Understanding Work-related Visa Conditions for 482 Visa Holders

Does your business currently sponsor or wish to sponsor Subclass 482 Visa holders? If so, it's important to understand how visa conditions impact work arrangements.

Under the *Migration Amendment (Strengthening Employer Compliance) Act 2024 (Cth)*, employers must not coerce, unduly influence or pressure a non Australian citizen visa holder to work in breach of a work-related visa condition. Here are some of the visa conditions that apply to 482 Visa Holders.

Condition 8607 - Must Only Work in Nominated Occupation

This is a mandatory condition for the primary 482 Visa holder. Under the condition, they:

- Must only work in the occupation nominated in their 482 Visa application.

- Must start work within 90 days of either arriving in Australia (if granted offshore) or the visa grant date (if granted onshore).

- Can only work*:
  - For the sponsor that nominated them or an associated entity (for 482 Visa holders whose sponsor is an Australian business).
  - For the sponsor that nominated them (for 482 Visa holders whose sponsor is an overseas business).
  - For the sponsor that nominated them (Labour agreement stream).
    *Some occupations may be exempt.

- If it is mandatory to have a licence, registration or membership to perform the nominated work:
  - It must continue to be held - work cannot be carried out without it
  - It must be held within 90 days of either arriving in Australia (if visa is granted offshore) or the visa grant date (if visa is granted onshore).
  - The Department of Home Affairs must be notified in writing as soon as possible if it is refused, ends, cancelled or revoked.

- The *Migration Amendment (Work Related Visa Conditions) Regulations 2024 (Cth)* provides 482 Visa holders a maximum 180 consecutive days to cease work and seek an alternative sponsoring employer or depart Australia.
  - During this time, the visa holder may work for other employers and in occupations other than what was granted for their visa.
  - The total period of time a visa holder can cease to work during their visa period must not exceed 365 days. Conditions apply.

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Condition 8501 – Maintain Adequate Health Insurance

This is a mandatory condition that applies to all 482 Visa holders.

It ensures visa holders have and maintain adequate health insurance during their stay in Australia.

Condition 8303 - Not Be Disruptive

This is a discretionary condition that may be applied by the decision maker for a person's 482 Visa.

Under this condition, a visa holder must not engage in activities disruptive to, or violence threatening harm to, the Australian community or a group within the Australian community.

Condition 8107 - Work Limitations

In some instances, a 482 Visa holder may have certain work limitations attached to their visa under Condition 8107.

Migration Advice for Visa Sponsors

Interstaff assist organisations to remain compliant with visa and sponsorship obligations in several ways:

- Visa checks to advise of work rights
- Eligibility assessments to advise of visa options and Permanent Residence pathways
- Advice and re-assessments regarding changes in an employee's core duties
- Training to review sponsorship obligations
- Support in developing plans to ensure relevant changes are identified and reported to Home Affairs as per sponsorship obligations

Contact Interstaff's Registered Migration Agents to find out more.