



Student visa program: Processing update for education providers

Work limitations

In and out of session

Most Student visa holders are only permitted to work a maximum of 40 hours per fortnight when their course is **in session** and unlimited hours when their course is **out of session**.

The Department considers a student's course to be in session:

- for the duration of the advertised semesters, including exam periods
- when they are undertaking another course, during a break from their main course and points from that course will be credited to their main course

The Department considers a student's course to be out of session:

- during scheduled course breaks
- if their 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 they have completed their course as scheduled and still hold a valid student visa
- if their enrolment has been cancelled due to the default of their education provider until they secure alternative enrolment and commence the course.

Elective courses with work requirements

The legislation specifies that work won't count towards the 40 hour limitation if the work was specified as a requirement of the course when the course particulars were entered in the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). If an elective is a requirement of the course but the work itself was not specified when the course was registered with CRICOS, students can still complete these electives but it would be counted towards the 40 hour work limitation. This may be the case even if the student is not being paid for undertaking the work. However, volunteer work, that is work that would not normally attract remuneration, may be exempt.

Some providers were given incorrect advice that the 40 hour work limitation did not apply to work as an elective. If the Department contacts students who have relied on this advice they will be provided an opportunity to explain their situation in writing to the Department. The Department will not contact students who may be in breach of this condition before December 2018.

Study limitations - Working Holiday Maker visa

Working Holiday (subclass 417) visa and the Work and Holiday (subclass 462) visas allow for incidental study for a maximum of four months or 17 weeks. This is to ensure that the primary purpose of the WHM program is to foster cultural exchange and short term work and study and not for the primary purpose of study. Education providers enrolling students who hold or intend to hold a WHM visa must ensure the study is for less than four months.

More information is available at: <https://www.homeaffairs.gov.au/trav/visi/visi/working-holidayorwork-and-holiday-visas>