioned in subregulation (1);

the [bridging visa](#) has ceased to be in effect; and

(c) for a [secondary sponsored person](#) — ends on the earliest of:

(i) the day on which the Minister approves a nomination under section 140GB of the Act by another [approved work sponsor](#) in which the [primary sponsored person](#) is identified; and

(ii) the day on which the [secondary sponsored person](#) is granted a further [substantive visa](#) that:

(A) is a visa of a different subclass to the last [substantive visa](#) held by the [secondary sponsored person](#); and

(B) is in effect; and

(iii) the first day on which each of the following has occurred:

(A) the [secondary sponsored person](#) has [left Australia](#);

(B) the visa mentioned in subregulation (1) has ceased to be in effect;

(C) if:

(I) the [secondary sponsored person](#) held a [Subclass 020 \(Bridging B\) visa](#) when the [secondary sponsored person](#) [left Australia](#); and

(II) the last [substantive visa](#) held by the [secondary sponsored person](#) was a visa

mention in subregulation (1);  
the [bridging visa](#) has ceased to be in effect.

## **Reg 2.86** **Obligation to ensure primary sponsored person works or participates in nominated occupation, program or activity**

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**(1)** This regulation applies to:

(a) a person who is or was an [approved work sponsor](#) in relation to a [primary sponsored person](#) if:

(i) the [primary sponsored person](#) holds a visa in relation to which the [primary sponsored person](#) was required to be nominated by an [approved work sponsor](#); or

(ii) an occupation, a program or an activity was required to be nominated in relation to the [primary sponsored person](#) by an [approved work sponsor](#); and

(b) a person who is or was an [approved work sponsor](#) in relation to a person who was a [primary sponsored person](#) if:

(i) the last [substantive visa](#) held by the [primary sponsored person](#) was a visa in relation to which the [primary sponsored person](#) was required to be nominated by an [approved work sponsor](#); or

(ii) an occupation, a program or an activity was required to be nominated in relation to the [primary sponsored person](#) by an [approved work sponsor](#).

**(2)** If the primary sponsored person holds a Subclass 457 (Temporary Work (Skilled)) visa, a [Subclass 482 \(Temporary Skill Shortage\) visa](#) or a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#), or the last substantive visa held by the primary sponsored person was a Subclass 457 (Temporary Work (Skilled)) visa, a [Subclass 482 \(Temporary Skill Shortage\) visa](#) or a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#), the person must ensure that the primary sponsored person:

(a) works in the nominated occupation; and

(b) does not work in an occupation unless both of the following apply:

(i) the occupation was nominated by the person in relation to the primary sponsored person under subsection [140GB\(1\)](#) of the Act;

(ii) the nomination was approved by the Minister under subsection [140GB\(2\)](#) of the Act.

**(2A)** If:

(a) the primary sponsored person holds a Subclass 457 (Temporary Work (Skilled)) visa or a [Subclass 482 \(Temporary Skill Shortage\) visa](#), or the last substantive visa held by the primary sponsored person was a Subclass 457 (Temporary Work (Skilled)) visa or a [Subclass 482 \(Temporary Skill Shortage\) visa](#); and

(b) the nominated occupation is not an occupation specified by the Minister in an instrument made under subregulation [2.72\(13\)](#);

the person must ensure that:

(c) if the person is, or was, a [standard business sponsor](#) who was lawfully operating a business in [Australia](#) at the time of the person's approval as a [standard business sponsor](#), or at the time of

the last approval of a variation to the person's term of approval as a [standard business sponsor](#)

— the [primary sponsored person](#) is engaged only as:

- (i) an employee of the person; or
- (ii) an employee of an [associated entity](#) of the person; or

(d) if the person is or was a [standard business sponsor](#) who was not lawfully operating a business [in Australia](#), and was lawfully operating a business [outside Australia](#), at the time of the person's approval as a [standard business sponsor](#), or at the time of the last approval of a variation to the person's term of approval as a [standard business sponsor](#) — the [primary sponsored person](#) is engaged only as an employee of the person; or

(e) if the person is or was a party to a [work agreement](#) — the [primary sponsored person](#) is engaged only as an employee of the person.

