



Australian Government

Department of Home Affairs

# COVID-19 and Student Visa arrangements

Presentation at the request of ABRISA, 31/7/2020

# Australia's Student Visa Program and COVID-19

The Government recognises the contribution that international students and the international education sector makes to Australia as a major export industry and source of employment.



# Measures implemented by the Home Affairs Portfolio in response to the COVID-19 outbreak



## FEBRUARY

- 1<sup>st</sup> - China travel restrictions commenced

## MARCH

- 1<sup>st</sup> - Iran travel restrictions commenced
- 5<sup>th</sup> - Republic of Korea travel restrictions commenced
- 11<sup>th</sup> - Italy travel restrictions commenced
- 13<sup>th</sup> - Working hours extended for international students employed at major supermarkets
- 16<sup>th</sup> - All travellers arriving in Australia required to self-isolate for 14 days from time of arrival
- 18<sup>th</sup> - Working hours extended for international students employed at aged care providers
- 20<sup>th</sup> – Travel restrictions commenced for all foreign nationals who do not meet the travel exemptions
- 29<sup>th</sup> - All passengers arriving in Australia undergo 14 day quarantine in accommodation facilities

## APRIL

- 4<sup>th</sup> - A new visa pathway (Subclass 408) made available to support COVID-19 related critical sectors
- 23<sup>rd</sup> - Working hours extended for International students employed by an NDIS provider commenced

## MAY

- 1<sup>st</sup> - Extended working hours for international students working in Supermarkets ceased

## JUNE

- 18<sup>th</sup> - Prime Minister announces idea of a pilot for international students to return to Australia, once safe to do so

## JULY

- 20<sup>th</sup> - New visa policy measures to support the recovery of Australia's international education sector announced

# Current travel restrictions

- **Travel restrictions apply to people entering Australia.**
- There are some exemptions in place to facilitate travel to Australia. Those able to enter Australia include:
  - Australian citizens, permanent residents and their immediate family (spouses, dependent children and legal guardians) and New Zealand citizens.
- The Australian Government will consider the return of international students to Australia under step three of National Cabinet's framework for easing COVID-19 restrictions.
- Arrangements for international students to enter Australia will be implemented once it is safe to do so and in a way which ensures the protection of public health.
- **Any changes to visas will be advised through the Departments website. Students should keep in contact with their education provider on changes to study requirements.**

**Temporary visa holders (including Students, Temporary graduates and Bridging visa holders) cannot travel to Australia unless they meet the requirements for an exemption.**

# Current travel restrictions

- <https://covid19.homeaffairs.gov.au/travel-restrictions-0>
- **Individual exemptions**
- The Commissioner of the Australian Border Force may grant you an individual exemption if you are:
- a non-citizen travelling at the invitation of the Australian Government or a state or territory government authority for the purpose of assisting in the COVID-19 response
- providing critical or specialist medical services, including air ambulance, medical evacuations and delivering critical medical supplies
- a non-citizen with [critical skills](#) or working in a critical sector in Australia
- a non-citizen whose entry would otherwise be in the national interest, supported by the Australian Government or a state or territory government authority
- military personnel, including those who form part of the Status of Forces Agreement, Commonwealth Armed Forces, Asia Pacific Forces and Status of Armed Forces Agreement
- a student completing year 11 and 12, with support from the relevant state and territory government
- travelling for compassionate and compelling reasons.
- You must hold a visa and an exemption to Australia's travel restrictions before you travel. You can request an exemption using the form below and must provide appropriate evidence to support your claims. All documents need to be officially translated into English.

