

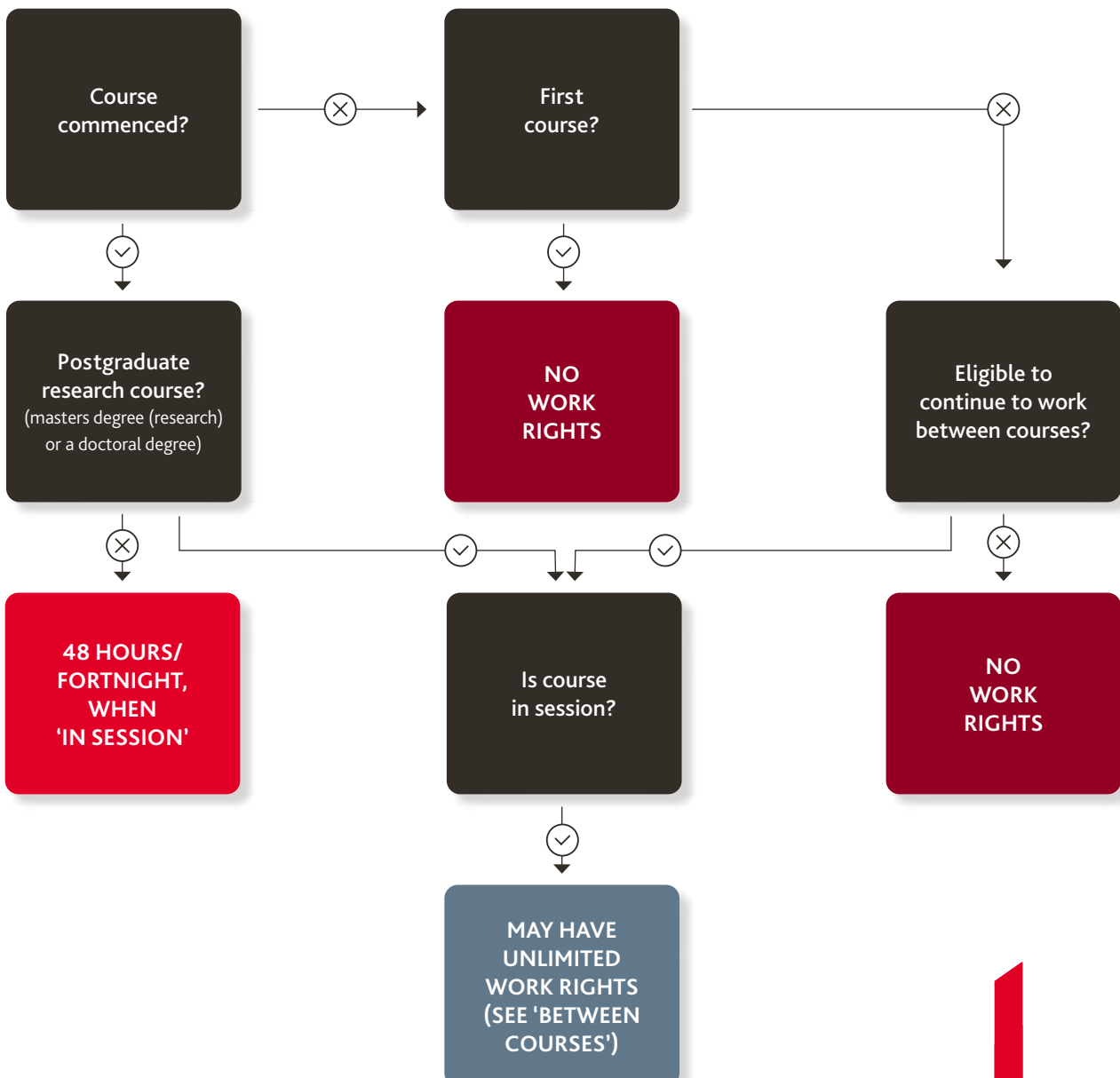
FACT SHEET

STUDENT VISA WORK RESTRICTIONS

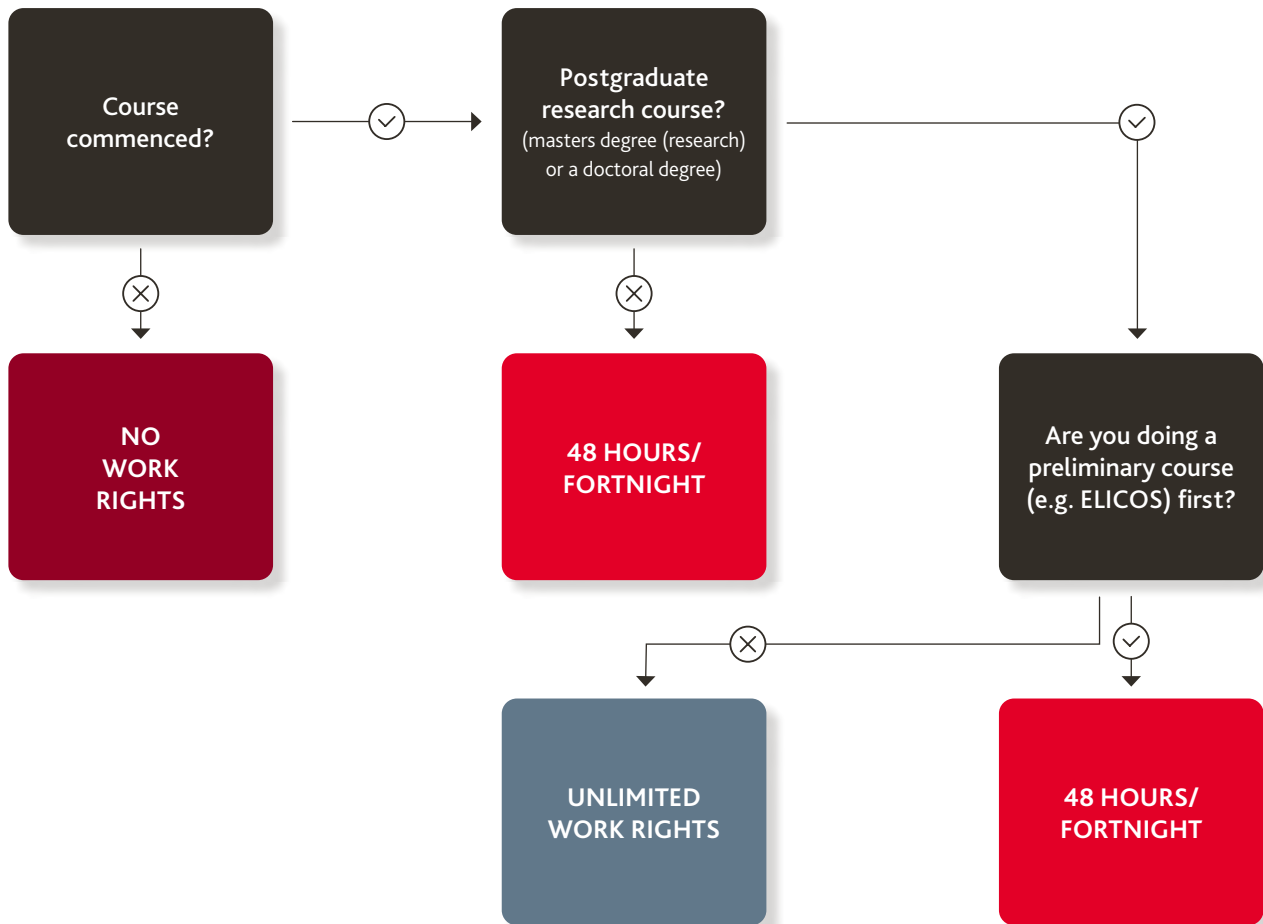


From 1 July 2023, work restrictions for student visa holders will be re-introduced and capped at 48 hours per fortnight. We've provided flow chart illustrations for you to understand at a high level the changes in conditions for primary and secondary visa holders. For more information read on.

SUBCLASS 500 – STUDENT VISA PRIMARY VISA HOLDER CONDITION 8105



**SUBCLASS 500 – STUDENT VISA
SECONDARY VISA HOLDER CONDITION 8105**



DOCUMENTATION

In order to make an assessment of work rights for student visa holder, you must obtain the following evidence from primary and secondary visa holders:

- Passport
- Visa grant notice(s)
- Evidence that the primary subclass 500 student visa holder has commenced their course, including confirmation of enrolment or a letter from the relevant education provider
- For secondary student visa holders, you should also obtain evidence of the relationship (such as visa grant letter, marriage certificate etc.).

If primary student visa holder claims that the course is 'out of session' you should obtain the following documents:

- Letter from the relevant education provider confirming the student visa holder is out of session
- Duly completed Condition 8105 – work hours exemption confirmation certification.

DEFINITIONS

Between courses

Students who have been granted or have applied for a student visa (including those on a bridging visa associated with their student visa application, which is subject to condition 8105) to enable them to complete a course for which an initial visa was granted, such as where the initial CoE is extended, may continue to work.

Students on a visa associated with a package of courses may continue working between courses.

Students who have completed a course of study and have been granted or have applied for a student visa (including those on a bridging visa associated with their student visa application, which is subject to condition 8105), to undertake a different course of study, are required to stop working from the grant date of the new visa and cannot work until the new course commences.

Fortnight

A period of 14 days commencing on a Monday. Therefore the end of any fortnight would be at the end of the second following Sunday.

The 48 hours a fortnight:

- Relates to each fortnight during which the course of study or training is in session
- Cannot be averaged out over the duration of the course.

'In session' and 'out of session'

A course is considered to be 'in session':

- For the duration of the advertised semesters (including periods when exams are being held)
- If a student is undertaking another course during a break from their main course and the points will be credited towards their main course.

A course is considered to be 'out of session':

- During scheduled course breaks
- If the course has been deferred or suspended in line with Standard 9 of the National Code of Practice for Providers of Education and Training to Overseas Students
- If a student has completed their course as scheduled (as per dates listed on their Confirmation of Enrolment (CoE)) and still holds a valid student visa
- If a student's enrolment has been cancelled due to the default of their education provider, until they secure alternative enrolment and commence the course.

If the studies have been completed early but the CoE is still in effect, then a further review may be required to assess work rights.

For more detail, please contact [BDO's migration services team](#).

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