**(2AA)** If:

(aa) the primary sponsored person holds a Subclass 457 (Temporary Work (Skilled)) visa or a [Subclass 482 \(Temporary Skill Shortage\) visa](#), or the last substantive visa held by the primary sponsored person was a Subclass 457 (Temporary Work (Skilled)) visa or a [Subclass 482 \(Temporary Skill Shortage\) visa](#); and

(ab) the nominated occupation is not an occupation specified by the Minister in an instrument made under subregulation [2.72\(13\)](#); and

(ac) the person is, or was, a standard business sponsor;

the person must ensure that:

(a) the [primary sponsored person](#) is employed under a written contract of employment; and

(b) if the person is, or was, a [standard business sponsor](#) who was lawfully operating a business [in Australia](#) at the time of the person's approval as a [standard business sponsor](#), or at the time of the last approval of a variation to the person's term of approval as a [standard business sponsor](#):

- (i) the person does not engage in activities that relate to the recruitment of a visa holder, an applicant for a visa or a proposed applicant for a visa for the purpose of supplying the holder, applicant or proposed applicant to a business that is not associated with the person; and
- (ii) the person does not engage in activities that relate to the hire of a visa holder to a business that is not associated with the person; and

(c) if the person is or was a [standard business sponsor](#) who was not lawfully operating a business [in Australia](#), and was lawfully operating a business outside Australia, at the time of the person's approval as a [standard business sponsor](#), or at the time of the last approval of a variation to the person's term of approval as a [standard business sponsor](#):

- (i) the person does not engage in activities that relate to the recruitment of a visa holder, an applicant for a visa or a proposed applicant for a visa for the purpose of supplying the holder, applicant or proposed applicant to any other business; and
- (ii) the person does not engage in activities that relate to the hire of a visa holder to any other business.

**(2AB)** The person's obligation in subregulation (2AA) applies only in relation to the following:

- (a) a primary sponsored person who holds a Subclass 457 (Temporary Work (Skilled)) visa on the basis of satisfying the criteria in subclause 457.223(4) of Schedule 2 (as in force before 18 March 2018);
- (b) a primary sponsored person whose last substantive visa was a Subclass 457 (Temporary Work (Skilled)) visa held on the basis of satisfying the criteria in subclause 457.223(4) of Schedule 2 (as in force before 18 March 2018);
- (c) a primary sponsored person who holds a [Subclass 482 \(Temporary Skill Shortage\) visa](#) in the Short-term stream or Medium-term stream;
- (d) a primary sponsored person whose last substantive visa was a [Subclass 482 \(Temporary Skill Shortage\) visa](#) in the Short-term stream or Medium-term stream.

**(2B) If:**

- (a) the primary sponsored person holds a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#), or the last substantive visa held by the primary sponsored person was a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#); and
- (b) the nominated occupation is not an occupation specified by the Minister in an instrument made under subregulation [2.72C\(14\)](#);  
the person must ensure that:
  - (c) if the person is, or was, a standard business sponsor—the primary sponsored person is engaged only as:
    - (i) an employee of the person; or
    - (ii) an employee of an associated entity of the person; or
  - (d) if the person is or was a party to a work agreement—the primary sponsored person is engaged only as an employee of the person.

**(2BA) If:**

- (a) the primary sponsored person holds a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#), or the last substantive visa held by the primary sponsored person was a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#); and
- (b) the nominated occupation is not an occupation specified by the Minister in an instrument made under subregulation [2.72C\(14\)](#); and
- (c) the person is, or was, a standard business sponsor;  
the person must ensure that:
  - (d) the primary sponsored person is employed under a written contract of employment; and
  - (e) the person does not engage in activities that relate to the recruitment of a visa holder, an applicant for a visa or a proposed applicant for a visa for the purpose of supplying the holder, applicant or proposed applicant to a business that is not associated with the person; and
  - (f) the person does not engage in activities that relate to the hire of a visa holder to a business that is not associated with the person.

