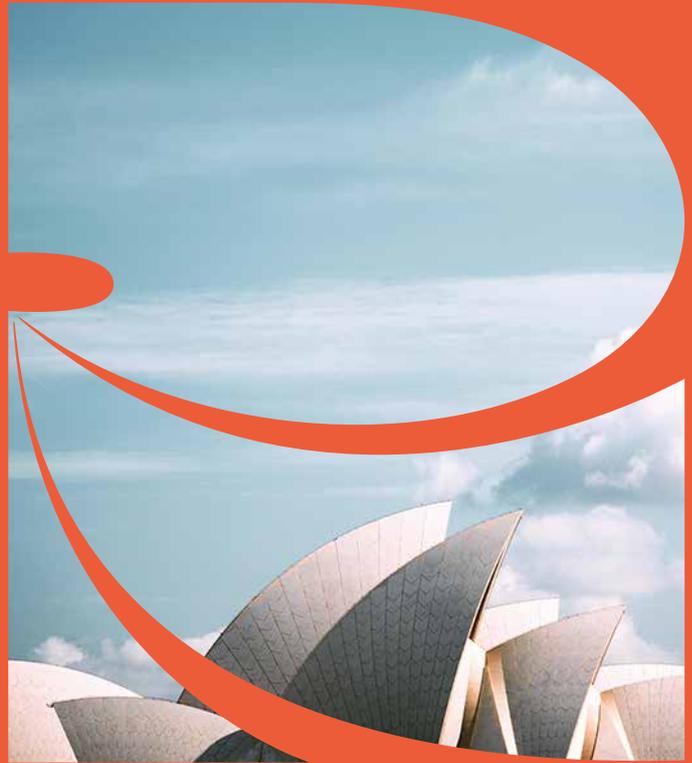


Visa Infosheet

Temporary Skill Shortage (TSS) Visa Subclass 482



The TSS 482 visa is an employer sponsored visa that grants the holder temporary residence for up to 4 years.



Business Sponsorship, Nomination & Visa

The 482 TSS visa is an employer sponsored visa permitting temporary work in Australia.

The process is comprised of three steps:

1. the Business Sponsorship agreement with the Department of Home Affairs (DHA) which authorises the business to sponsor skilled overseas workers. There are different types of business sponsorship including a Standard or Accredited Business Sponsorship;
2. the 482 TSS Nomination relates to the skilled position to be filled by the visa holder; and
3. the 482 TSS Visa which relates to the prospective employee who will fill the skilled position.

1. Business Sponsorship

The Business Sponsorship allows the business to sponsor skilled workers for employment in Australia. Once granted the Business Sponsorship is valid for 5 years. Businesses can sponsor an unlimited number of workers in the period of their sponsorship approval.

To qualify, businesses must demonstrate that they are operational and attest to a good record of compliance with workplace and other laws. Both local and overseas-based companies can apply for, and be approved as, a Business Sponsor.

Employers must meet all costs related to the Business Sponsorship. These cannot be transferred to the visa applicant.

Sponsorship obligations

Businesses that obtain a Business Sponsorship must agree to meet the Sponsorship Obligations imposed by DHA. The Sponsorship Obligations establish a number of ongoing commitments including:

- making notifications to the DHA when certain events occur (cessation of employment, change of work duties, change of company structure, etc.);
- maintaining records (visa holder details, payments, etc.);
- cooperating with the DHA and Fair Work Inspectors;
- paying return travel costs of 457 or 482 TSS visa holders, if requested in writing.

Roam Migration Law will provide you with full details of the Sponsorship Obligations so you can understand all the legal duties related with becoming a sponsor. We can help you to understand the obligations and introduce systems and processes to ensure compliance for their duration.

Accredited Sponsorship

Accredited Sponsorship gives eligible sponsors access to priority processing of all 482 TSS Nominations and Visa applications. In some circumstances, it also entitles sponsors to streamlined processing with reduced evidentiary requirements.