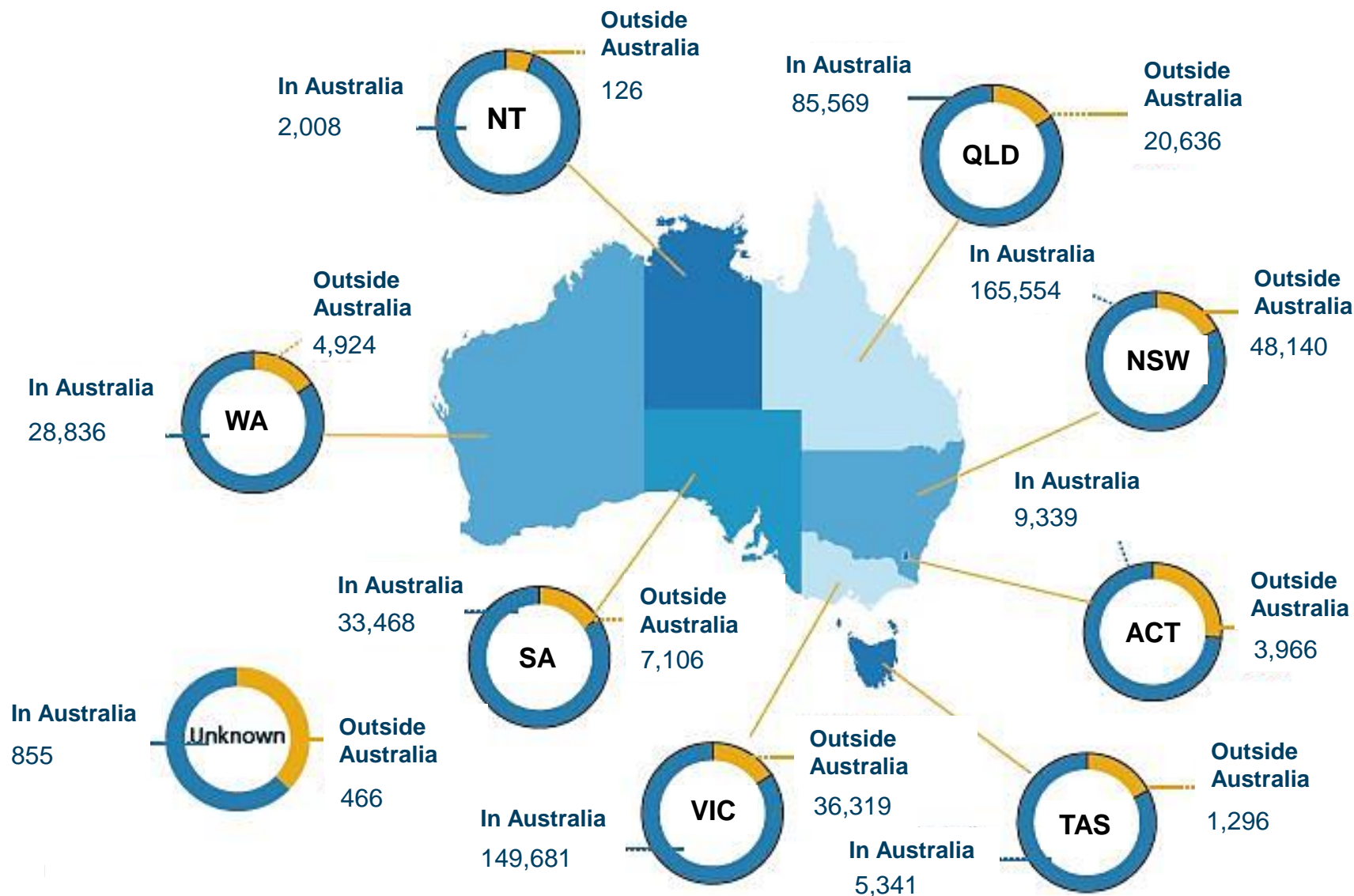
**Temporary visa holders (including Students, Temporary graduates and Bridging visa holders) cannot travel to Australia unless they meet the requirements for an exemption.**



# Student visa holders by Provider State

## as at 29 June 2020

Primary visa holders only, excludes DFAT/Defence





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# Government support and measures

# Relaxation of work rights

*To boost the labour supply in critical sectors, the Australian Government relaxed the work condition to allow student visa holders to work beyond the usual maximum of 40 hours a fortnight. These measures are only available to students already employed in Australia.*

## Extended working hours in aged care



- International student nurses and other aged care workers currently working for aged care facilities, home care providers and other health care workers can work more than the 40 hours a fortnight.

## Extended working hours in disability sector

- International students currently working for registered disability service providers will be able to work more than the 40 hours per fortnight.

## Extended working hours for nurses and medical students



- International student nurses and students studying relevant medical courses can undertake work to support efforts against COVID-19 as directed by health officials, including more than 40 hours per fortnight where required.