**(2C)** If the [primary sponsored person](#) holds a visa other than a Subclass 457 (Temporary Work (Skilled)) visa, a [Subclass 482 \(Temporary Skill Shortage\) visa](#) or a [Subclass 494 \(Skilled Employer Sponsored Regional \(Provisional\)\) visa](#), the person must ensure that the [primary sponsored person](#) works or participates in the nominated occupation, program or activity in relation to which the [primary sponsored person](#) was identified.

**(3)** The obligations mentioned in subregulations [\(2\)](#) to [\(2C\)](#):

(a) start to apply:

(i) on the day on which the Minister approves a nomination by the person that identifies the [primary sponsored person](#); or

(ii) if the [primary sponsored person](#) does not hold a visa mentioned in subregulation (1) on the day the Minister approves the nomination — on the day on which the [primary sponsored person](#) is granted the visa on the basis of being identified in an approved nomination by the person; and

(b) end on the earliest of:

(i) the day on which the Minister approves a nomination under section 140GB of the Act by another [approved work sponsor](#) in which the [primary sponsored person](#) is identified; and

(ii) the day on which the primary sponsored person is granted a further substantive visa that is in effect and is:

(A) if the last substantive visa held by the primary sponsored person was a Subclass 457 (Temporary Work (Skilled)) visa—a visa that is not a Subclass 457 (Temporary Work (Skilled)) visa or a [Subclass 482 \(Temporary Skill Shortage\) visa](#); or

(B) in any other case—a visa of a different subclass to the last substantive visa held by the primary sponsored person; and

(iii) the first day on which each of the following has occurred:

(A) the [primary sponsored person](#) has [left Australia](#);

(B) the visa granted to the [primary sponsored person](#) on the basis of being identified in an approved nomination by the person has ceased to be in effect;

(C) if:

(I) the [primary sponsored person](#) held a [Subclass 020 \(Bridging B\) visa](#) when the [primary sponsored person](#) [left Australia](#); and

(II) the last [substantive visa](#) held by the [primary sponsored person](#) was the visa granted to the [primary sponsored person](#) on the basis of being identified in an approved nomination by the person;

the [bridging visa](#) has ceased to be in effect.

## Reg 2.86A Obligation to ensure primary sponsored person works or participates in activity in relation to which the visa was granted

(1) This regulation applies to a person (the **sponsor**) who is or was an [approved work sponsor](#) of:

(a) a [primary sponsored person](#) (the **sponsored person**) who holds a [Subclass 408 \(Temporary Activity\) visa](#); or

(b) a person (the **sponsored person**) who was a [primary sponsored person](#) if the last substantive visa held by the sponsored was a [Subclass 408 \(Temporary Activity\) visa](#).

(2) The sponsor must ensure that the sponsored person undertakes the activity in relation to which the visa was granted.

(3) The obligation mentioned in subregulation (2) starts to apply on the day the visa is granted.

(4) The obligation mentioned in subregulation (2) ceases to apply on the earliest of the following days:

(a) the day on which the sponsored person is granted a further substantive visa that:

(i) is a visa of a different subclass to the last substantive visa held by the sponsored person;



and

(ii) is in effect;

(b) the day on which the [primary sponsored person](#) is granted a further [Subclass 408 \(Temporary Activity\) visa](#) if the sponsor is not a sponsor in relation to that further visa;

(c) the first day on which each of the following has occurred:

(i) the [primary sponsored person](#) has [left Australia](#);

(ii) the visa referred to in subregulation (1) has ceased to be in effect;

(iii) if the [primary sponsored person](#) held a [Subclass 020 \(Bridging B\) visa](#) when the [primary sponsored person left Australia](#), and the last substantive visa held by the [primary sponsored person](#) was the visa referred to in subregulation (1) - the [bridging visa](#) has ceased to be in effect.

## Reg 2.87 **Obligation not to recover, transfer or take actions that would result in another person paying for certain costs**

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**(1)** This regulation applies to a person who is or was an [approved work sponsor](#).

