

## Subclass 482 Temporary Skill Shortage Visa – Short-term Stream: FACT SHEET

The Temporary Skill Shortage (TSS) visa allows employers to sponsor overseas workers to live and work in Australia on a temporary basis. This visa is designed to assist employers who are unable to meet their skilled Australian workforce needs from the local labour market. It is valid for a maximum of two years. The minimum requirements for the Short-term stream of this visa are as follows:

**NOTE:** Different criteria apply to the Medium-term and Labour Agreement streams of this visa. Please contact us for further details regarding these streams.

### TSS VISA REQUIREMENTS: SHORT-TERM STREAM

#### Employer

The business seeking to employ you must:

- be actively and lawfully operating **in Australia**; **OR**
- be actively and lawfully operating **overseas** (not in Australia), and be bringing the visa applicant to Australia either to establish a business operation, or to fulfil contractual obligations).

In addition, there must not be any **adverse information** known that is relevant to the business's suitability as an approved sponsor.

**NOTE: Adverse information** includes (but is not limited to) contraventions of Commonwealth, State or Territory Laws relating to matters such as immigration, industrial relations or taxation; pending investigations or disciplinary actions; being the subject of administrative action for possible contravention of the law; insolvency; or having provided bogus documents or false/misleading information to the Department of Home Affairs (the DOHA).

#### **Accreditation**

Certain businesses may be able to apply for *accredited status*, which enables them to receive priority processing for all TSS nomination and visa applications. Please contact us to check if your employer's business may be eligible for accreditation.

#### Nominated Position

The position to be filled must:

- be a **genuine, full-time position**
- be in the sponsor's business (or that of an associated entity), and be subject to a written contract of employment (unless exempt from this requirement)

**NOTE:** If the sponsor is located overseas, the position must be located in the sponsor's business

- have a salary that is:
  - at least **\$53,900** per year (excluding any non-monetary benefits) **AND**
  - at least the **annual market salary rate (AMSR)** for your nominated occupation

**NOTE:** the **AMSR** for your nominated occupation (excluding non-monetary benefits) must also be no less than \$53,900 per year. The **AMSR** is the salary that an Australian earns (or would earn) for performing equivalent work on a full-time basis for a year in the same workplace at the same location. You will be exempt from this requirement if your salary is more than \$250,000 per year.

### Nominated Position, cont.

- be subject to conditions of employment (other than earnings) that are no worse than those that apply (or would apply) to Australians performing equivalent work in the same location
- be on the current **Short-term Skilled Occupation List (STSOL)**

**NOTE:** Certain occupations on this list will be subject to additional requirements (e.g. work experience, location, type of business operated by sponsor, nature of position). Please contact us for further details based on your particular circumstances.

- have been subjected to 'Labour Market Testing' (LMT) i.e. the sponsor must have attempted to recruit a suitably skilled and qualified Australian to work in the nominated position. This requires the sponsor to provide **evidence** that it has advertised the position within the last 4 months, for at least 4 weeks

**NOTE:** Alternative LMT criteria apply in certain circumstances. Evidence provided in support of LMT must meet strict criteria regarding the location, type, and content of the advertisement. Sponsors are not required to undertake LMT if an International Trade Obligation applies. Please contact us for further information regarding the type of LMT required for your nomination.

### Visa Applicant

As the visa applicant, you must:

- have skills (qualifications and/or work experience) that match those required for the nominated position  
**NOTE:** Certain applicants will be required to undergo a formal skills assessment, which must be commenced prior to lodging the visa application. Please contact us for further details based on your particular circumstances.
- have at least **two years** of full-time **experience** (or the part-time equivalent) in your nominated occupation (or a related field)
- genuinely intend to stay in Australia on a temporary basis only, and work in the nominated position
- meet any mandatory licensing, registration, or professional membership requirements
- have made adequate arrangements for health insurance during your stay in Australia, and meet the relevant health and character criteria
- have the required level of **English proficiency** i.e.
  - hold a valid passport issued by the UK, USA, Canada, New Zealand, or the Republic of Ireland (and you are a citizen of that country) **OR**
  - an IELTS overall test score of at least 5.0 (with a minimum of 4.5 in EACH test component) **OR**
  - an OET test score of at least B in EACH test component **OR**
  - a TOEFL iBT overall test score of at least 35 (with a minimum of 3 for listening, 3 for reading, 12 for writing and 12 for speaking) **OR**
  - a PTE overall test score of at least 36 (with a minimum of 30 in EACH component) **OR**
  - a CAE test score of at least 154 (with a minimum of 147 in EACH test component)

**NOTES:** In each case, the test must have been undertaken within the last three years.

You are exempt from this requirement if you have completed at least five years of full-time study in a secondary or higher education institution where all instruction was conducted in English. Other exemptions also apply to a limited set of applicants – please contact us for further details.

