

IMMIGRATION NEWS

(Volume 80)

Future Changes to Student Visas Permission to Work from the 28th April 2008



17th April 2008

Dear Students

Welcome to the new subscribers of IMMIGRATION NEWS. This service is brought to you by Australian Immigration Law Services. Please feel free to e-mail this newsletter to any of your friends.

Future Changes to the Student visa conditions

New Permission to Work arrangements for Student Visa Holders

Students who have their **visas granted after the 28th April 2008** will receive permission to work automatically thus eliminating the current annoying procedure of having to apply for permission to work after you begin study and having to pay the \$60 for that privilege. This means if you have a current student visa application still processing, when it is granted you will not have to apply for permission to work.

The same 20 hours per week permission to work will apply to all students as it currently does now. When you are studying you are restricted to 20 hours per week and when the education provider is not in session you may work as much as you like. Student dependents who's partners are studying a Masters or PHD programs will still have unlimited work rights however they must wait until their partner begins their course.

New Charges

From the 28th April the application fee for a student visa will rise from the current \$430 to \$450. Considering you used to be charged the additional \$60 to get permission to work, students will be \$40 better off.

Work permission after Lodging for an onshore EGSM residency visa

Many students think that once they finish their course and apply for one of the onshore EGSM skilled migration visa's they can work full time once the Bridging Visa A has been issued.

It often comes as a shock to many students that they may not have permission to work full time.

When you lodge one of these EGSM visas, yes it is true that a Bridging Visa A (BVA) is issued automatically. However Bridging visas never take over until the current substantive visa has expired. This means that you have to obey the conditions of this current student visa right up until the day it expires and then the BVA conditions will take over. The BVA for onshore EGSM applications give applicants full time permission to work.

Unfortunately when you look closely at the permission to work condition 8105 according to DAIC's rules it states;

"98.2 PTW & 8105

Condition [8105](#) applies to students who are granted student visas with PTW. They are not permitted to work more than 20 hours a week while the course in which they are enrolled is in session. However, this work limitation does not include work that is a registered component of the student's course of study or training for the award to be obtained. **If a student completes their course before the scheduled course completion date, they must continue to adhere to the work condition attached to the visa. Students who complete their course as scheduled have access to unrestricted permission to work during the period left on their visa, unless they have enrolled in further studies."**

So if you finish your course early or are enrolled into another program after completing your current course, even if you have lodged an EGSM application you are still restricted to the 20hours per week until one of the following happens;

- 1) Your student visa expires and the BVA takes over; or
- 2) Your EGSM visa is granted hence canceling your old student visa.

Unfortunately many students do not find this out until their employer checks their work permission rights with DIAC and it comes back with the 20 hours rule.

Unfairly Penalised

This current setup unfairly penalises students who complete their course early and creates a ridiculous situation. Those students who finish their course as expected on their original COE can work full time after they finish but those who finish earlier cannot.

If someone can explain the logic behind this then please let me know.

Next Newsletter?

A look at South Australian Sponsorship approval for the 886 and 487 visas.

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