**(1A)** The person:

(a) must not take any action, or seek to take any action, that would result in the transfer to another person of some or all of the costs, including migration agent costs:

(i) associated with the person becoming an [approved work sponsor](#); or

(ii) associated with the person being an [approved work sponsor](#); or

(iii) associated with the person being a former [approved work sponsor](#); or

(iiia) associated with a nomination under subsection [140GB\(1\)](#) of the Act (including a fee mentioned in subregulation [2.73\(5\)](#), or [\(7\)](#), [2.73A\(3\)](#) or [2.73B\(5\)](#) or [\(7\)](#)) or nomination training contribution charge; or

(iv) that relate specifically to the recruitment of a [non-citizen](#) for the purposes of a nomination under subsection [140GB\(1\)](#) of the Act; and

(b) must not take any action, or seek to take any action, that would result in another person paying to the person some or all of the costs, including migration agent costs:

(i) associated with the person becoming an [approved work sponsor](#); or

(ii) associated with the person being an [approved work sponsor](#); or

(iii) associated with the person being a former [approved work sponsor](#); or

(iiia) associated with a nomination under subsection [140GB\(1\)](#) of the Act (including a fee mentioned in subregulation [2.73\(5\)](#), or [\(7\)](#), [2.73A\(3\)](#) or [2.73B\(5\)](#) or [\(7\)](#)) or nomination training contribution charge; or

(iv) that relate specifically to the recruitment of a [non-citizen](#) for the purposes of a nomination under subsection [140GB\(1\)](#) of the Act; and

(c) if the person has agreed to be the work sponsor of an applicant for, proposed applicant for, or holder of:

(i) a [Subclass 402 \(Training and Research\) visa](#); or

(ia) a [Subclass 403 \(Temporary Work \(International Relations\)\) visa](#); or

(ia) a [Subclass 407 \(Training\) visa](#); or

(ic) a [Subclass 408 \(Temporary Activity\) visa](#); or

(ii) a Subclass 416 (Special Program) visa; or

(iii) a Subclass 488 (Superyacht Crew) visa;

must not take any action, or seek to take any action, that would result in the transfer to another person of some or all of the costs, including migration agent costs, that relate specifically to the recruitment of that applicant, proposed applicant or holder; and

(d) if the person has agreed to be the work sponsor of an applicant for, proposed applicant for, or holder of:

(i) a Subclass 402 (Training and Research) visa; or

(ia) a Subclass 403 (Temporary Work (International Relations)) visa; or

(ib) a [Subclass 407 \(Training\) visa](#); or

(ic) a [Subclass 408 \(Temporary Activity\) visa](#); or

(ii) a Subclass 416 (Special Program) visa; or

(iii) a Subclass 488 (Superyacht Crew) visa;

must not take any action, or seek to take any that would result in another person paying to the person some or all of the costs, including migration agent costs, that relate specifically to the recruitment of that applicant, proposed applicant or holder.

**(1B)** The person:

(a) must not recover from another person some or all of the costs, including migration agent costs:

(i) associated with the person becoming an [approved work sponsor](#); or

(ii) associated with the person being an [approved work sponsor](#); or

(iii) associated with the person being a former [approved work sponsor](#); or

(iiia) associated with a nomination under subsection [140GB\(1\)](#) of the Act (including a fee mentioned in subregulation [2.73\(5\)](#), or [\(7\)](#), [2.73A\(3\)](#) or [2.73B\(5\)](#) or [\(7\)](#)) or nomination training contribution charge; or

(iv) that relate specifically to the recruitment of the [primary sponsored person](#), or a [non-citizen](#), for the purposes of a nomination under subsection [140GB\(1\)](#) of the Act; and

(b) must not seek to recover from another person some or all of the costs, including migration agent costs:

(i) associated with the person becoming an [approved work sponsor](#); or

(ii) associated with the person being an [approved work sponsor](#); or

(iii) associated with the person being a former [approved work sponsor](#); or

(iiia) associated with a nomination under subsection [140GB\(1\)](#) of the Act (including a fee mentioned in subregulation [2.73\(5\)](#), or [\(7\)](#), [2.73A\(3\)](#) or [2.73B\(5\)](#) or [\(7\)](#)) or nomination training contribution charge; or

(iv) that relate specifically to the recruitment of the [primary sponsored person](#), or a [non-citizen](#), for the purposes of a nomination under subsection [140GB\(1\)](#) of the Act; and

(c) if the person has agreed to be the work sponsor of an applicant for, proposed applicant for, or holder of:

