

Visa Infosheet

The Key Differences Between the Subclass
400 and 482 Visas



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Below is a comparison of subclass 400 and 482 visa with a broad overview of processing times, maximum length of stay and document requirements.

	Subclass 400 Visa	Subclass 482 Visa
Department Processing Time	<ul style="list-style-type: none"> • One to four weeks 	<ul style="list-style-type: none"> • One to ten months for Standard Business Sponsors. • 1-2 months for Accredited sponsors
Maximum Length of Stay	<ul style="list-style-type: none"> • Up to 6 months • Up to 12 month under Australia's Interest stream (further detail below) 	<ul style="list-style-type: none"> • Short Term Occupation – 2 years • Medium Term Occupation – 4 years
Inclusion of Family Members	Yes – restricted activities no work or study	Yes - Spouse/Partner provided work rights
Document Requirements for Sponsor Assessed on case by case basis	<ul style="list-style-type: none"> • Letter of Invitation • Letter of Support 	<ul style="list-style-type: none"> • Financial Capacity • Position Description • Labour Market Testing • Market Salary Rates • Employment Contract
Document Requirements for Applicant	<ul style="list-style-type: none"> • Financial status • Resume • Passport • Medical exam if visa over six months or high risk country 	<ul style="list-style-type: none"> • Passport • English Language Ability unless exempt • Resume • Skills and Experience – evidence of minimum 2 years highly relevant work experience, Qualifications (if applicable), Work references payslips. Skills assessment unless exempt • Health – Medical Examination and Chest Xray • Character – Police Clearances

400 Visa (Highly Specialised Work)

The Subclass 400 visa temporary work (short stay specialist) visa, for short term non-ongoing projects allowing an applicant to enter Australia for a period of stay up to 6 months. It is possible to enter on multiple short term stays within a 12 month period provided the cumulative period does not exceed 6 months.

An application can be made under the Highly Specialised Work Stream, where it can be demonstrated that the applicant holds highly specialised skills, knowledge or experience that can help an Australian business and cannot be sourced from the local labour market. For example, the applicant holds specific knowledge of machines/equipment being installed in Australia that cannot be sourced from the local labour or the knowledge/skill cannot be acquired in a short period of time. The nominated occupation should fit within the ANZSCO job dictionary Skill levels 1-3.

Where the Highly Specialised stream does not apply, an application can be made under Australia's interest stream where it is demonstrated the applicant holds skills, knowledge or expertise required in Australia due to compelling circumstances of significant national interest.

Examples of an individual's compelling circumstances include:

1. Assisting Australia's response to a disaster or emergency.
2. Australia's relationship with a foreign government, trade or business opportunities would be adversely impacted.
3. Providing a significant contribution to Australia's business, economic, cultural or other development.

An example is where an emergency worker holds a specialised skill, knowledge or expertise required to respond to a declared Australian disaster or emergency.

482 Visa Temporary Skill Shortage

The Subclass 482 visa allows approved sponsors to fill vacant positions with overseas skilled workers where local labor cannot be sourced to fill positions.

The 482 visa requires the following three application approvals:

Standard Business Sponsorship approval allows a company to nominate individuals to work for the business in Australia.

The company will be required to provide financial documents to evidence the business is lawfully operating in Australia or overseas. Further, the company needs to illustrate a commitment to employing local labour and not engage in discriminatory recruitment practices and confirm suitability to be an approved Sponsor.

Nomination Application allows a sponsor to nominate an applicant in a position within the company.

- The Skilled Occupation List classifies occupation on the Short Term Stream allowing a maximum stay of two years and Medium Term Stream allowing a stay of four years.
- The applicant will need to demonstrate the required experience and skill to satisfy the ANZSCO classification for their nominated occupation.
- The approved sponsor will be required to provide evidence of their financial capacity to support the nomination, demonstrate how the position fits within the company and outline the position requirements that will be sponsored.
- The sponsor is required to pay a Skilling Australians Fund levy which is calculated according to the business annual turnover and the requested visa period.

Visa Application

The visa application allows an individual to evidence their work experience and skills, English language ability and good character to hold the visa to enter Australia. Additional family members can be included in the visa application and will need to meet specific requirements for the grant of a visa.

The above information is not intended to be legal advice but merely offers a brief summary of the differences between the 482 and 400 visas. If you would like to speak with an Immigration Lawyer about your eligibility for the 482 or 400 visa, please contact Roam Migration Law to book a consultation.

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