

In Australia, international students must adhere to specific visa conditions and work limitations. Failure to comply can lead to visa cancellation, impacting both study and work rights. Below is a comprehensive overview:

## **Student Visa Cancellation: Rules & Grounds**

### **Common Reasons for Cancellation**

The Department of Home Affairs may cancel a student visa under several circumstances: ([Visa Envoy](#))

- **Non-compliance with Visa Condition 8202:** Failing to maintain enrollment in a registered full-time course, unsatisfactory academic progress, or poor attendance. ([Administrative Review Tribunal](#))
- **Breach of Work Limitations:** Exceeding the permitted work hours (typically 48 hours per fortnight during study periods).
- **Early Course Completion:** Completing a course earlier than the visa end date and not leaving Australia or applying for another visa within the stipulated time. ([Emigrate Lawyers](#))
- **Enrollment Gaps:** Having a gap of more than two months between courses in a packaged program, unless it aligns with the academic calendar. ([isaneducation.com.au](#))
- **Character Grounds:** Involvement in criminal activities or failing the character test under Section 501 of the Migration Act. ([MyVisa: Niles Nandan Attorney at Law](#))
- **False or Misleading Information:** Providing incorrect information or fraudulent documents in the visa application process.

### **Cancellation Process**

1. **Notice of Intention to Consider Cancellation (NOICC):** The Department issues a NOICC, allowing the student to respond within a specified timeframe. ([AUM Global](#))
2. **Response Evaluation:** The Department assesses the response and decides whether to proceed with cancellation. ([Administrative Review Tribunal](#))
3. **Visa Cancellation:** If canceled, the student becomes an unlawful non-citizen and must take immediate action. ([Australian Migration Lawyers](#))

## Consequences of Visa Cancellation

- **Unlawful Status:** The student becomes an unlawful non-citizen and must leave Australia within 28 days or risk detention and removal.
- **Re-entry Bans:** A cancellation may trigger a three-year exclusion period under Public Interest Criteria 4013 or 4014, preventing reapplication for certain visas.
- **Impact on Future Applications:** Visa cancellations can adversely affect future visa applications to Australia and other countries. ([Australian Migration Lawyers](#))

## Appeal and Review Options

### Administrative Appeals Tribunal (AAT)

- **Eligibility:** Students can appeal a visa cancellation decision to the AAT within 21 days of notification. ([AUM Global](#))
- **Process:** The AAT reviews the decision, considering the student's circumstances and any new evidence presented. ([Administrative Review Tribunal](#))
- **Outcome:** The AAT may affirm, vary, or set aside the Department's decision.

### Ministerial Intervention

- **Eligibility:** If the AAT upholds the cancellation, students can request the Minister for Immigration to intervene on compassionate or compelling grounds. ([MyVisa: Niles Nandan Attorney at Law](#))
- **Discretionary:** Ministerial intervention is not guaranteed and is exercised at the Minister's discretion.

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## Voluntary Visa Cancellation

Students wishing to cancel their visa voluntarily (e.g., returning home permanently) should: ([VisaEnvoy](#))

1. **Complete Form 1194:** Request for voluntary cancellation of a temporary resident visa.

2. **Submit the Form:** Email the completed form to [email protected] or mail it to the Department's specified address.
  3. **Timing:** It's advisable to submit the cancellation request after departing Australia to avoid unlawful status. ([VisaEnvoy](#))
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## Work Permit Considerations

- **Work Limitations:** Student visas typically allow up to 48 hours of work per fortnight during study periods. Exceeding this limit can lead to visa cancellation.
  - **Post-Study Work Rights:** Upon course completion, students may be eligible for a Temporary Graduate visa (subclass 485) to continue working in Australia. ([VisaEnvoy](#))
  - **Bridging Visas:** If applying for another visa, students may be granted a bridging visa with specific work rights, depending on the conditions.
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## Key Takeaways

- **Maintain Compliance:** Adhere strictly to visa conditions, including enrollment and work limitations. ([Administrative Review Tribunal](#))
- **Seek Prompt Advice:** If facing potential cancellation, consult with a registered migration agent or legal professional immediately. ([AUM Global](#))
- **Understand Rights:** Be aware of appeal rights and the importance of timely action in response to any notices from the Department.

For personalized assistance, consider consulting with a registered migration agent or legal professional experienced in Australian immigration law.

Certainly, here is additional information regarding the cancellation of student visas and work permits for international students in Australia:

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## Additional Grounds for Student Visa Cancellation

Beyond the previously mentioned reasons, other grounds for student visa cancellation include:

- **Genuine Temporary Entrant (GTE) Requirement Breaches:** If a student is found not to genuinely intend to stay in Australia temporarily for study purposes, their visa may be canceled. In 2023, 15% of student visa cancellations were attributed to GTE breaches .([aurelialegal.com.au](https://aurelialegal.com.au))
  - **Failure to Maintain Overseas Student Health Cover (OSHC):** International students must have valid OSHC for the duration of their stay. Not maintaining this insurance can lead to visa cancellation .([aurelialegal.com.au](https://aurelialegal.com.au))
  - **Changing Course or Education Provider Without Notification:** Students must inform the Department of Home Affairs if they change their course, education provider, or level of study. Failure to do so accounted for 9% of visa cancellations in 2023 .([aurelialegal.com.au](https://aurelialegal.com.au))
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## Appeal Process and Timeframes

If your student visa is canceled, you have the right to appeal the decision. Key points include:

- **Administrative Appeals Tribunal (AAT):** You can apply for a review of the cancellation decision. The application must be lodged within a strict timeframe, usually 21 days from the date of the cancellation notice .([Dojo Legal Australia](https://dojolegal.com.au))
  - **Grounds for Appeal:** Appeals can be based on various grounds, such as procedural fairness, compassionate or compelling circumstances, or errors in the decision-making process.([Dojo Legal Australia](https://dojolegal.com.au))
  - **Supporting Evidence:** Providing comprehensive evidence, such as medical records, proof of compliance with visa conditions, or evidence of rehabilitation efforts, can strengthen an appeal .([Dojo Legal Australia](https://dojolegal.com.au))
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## Work Permit Considerations

International students must adhere to work limitations:

- **Work Hour Restrictions:** Students are generally allowed to work up to 48 hours per fortnight during study periods. Exceeding this limit can lead to visa cancellation.
- **Post-Study Work Rights:** Upon course completion, students may be eligible for a Temporary Graduate visa (subclass 485) to continue working in Australia.
- **Bridging Visas:** If applying for another visa, students may be granted a bridging visa with specific work rights, depending on the conditions.

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## Final Recommendations

- **Maintain Compliance:** Adhere strictly to visa conditions, including enrollment and work limitations.
- **Seek Prompt Advice:** If facing potential cancellation, consult with a registered migration agent or legal professional immediately.
- **Understand Rights:** Be aware of appeal rights and the importance of timely action in response to any notices from the Department.

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