(i) a Subclass 402 (Training and Research) visa; or

(ia) a Subclass 403 (Temporary Work (International Relations)) visa; or

- (ib) a [Subclass 407 \(Training\) visa](#); or
- (ic) a [Subclass 408 \(Temporary Activity\) visa](#); or
- (ii) a Subclass 416 (Special Program) visa; or
- (iii) a Subclass 488 (Superyacht Crew) visa;

must not recover from another person some or all of the costs, including migration agent costs, that relate specifically to the recruitment of that applicant, proposed applicant or holder; and

(d) if the person has agreed to be the work sponsor of an applicant for, proposed applicant for, or holder of:

- (i) a Subclass 402 (Training and Research) visa; or
- (ia) a Subclass 403 (Temporary Work (International Relations)) visa; or
- (ib) a [Subclass 407 \(Training\) visa](#); or
- (ic) a [Subclass 408 \(Temporary Activity\) visa](#); or
- (ii) a Subclass 416 (Special Program) visa; or
- (iii) a Subclass 488 (Superyacht Crew) visa;

must not seek to recover from another person some or all of the costs, including migration agent costs, that relate specifically to the recruitment of that applicant, proposed applicant or holder.

**(2A)** In addition to subregulations (1A) and (1B), if:

(a) the person is or was:

- (i) a temporary activities sponsor in relation to a [primary sponsored person](#) or a [secondary sponsored person](#) (the **sponsored person**); or
- (ii) a long stay activity sponsor in relation to a [primary sponsored person](#) or a [secondary sponsored person](#) (the **sponsored person**); and

(b) either:

- (i) the [primary sponsored person](#) holds a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Religious Worker stream or the Domestic Worker stream; or
- (ii) the last [substantive visa](#) held by the [primary sponsored person](#) was a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Religious Worker stream or the Domestic Worker stream; or
- (iii) the sponsored person holds a [Subclass 408 \(Temporary Activity\) visa](#) granted to the sponsored person on the basis that the [primary sponsored person](#) satisfied the criteria in clause [408.223](#) (religious worker) or [408.224](#) (domestic worker) of Schedule 2; or
- (iv) the last [substantive visa](#) held by the sponsored person was a [Subclass 408 \(Temporary Activity\) visa](#) granted to the sponsored person on the basis that the [primary sponsored person](#) satisfied the criteria in clause [408.223](#) (religious worker) or [408.224](#) (domestic worker) of Schedule 2;

the person must not recover or seek to recover from the sponsored person any expenditure by the person in relation to financial support of the sponsored person [in Australia](#).

**(3)** If the person is or was approved as a work sponsor in a class of sponsor under subsection [140E\(1\)](#) of the Act, the obligations mentioned in subregulations (1A), (1B) and (2A):

- (a) start to apply on the day on which the person is approved as a work sponsor; and
- (b) end on the day on which each of the following has occurred:

- (i) the person ceases to be an [approved work sponsor](#);
- (ii) there is no [primary sponsored person](#) or [secondary sponsored person](#) in relation to the person.

**(4)** If the person is or was a party to a [work agreement](#), the obligations mentioned in subregulations (1A), (1B) and (2A):

- (a) start to apply on the day on which the [work agreement](#) commences; and
- (b) end on the day on which each of the following has occurred:
  - (i) the person ceases to be a party to a [work agreement](#);
  - (ii) there is no [primary sponsored person](#) or [secondary sponsored person](#) in relation to the person.

## Reg 2.87C **Obligation not to engage in discriminatory recruitment practices**

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**(1)** This regulation applies to a person who:

- (a) is or was a [standard business sponsor](#); and
- (b) is lawfully operating a business [in Australia](#).

**(2)** The person must not engage in, or have engaged in, discriminatory recruitment practices during the period of the person's [approval as a work sponsor](#).

**(3)** The obligation referred to in subregulation (2):

- (a) starts to apply on the day the person is, or was, approved as a [standard business sponsor](#); and
- (b) ends when the person ceases, or ceased, to be a [standard business sponsor](#).