There are five categories of Accredited Sponsor:

1. Low volume users with high percentage of Australian workers (85%+)
2. High volume users with medium percentage of Australian workers (75%+)
3. Australian Trusted Traders
4. Major investment in Australia
5. Commonwealth, State and Territory government agencies

2. Nomination

The Nomination relates to the position to be filled by the visa applicant and must meet certain minimum requirements:

- **Occupation Lists:** The position must correspond to a skilled occupation listed by the DHA (set out on the 482 TSS visa 'Medium and Long-term Strategic Skilled Occupation List'(MSLTSSL) or the 'Short-term Skilled Occupations List' (STSOL));
- **Labour Market Testing:** The employer must conduct Labour Market Testing (ie. advertised the position) unless exempted in specified circumstances.
- **Market Rates:** The proposed remuneration must meet 'market rates' (i.e., rate which is or would be paid to an Australian performing the same work)
- **Above the salary floor:** Proposed remuneration must be higher than the Temporary Skilled Migration Income Threshold (TSMIT) of \$53,900 + superannuation; and

- **Genuine:** The position must be genuine – it must be what it purports to be and consistent with the business's activities.

Employers must meet all costs associated with the Nomination. These cannot be transferred to the visa applicant.

Transferring employment

Where a prospective employee already holds a 482 TSS visa it may be possible to transfer employment by lodging a new Nomination only (for Business Sponsored approved businesses). This process reduces paperwork and saves time and money.

Training levy system

Sponsors must pay a charge per year of the Nomination / Visa based on the business turnover. This is called the 'Skilling Australians Fund Levy' and is payable in full at the time of lodging the Nomination. The levy amount is calculated as follows:

	Turnover <\$10M	Turnover >\$10M
Levy surcharge	\$1,200 per year	\$1,800 per year

The SAF levy must be paid by the employer. Transfer of the payment to any 3rd party or the visa applicant is illegal and penalties include significant fines or criminal charges.

3. 482 TSS Visa

The 482 TSS Visa application relates to the visa applicant and any family members included in the application.

It is valid for up to 2 or 4 years depending on the occupation or the proposed period of employment. Hong Kong nationals can be granted for up to 5 years.

The visa is subject to conditions; in particular, a condition permitting the employee to only work for the sponsoring employer in the nominated occupation (with limited exceptions) and a condition requiring health insurance.

To qualify for the visa, the visa applicant must demonstrate they have the minimum qualifications and/or experience for the occupation, and have a minimum of 2 years' full time employment in the occupation.

The main applicant must demonstrate appropriate English skills, obtain police clearances and be eligible to obtain local licensing if required for the position.

Family members including partner and children up to the age of 23 can be included. Children between 18 and 23 must be dependent on the parents for their income.

All family members must meet health and character requirements.

Application process

Preparation

We will provide you with a list of relevant documents to prepare for each stage of the process. Once we receive these documents, we will review and advise if they satisfy eligibility criteria and further information is needed.

Post lodgement

Applications can generally be lodged concurrently to save time.

The processing time can vary significantly based on a number of factors (DHA staffing levels, applicant and industry risk profiles, occupation, salary levels, etc.). DHA provides a summary of processing times based on current statistics.

Where DHA requests additional information in support of an application this can result in delays. We work to prevent requests for further information by supplying as much information as possible in support of your application up front however the discretion lies with the Departmental delegate assessing the application.

Where applications present a risk of refusal, we may recommend lodging applications separately to minimize risk and loss of charges.

Costs

By law employers must meet the cost of the Business Sponsorship and 482 TSS Nomination. This includes government fees, professional fees, and costs incurred as part of these applications.

Costs for the 482 TSS visa can be met by either the employer or the employee.

Payment for visa laws

Since December 2015 it has been unlawful to offer or request sponsorship in exchange for a benefit. Benefit is defined widely and can include a favour, a service, payment, or a gift. The benefit does not have to be provided in order for the conduct to be unlawful.

Significant penalties apply to employers, prospective employers, and the company office holders of these organisations, visa applicants, or prospective visa applicants for this conduct. Penalties include fines or jail terms for more serious conduct.

Should you have any concerns about these laws contact us for further information.

Contact Us

Contact Roam Migration Law for a full summary of costs associated with the visa application process on +61 1300 950 771 or by email at j.taylor@roammigrationlaw.com.

The information in this document is a summary and should not be treated as a definitive statement of the law. You should seek personalised immigration advice before acting.



Level 14, 330 Collins Street, Melbourne, VIC 3000
+61 1300 950 77

hello@hammondttaylor.com.au
roammigrationlaw.com