

This article will discuss the different streams of Visa Subclass 482 (the Temporary Skill Shortage Visa) and their requirements.



A. VISA SUBCLASS 482 (THE TSS VISA)

As of April 2017, Visa Subclass 482 – Temporary Skill Shortage Visa (otherwise known as the TSS Visa) has replaced Visa Subclass 457 – Temporary Work (Skilled) Visa. The TSS Visa (or Visa Subclass 482) is a temporary visa that allows an employer to sponsor an employee to fill a position in Australia. The occupation must be one that cannot suitably be filled by someone in Australia and must be outlined in the relevant sections of the Combined Skilled Occupation List.

Employers must first apply and be approved by the Department of Home Affairs (formerly the Department of Immigration) as a 'Standard Business Sponsor' before sponsoring any employees for a TSS visa.

There is no age limit for the TSS Visa.

B. THE STREAMS OF THE TSS VISA

There are three streams for the TSS visa: Short-term; Medium-term and Labour Agreement. There is also a 'Subsequent Entrant' visa that can be provided to family members of those who hold a TSS Visa or a Subclass 457 visa.

To be eligible for a TSS Visa, an applicant must fulfil a number of requirements.

C. COMMON REQUIREMENTS FOR ALL STREAMS OF THE TSS VISA

1. **Health Insurance:** Most temporary visa holders are not eligible for Medicare and must be financially responsible for any health costs incurred while they are in Australia. Visa holders must have adequate health cover for the entirety of their stay. For a guide to what constitutes adequate health cover, go to <https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/health/adequate-health-insurance>.
2. **Meet Health Requirement:** Most visas, including the TSS Visa, require the minimum health requirements to be met in order to protect the Australian community from significant health risks and health costs, and to ensure access to certain medical services are not limited to Australian citizens and permanent residents by increased demand. The health requirement is judged on a case-by-case basis. You may need to sit health examinations to meet this criterion.
3. **Meet Character Requirement:** Any person aged 16 years and over must meet the Australian character requirement. You may need police clearances to meet this.
4. **Meet English Language Proficiency:** The passable number on the English language test varies between visas and are outlined in section 5 of the Migration (IMMI 18/032: Language Test Requirements–Subclass 482 Visa) Instrument 2018. Exemptions may apply.
5. **Hold Appropriate Visa:** If you are applying for a TSS Visa while you are in Australia, you must hold an appropriate visa permitting you to apply (normally a substantive visa).



D. SHORT-TERM STREAM

The short-term stream of the TSS visa allows a person to stay in Australia for up to two years, or potentially longer if an International Trade Obligation (ITO) applies. Determining whether an ITO benefits a short-term TSS visa holder is usually done on a case-by-case basis, as it is quite complex.

The applicant must be working in the nominated occupation or a related field for at least two years and must only work for the employer that sponsored their arrival, or an associated entity, unless exemptions apply.

Occupations that allow a person to be nominated must be listed in the short-term section of the Combined Skilled Occupations List to substantiate a short-term TSS visa application.

Some applicants must complete a skills assessment. Where this is mandatory, applicants must commence the skills assessment **before** they lodge their visa application.

The short-term stream of the TSS visa has an added requirement of fulfilling the Genuine Temporary Entrant (GTE) test, affirming that the applicant is here for the genuine reason of working temporarily and following the conditions of the TSS visa.

Costs for the short-term TSS visa begin at \$1,175.00.

The short-term stream of the TSS visa may provide pathways to Australian permanent residency.

E. MEDIUM-TERM STREAM

The medium-term stream of the TSS visa allows a person to stay in Australia for up to four years. With this visa, the applicant is able to work and study in Australia; however, will not receive government assistance for any study.

The applicant is only able to work in the occupation they were nominated for and would need to re-apply for a new TSS visa if they would like to work in a different occupation. Occupations that an applicant can be nominated for must be on the Medium and Long-term Strategic Skills List or the Regional Occupation List.

Similar to the short-term stream, some applicants must complete a skills assessment. The applicant must be working in the nominated occupation or a related field for at least two years.

Costs for the medium-term stream begin at \$2,455.00.

The medium-term stream of the TSS visa has pathways to Australian permanent residency.

F. LABOUR AGREEMENT STREAM

A labour agreement stream of the TSS visa allows a person to be nominated by employers who have labour agreements with the Australian Government. The agreement must be in effect at the time of nomination.

This TSS visa stream allows a person to stay in Australia for a maximum of four years, depending on the terms of the labour agreement. The applicant must have worked in the nominated occupation or a related field for at least two years, or if they have not, the Minister must agree to waive this criterion.

If the applicant is over 18 years of age they must sign or agree to the Australian Values Statement.

Costs for the Labour Agreement stream begin at \$2,455.00.

The labour agreement stream has pathways to Australian permanent residency.

G. SUBSEQUENT ENTRANT

This stream of the TSS visa is applicable to partners of a TSS visa holder who wish to join their family member in Australia and are applying for their own TSS visa. The primary visa holder of a TSS visa may also bring dependents with them.

Partners include spouses and de facto partners, while dependents include children and stepchildren under 23. If the child or stepchild is over 23, the child is not deemed dependent anymore, and they must be shown to still be dependent on the TSS visa holder as pursuant to Regulation 1.05A of the Migration Regulations 1994 (Cth).

Costs for the Subsequent Entrant visa begin at \$1,175.00.

Comasters Law Firm and Notary Public is able to apply for Subclass 482 visas for clients.

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