# International student support

- The Government is engaging with the international education sector which is providing some financial support for international students facing hardship.
- The Australian Red Cross has received Government funding to deliver Emergency Relief and counselling support to up to 30,000 temporary migrants over the next six months.
- <https://www.redcross.org.au/get-help/help-for-migrants-in-transition/help-for-migrants-in-transition>
- <https://www.dss.gov.au/our-responsibilities/communities-and-vulnerable-people/programs-services/emergency-relief>
- States and territories are also working closely with the Australian Government, education providers and community organisation to look after the health, safety and wellbeing of international students.

# The Government has provided a range of measures to support international students, including:

A flexible approach in relation to **student visa conditions**

Ensuring as many students as possible remain lawful onshore in Australia

No adverse impact on evidence levels due to COVID-19

Increased timeframes and flexibility applied to requests for further information and clearances

Temporary relaxation of 40 hour work limit in critical sectors of: Supermarkets (ended 1 May), **Aged care, Health** (including student nurses, medical students) & **Disability**

# New visa policy measures to support the recovery of Australia's international education sector

- Graduates who held a student visa will be eligible to apply for a post-study work visa outside Australia if they are unable to return due to COVID-19.
- Current and new student visa holders studying online outside Australia due to COVID-19 will be able to use that study to count towards the Australian study requirement for a post-study work visa.
- International students will be able to lodge a further student visa application free of charge, if they are unable to complete their studies within their original visa validity due to COVID-19.
- The Government will recommence granting student visas lodged outside Australia. This means when borders re-open, students will already have visas and be able to make arrangements to travel.
- Additional time will be given for applicants to provide English language results where COVID-19 has disrupted access to these services.



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## Supporting international students to support Australian jobs

The Hon Alan Tudge MP  
Minister for Human Services

The Hon Dan Tehan MP  
Minister for Education

## **Offshore Temporary Graduate (subclass 485) eligibility**



- Graduates affected by COVID-19 travel restrictions will be able to apply for and be granted a TGV outside Australia (where they have met all other eligibility requirements).
- While visas may be granted, with travel restrictions still in place, Temporary visa holders (including Temporary Graduate visa holders) are unable to travel to Australia (unless they fall into an exemption category).
- Graduates will need to submit their application for a Temporary Graduate visa within the immediate twelve months following the student visa expiry.
- These measures are limited to students affected by current Australian travel restrictions.
- Legislative changes are required to enable eligible graduates to apply for a Temporary Graduate visa outside Australia.
- Further information will be provided on the Department's website when this measure is available.

## Australian Study Requirement



- The Australian Study Requirement is a key eligibility criteria for the grant of a Temporary Graduate visa. Currently, Graduates must have completed their qualifications in at least 2 academic years of study while physically in Australia for no less than 16 months.
- Online study, both onshore and offshore, will now contribute towards qualifying for a Temporary Graduate visa for students impacted by COVID-19.
- Temporary Graduate visa applicants will be required to provide a form from their education provider confirming their course enrolment details with information on how long they studied online.
- This form will be available on our website soon.

## Visa fee waiver for students affected by COVID-19



- A nil-fee visa will be available for international students to lodge a further student visa application to complete their study, if they were unable to complete their course within the original visa validity due to COVID-19.
- To be eligible for the nil-fee, students will need to provide a form (available on our website soon) from their education provider including:
  - confirmation that the student was enrolled with an Australian education provider and their study was impacted by COVID-19;
  - the original course start and end dates and the new course end date; and
  - information on how COVID-19 impacted their studies, for example, whether their course was suspended, deferred, moved online or reduced course hours.
- Legislative changes are required to enable eligible students to apply for a nil visa fee Student visa.
- Further information will be provided on the Department's website when this measure is available.



## Recommencement of offshore visa processing



- The Department's overseas offices will recommence finalising Student visa applications, lodged outside of Australia, where all requirements are met.
- This gives applicants the reassurance of holding a valid Australian visa and being permitted to travel as soon as Australian travel restrictions allow.

## **Flexibility on timeframes for additional information**



- Under streamlined visa processing arrangements, around 75 per cent of student visa applicants are generally not required to provide evidence of English language proficiency with their visa application.
- The Department will take a flexible approach to English language testing where students are unable to take a test in their home country because of COVID-19 , by providing additional time for applicants to provide test results. Similar flexibility will apply to biometrics collection and health checks where COVID-19 has disrupted access to services.
- Applicants do not need to contact the Department to ask for timeframe extensions.



