

Migration Law for student and work professional

Key Points

- It seems likely that international students need a Student visa (subclass 500) with requirements like proof of enrollment, financial capability, and health insurance.
- Working professionals may access various visas, such as the Employer Nomination Scheme (subclass 186) or Temporary Skill Shortage (subclass 482), often requiring employer sponsorship or skills assessments.
- The evidence leans toward recent reforms simplifying the system, but processing times and conditions can vary, so early application is advisable.

Visa Requirements for International Students

International students in Australia typically need a Student visa (subclass 500), which allows study and limited work (up to 48 hours per fortnight during study terms). Requirements include:

- Proof of enrollment with a Confirmation of Enrolment (CoE).
- Financial proof, such as showing at least AUD29,710 for living costs (as of May 2024).
- English proficiency, unless from an English-speaking country.
- Health insurance, like Overseas Student Health Cover (OSHC), with exceptions for some countries.

Check [Study Australia](<https://www.studyaustralia.gov.au/en/plan-your-move/your-guide-to-visas/student-visa-subclass-500>) for details.

Visa Options for Working Professionals

Working professionals can choose from permanent visas like the Skilled Independent visa (subclass 189) or temporary visas like the Temporary Skill Shortage visa (subclass 482), often requiring:

- Employer nomination or state sponsorship.
- Skills assessments and relevant work experience.
- Meeting age and points criteria for some visas.

Recent changes include a new Skills in Demand visa to address skills shortages. See [Department of Home Affairs](<https://immi.homeaffairs.gov.au/visas/working-in-australia/temporary-work-visas>) for options.

Migration Law of Australia for International Students and Working Professionals

This comprehensive note explores the migration law framework in Australia, focusing on visa requirements, rights, and pathways for international students and working professionals. It is based on authoritative sources such as the Australian Department of Home Affairs, Study Australia, and VisaGuide.World, and is current as of May 18, 2025, to assist individuals in navigating the application process effectively.

Introduction

Australia's migration law, primarily governed by the Migration Act 1958, regulates the entry, stay, and rights of non-citizens, including international students and working professionals. The Department of Home Affairs administers the immigration program, ensuring compliance with visa conditions and addressing skills shortages through various visa pathways. This note outlines the key requirements, application processes, and recent reforms, providing a detailed resource for prospective students and professionals.

Migration Law for International Students

International students wishing to study in Australia must obtain a Student visa (subclass 500), the primary visa for this purpose. The key aspects are as follows:

-Visa Type and Eligibility:

- The Student visa (subclass 500) covers full-time study at Australian education providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).
- Requires a Confirmation of Enrolment (CoE) from the education provider, which is mandatory for the visa application.
- Allows stay for the duration of the course, typically up to 5 years, and permits travel in and out of Australia.

- Financial Requirements:

- Must demonstrate financial capacity, with a minimum of AUD29,710 for living costs for 12 months (as of May 2024), plus tuition and travel expenses.
- Evidence can include personal savings, bank statements, or parental/spousal income (e.g., at least AUD62,222 annually for the 12 months prior to application).
- Tools like the Cost of Living Calculator ([Study Melbourne](<https://www.studymelbourne.vic.gov.au/tools-and-resources/cost-of-living-calculator>)) or Moneysmart Budget Planner ([Moneysmart Budget Planner](<https://moneysmart.gov.au/budgeting/budget-planner>)) can assist in calculations.

English Language Proficiency:

- Required unless from an English-speaking country (e.g., UK, USA). Typically involves achieving a certain score in tests like IELTS or TOEFL (e.g., IELTS 6.5 for Business, 7.0 for Nursing).
- Exemptions apply; check [Department of Home Affairs English Requirements](<https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/english-language>).

- Health Insurance:

- Must have Overseas Student Health Cover (OSHC) for the duration of stay, covering medical and hospital costs.

- Exceptions for students from Belgium, Sweden, and Norway under specific conditions. Arrange through the education provider or independently; see [OSHC Resources](<https://www.health.gov.au/resources/collections/overseas-student-health-cover-oshc>).