## Subdivision 2.19.2—Sponsorship obligations of approved family sponsors etc.

### Reg 2.87CA Sponsorship obligations

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**(1)** For the purposes of subsection [140H\(1\)](#) of the Act, each of the obligations mentioned in this Subdivision is a sponsorship obligation.

**(2)** For the purposes of paragraph [140HA\(2A\)\(aa\)](#) of the Act, the following expenses are prescribed:

- (a) medical, hospital or other health-related expenses arising from the treatment of a person in a public hospital or other public health facility;
- (b) expenses arising from the provision of an aged care service to a person by an approved provider of a kind mentioned in section 8-6 of the [Aged Care Act 1997](#).

### Reg 2.87CB Obligation to keep records

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**(1)** A person who is or was an approved family sponsor must keep records of a kind, and in a manner, specified in an instrument under subregulation (2) during the period:

- (a) starting on the sponsorship start day for the person; and
- (b) ending 2 years after the day the person ceases to be an approved family sponsor.

**(2)** The Minister may, by legislative instrument, specify either or both of the following for the purposes of subregulation (1):

- (a) a kind of record;
- (b) a manner of keeping records of that kind.

## Reg 2.87CC Obligation to give records to the Minister

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**(1)** If a person who is or was an approved family sponsor is given a notice under subregulation (2) during the period:

- (a) starting on the sponsorship start day for the person; and
- (b) ending 2 years after the day the person ceases to be an approved family sponsor;

the person must comply with the notice.

**(2)** The Minister may, by written notice given to a person who is or was an approved family sponsor, request the person to give, within a specified period and in a specified manner, either or both of the following to the Minister:

- (a) a record of a kind that the person is required to keep under regulation [2.87CB](#);
- (b) records:

- (i) that the person is required to keep under a law of the Commonwealth, or of a State or Territory, that applies to the person; and

- (ii) that relate to the administration of [Division 3A of Part 2](#) of the Act and the regulations made under that Division.

**(3)** The period specified in the notice must not end less than 7 days after the person is taken to have received the notice.

Note: See section [494C](#) of the Act for when a person is taken to have received a document given by one of the methods specified in section 494B of the Act.

## Reg 2.87CD Obligation to give information to Immigration when certain events occur

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**(1)** If an event mentioned in subregulation (2) occurs in relation to a person who is an approved family sponsor, the person must give details of the event to Immigration:

- (a) within 28 days of the event occurring; and
- (b) in the manner specified in an [instrument](#) under subregulation (3).

**(2)** The events are the following:

(a) a change to any information provided to Immigration whether in the person's

application for approval as a family sponsor or otherwise;

(b) the person is charged with, or convicted of, an offence;

(c) a debt the person has incurred to the Commonwealth becomes overdue;

(d) the person becomes the subject of an apprehended violence order, or a similar order, issued under a law of a State or Territory or a foreign country;

(e) a person sponsored by the person dies.

(3) The Minister may, by [legislative instrument](#), specify a manner for the purposes of paragraph (1)(b).

## Reg 2.87CE Obligation to pay outstanding public health debt of sponsored person

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(1) This regulation applies to a person (the first person) who is or was the parent sponsor of another person (the sponsored person).

(2) If:

(a) the sponsored person has an outstanding public health debt; and

(b) the debt relates to an expense incurred by the sponsored person:

(i) during the period in which the first person is the parent sponsor of the sponsored person; or

(ii) during the period after the first person ceases to be the parent sponsor of the sponsored person but before the sponsored person next leaves Australia or is granted a permanent visa;

the first person must, as soon as practicable, pay the debt in full.

## Reg 2.87CF Obligation to support sponsored person financially and in respect of accommodation

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A person who is or was the parent sponsor of another person (the sponsored person) must assist the sponsored person, to the extent necessary, financially and in relation to accommodation during the period:

(a) starting at the time the sponsored person is granted a Subclass 870 (Sponsored Parent (Temporary)) visa; and

(b) ending at the time:

(i) a [Subclass 870 \(Sponsored Parent \(Temporary\)\) visa](#) held by the

sponsored person has ceased to be in effect and the sponsored person has left Australia; or

(ii) the sponsored person is granted a substantive visa.

[LEGEND Comment - For amendment history, please see [Table of Amendments](#)]