## APPLICATION PROCESS

### Stage 1: Sponsorship Application

The application for standard business sponsorship is lodged with the DOHA on behalf of your employer. The main criterion is that your employer's business is actively and lawfully operating in Australia or overseas. An approved sponsorship is valid for five years. During this time, the business can nominate overseas workers for subclass 482 TSS visas.

#### SPONSORSHIP OBLIGATIONS

Businesses who are approved to sponsor overseas workers for TSS visas **MUST** comply with certain obligations imposed by the DOHA. These obligations are designed to protect overseas workers from exploitation, and to ensure that the visa program is used correctly.

In particular, please note that a business approved as a standard business sponsor **must not attempt to recover any of the costs associated with applying for sponsorship or nominations** (including migration agent costs and Skilling Australians Fund levies), or any costs directly associated with **recruiting overseas workers** for nominated positions. Approved sponsors may however be able to recover GST and/or claim a tax deduction for payment of fees and costs associated with applying for sponsorship, and we recommend that independent tax advice is sought in this regard if relevant.

Approved sponsors must also **maintain certain records** relating to their sponsorship and subclass 482 (and 457) nominations. This includes records substantiating the sponsor's **annual turnover**, as well as records confirming **how, and by whom, each Skilling Australians Fund levy was paid**. Such records must be provided to the DOHA upon request.

**Please contact our office for further information, including a full list of sponsorship obligations.**

### Stage 2: Nomination Application

The nomination application is lodged with the DOHA on behalf of your employer, either at the same time as the sponsorship application, or during the sponsorship validity period. The main criterion is that the nomination meets the requirements listed above.

#### Skilling Australians Fund Levy

Sponsors must pay the Skilling Australians Fund (SAF) levy for EACH subclass 482 nomination lodged with the DOHA. The amount payable varies based on the sponsor's annual turnover and the visa applicant's proposed period of stay in Australia:

- For sponsors with an **annual turnover of LESS THAN AU\$10 million**, the SAF levy is **AU\$1,200 for each year** of the nominated visa applicant's proposed period of stay i.e. AU\$1,200 for a 1-year visa; AU\$2,400 for a 2-year visa and so forth.
- For sponsors with an **annual turnover of AT LEAST AU\$10 million**, the SAF levy is **AU\$1,800 for each year** of the nominated visa applicant's proposed period of stay i.e. AU\$1,800 for a 1-year visa; AU\$3,600 for a 2-year visa and so forth.

The SAF levy must be paid upfront, at the time that the nomination is lodged.

**Please contact our office for further information regarding the SAF levy.**

### Stage 3: Visa Application

Your visa application is lodged with the DOHA either at the same time as the nomination application, or before the nomination expires (generally within 12 months of approval). The main criterion is that you fulfil the requirements listed above.

You may generally be in or outside Australia when applying for this visa. However, you cannot apply in Australia for another visa in the Short-term stream if you have held more than one subclass 482 TSS visa in that stream, unless this would be inconsistent with an International Trade Obligation. You may also be ineligible to apply in Australia if you do not hold the required type of visa or have previously been refused a visa (or had your visa cancelled).

Once the DOHA has approved all three applications, you will be granted a subclass 482 TSS visa in the Short-term stream. Your visa will be valid for up to two years, with the exact term dependent upon your sponsor's requirements.

**PLEASE NOTE:** We estimate that it may take several weeks to prepare and lodge your application, with the time taken largely dependent on how promptly you (and your sponsor, if applicable) provide us with the necessary supporting information and documents.

The time that it takes the DOHA to process your application is dependent upon its processing time service standards and may also vary due to a number of other factors, including the complexity of your case, perceived risk factors and processing priorities. Please contact us for current information regarding likely processing timeframes for this type of application.