- Health and Character Requirements:

- Must be in good health, potentially requiring health examinations via My Health Declaration service.
- Meet character requirements, including police clearance if necessary. Details at [Health Requirements](<https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/health>) and [Character Requirements](<https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/character>).

- Genuine Student Requirement:**

- Must demonstrate a genuine intention to study, replacing the previous Genuine Temporary Entrant (GTE) requirement. Involves providing details on current circumstances, course choice, and benefits of study.
- Assessed through application questions; see [Genuine Student Requirement](<https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/genuine-student>).

- Application Process:

- Conducted online via ImmiAccount ([ImmiAccount Login](<https://online.immi.gov.au/lusc/login>)).
- Requires visa fee (AUD1,600 as of January 2025, unless exempt), CoE, financial proof, health insurance, and English proficiency results.
- Use the Document Checklist Tool ([Document Checklist Tool](<https://immi.homeaffairs.gov.au/visas/web-evidentiary-tool>)) for required documents.
- Processing times vary; check [Visa Processing Times](<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-processing-times/global-visa-processing-times>) and tips at [Processing Time Tips](<https://immi.homeaffairs.gov.au/check-twice-submit-once>).

- Visa Conditions and Obligations:

- Notify the education provider of the address within 7 days of arrival and any changes.
- Maintain enrollment, satisfactory progress, and attendance.
- Hold OSHC and inform the university of address or contact changes.
- Work limited to 48 hours per fortnight during study terms, unlimited outside these times for Masters by Research or Doctoral students.
- Check conditions via Visa Entitlement Verification Online system (VEVO) ([VEVO](<https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/check-conditions-online>)).

- Special Considerations:

- For students under 18, additional welfare arrangements like Confirmation of Appropriate Accommodation and Welfare (CAAW) may be needed.
- Guardians can apply for a Student Guardian visa (subclass 590), with no work rights and proof of financial support. See [Student Guardian Visa](https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/student-guardian-590).
- Course packaging allows studying multiple courses with clear progression, with CoEs for each and gaps less than 2 months (or 3-4 months if aligning with academic years). See [Pathways to University](https://www.studyaustralia.gov.au/en/plan-your-studies/universities-and-higher-education/pathways-to-university).

Migration Law for Working Professionals

Working professionals can access various visa pathways, categorized into permanent and temporary options, depending on skills, employer sponsorship, and regional requirements. Key visas include:

- Permanent Visas:

- ****Employer Nomination Scheme Visa (subclass 186)**:** For skilled workers nominated by an employer, with streams like Direct Entry, Labor Agreement, and Temporary Residence Transition. Requires relevant qualifications and work experience.
- ****Skilled Independent Visa (subclass 189)**:** Points-based, requires invitation through EOI, minimum 65 points, no sponsorship needed.
- ****Skilled Nominated Visa (subclass 190)**:** Permanent, invitation-based, points criteria, nominated by state/territory government.
- ****Permanent Skilled Regional Visa (subclass 191)**:** For skilled workers with previous valid regional provisional visas, opens November 16, 2022.
- ****Regional Sponsored Migration Scheme Visa (subclass 187)**:** For skilled workers sponsored by regional employers, leading to permanent residency.

- Temporary Visas

- ****Temporary Skill Shortage Visa (subclass 482)**:** Three streams (Short-term, Medium-term, Labor Agreement), employer sponsorship, can lead to PR after a few years. Requires at least 1 year relevant work experience and English proficiency.
- ****Skilled Employer Sponsored Regional (Provisional) Visa (subclass 494)**:** For regional employer sponsorship, 5 years, leads to PR after 3 years if eligible.
- ****Skilled Work Regional (Provisional) Visa (subclass 491)**:** For state/territory nomination, 3 years, leads to PR after 3 years, points-based, EOI needed.
- ****Skilled Recognized Graduate Visa (subclass 476)**:** For recent graduates, 18 months, no PR pathway.
- ****Temporary Graduate Visa (subclass 485)**:** For Australian graduates, 2-4 years, two streams (Graduate Work, Post-Higher Education Work), no direct PR but can transition via other visas.