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# Student visa conditions

# Ensuring students maintain a lawful status in Australia

*If students are unable to return to their home country and their visa is expiring, they should apply for a further visa to remain lawfully in Australia.*

If students require additional time to complete their course, or are commencing a new course:

- Apply for a new Student visa at least six weeks prior to their existing student visa expiring.
- Students will be eligible for a bridging visa to remain lawful in Australia while their application is being processed.
- Students may also be able to apply for a new Student visa if it has been less than 28 days since

If students are not continuing study in Australia:

- Apply for another visa prior to their existing student visa expiring.
- Students will be eligible for a bridging visa to remain lawful in Australia while their application is being processed.
- <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-graduate-485>
- <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-activity-408/australian-government-endorsed-events-covid-19>

# Can I study online?

- The Department of Home Affairs does not regulate mode of study requirements for international students.
- Education regulators have announced they will be flexible in order to support students to study online in Australia (and offshore).
- If students have questions about their specific circumstances they should contact their education provider.
- **Studying online does not constitute a breach of student visa conditions.**



# Visa compliance

- The Government is taking a flexible approach in relation to student visa conditions where COVID-19 restrictions have prevented conditions being met. Student visa holders will not be in breach of their visa conditions if:
  - If they have an approved course deferral
  - If they are studying online
  - If they work more than 40 hrs per fortnight in specific critical services and employment.



# FAQs – Visa processing/applications

**Can student's still lodge a student visa application, and how long will it take to process at this time?**

In many locations, the services supporting visa applications, including panel doctors (who undertake medical checks), English language testing facilities, biometric collection centres are increasingly unavailable. While these services are impacted, the Department may be unable to finalise visa applications as applicants cannot meet visa requirements.

**Is there guarantee of a student visa if a student took online classes while offshore?**

Students will need to meet all the requirements and criteria, including health and character requirements to be granted a Student visa. Students can reference their online study in their Genuine Temporary Entry statement as evidence of their intent to study in Australia.

**Will the Department refund the visa application charge to students impacted by COVID-19?**

Visa holders and applicants who have changed their travel plans due to COVID-19 are not eligible for visa application charge refunds. This includes applicants that have delayed travel and are not able to enter Australia before their visa ceases.

**When will the border open?**

The Department of Home Affairs is not able to say how long the travel restrictions will be in place. As information becomes available the Department will provide advice and guidance on the Departments website.

# FAQs – Temporary Graduate Visa

**What is the arrangement for students who are unable to return to Australia and apply for Temporary Graduate visa?**

Students who are offshore are now able to apply, and be granted a Temporary Graduate Visa (subclass 485).

**Will time spent studying online (either in Australia or outside Australia) count towards the 92 weeks of study students must successfully complete to be eligible for the Temporary Graduate (subclass 485) visa?**

Yes. Online study undertaken outside Australia as a result of COVID-19 travel restrictions will be counted towards the Australian Study Requirement.

**When will the new measures come into effect?**

Legislative changes are required to enable eligible graduates to apply for a post-study work visa outside Australia. Further information will be provided when available at <https://covid19.homeaffairs.gov.au/staying-australia>.

# For more information

- **Department of Home Affairs** website with details on visa requirements and border arrangements at [www.covid19.homeaffairs.gov.au](http://www.covid19.homeaffairs.gov.au)
- The **Australian Government COVID-19** website with the latest news, updates and advice at [www.australia.gov.au](http://www.australia.gov.au)
- The **Department of Education, Skills and Employment** email and telephone hotline for international students impacted by COVID-19 at [international.students@dese.gov.au](mailto:international.students@dese.gov.au) or 1300 981 621 (9am to 5pm AEDST Monday to Friday)
- Resources and support for international students on Austrade's **Study in Australia** website at [www.studyinaustralia.gov.au](http://www.studyinaustralia.gov.au)



# Community Liaison Officer Network

VIC Community Engagement

[vic.community.engagement@homeaffairs.gov.au](mailto:vic.community.engagement@homeaffairs.gov.au)

SA Community Engagement

[sa.community.engagement@homeaffairs.gov.au](mailto:sa.community.engagement@homeaffairs.gov.au)

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