Key Requirements for Professionals:

- **Nomination/Sponsorship**: Required for sponsor-based visas (e.g., 186, 494), often by employers or state/territory governments.
- **Skills Assessment**: Must have qualifications and experience assessed by a relevant authority for the nominated occupation, e.g., Chartered Accountants Australia and New Zealand (CAANZ) for accountants.
- **Age Limit**: Most visas require under 45 or 50, but varies by visa (e.g., Global Talent Visa may have flexibility).
- **Points Test**: For visas like 189 and 190, based on age, skills, education, English proficiency, and other factors.
- **Work Experience**: Typically 1-3 years relevant experience, depending on visa (e.g., 494 requires 3 years).
- **Family Inclusion**: Most allow family (partner, children), but conditions vary (e.g., 403 domestic worker stream excludes family).
- **Processing Times and Costs**: Range from a few months to 2 years, costs AUD315–4115, additional fees for family. Check [Visa Processing Times](https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-processing-times/global-visa-processing-times) and fees at [VisaGuide.World Fees](https://visaguide.world/australia-visa/fees/).

Recent Reforms:

- The Australian government introduced a Migration Strategy in 2024, including a new Skills in Demand visa with three pathways based on earnings, streamlined labor market testing, and a new points system for permanent skilled migration.
- Changes to Temporary Graduate visas include reducing the maximum age to 35 (from 50) and standard processing times of 21 days for Post-Higher Education Work Stream, effective early to mid-2024.

Below is a table summarizing key visa requirements for international students:

□ Visa Requirements for International Students (Subclass 500)

Requirement	Details
Visa Type	Student visa (subclass 500)
Enrollment	Must have CoE from CRICOS-registered course
Financial Proof	Minimum AUD 29,710 for living costs (as of May 2024), plus tuition and travel

English Proficiency	Required score in approved tests; exemptions for English-speaking countries
Health Insurance	OSHC mandatory; exceptions for Belgium, Sweden, and Norway
Health and Character	Health exams may be needed; police clearance required
Work Rights	Up to 48 hours per fortnight during study terms; unlimited during breaks
Application Process	Online via ImmiAccount; include all documents using the Checklist Tool

Key Work Visas for Professionals

Visa Type (Subclass)	Type	Duration	Nomination Required	Permanent Residency Option
186 (Employer Nomination Scheme)	Permanent	Indefinite	Yes	Yes
189 (Skilled Independent)	Permanent	Indefinite	No	Yes
482 (Temporary Skill Shortage)	Temporary	Varies	Yes	Yes, after a few years
494 (Skilled Employer Sponsored Regional)	Temporary	5 years	Yes	Yes, after 3 years

Conclusion

This note covers all aspects of migration law for international students and working professionals in Australia, from visa eligibility and financial proof to health insurance and application processes. It is designed to provide a comprehensive resource, ensuring individuals are well-prepared for their visa applications. For the most current and detailed information, always consult the official websites listed in the citations.

Key Citations

- [Study Australia Student Visa Subclass 500 Guide](https://www.studyaustralia.gov.au/en/plan-your-move/your-guide-to-visas/student-visa-subclass-500)
- [Department of Home Affairs Temporary Work Visas](https://immi.homeaffairs.gov.au/visas/working-in-australia/temporary-work-visas)
- [VisaGuide.World Australian Work Visas](https://visaguide.world/australia-visa/work-visa/)
- [Study Melbourne Cost of Living Calculator](https://www.studymelbourne.vic.gov.au/tools-and-resources/cost-of-living-calculator)
- [Moneysmart Budget Planner Australian Government](https://moneysmart.gov.au/budgeting/budget-planner)
- [Department of Home Affairs English Requirements](https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/english-language)
- [OSHC Resources Australian Government Health](https://www.health.gov.au/resources/collections/overseas-student-health-cover-oshc)
- [Department of Home Affairs Health Requirements](https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/health)
- [Department of Home Affairs Character Requirements](https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/character)
- [Department of Home Affairs Genuine Student Requirement](https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/genuine-student)
- [ImmiAccount Login Department of Home Affairs](https://online.immi.gov.au/lusc/login)
- [Document Checklist Tool Department of Home Affairs](https://immi.homeaffairs.gov.au/visas/web-evidentiary-tool)
- [Visa Processing Times Department of Home Affairs](https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-processing-times/global-visa-processing-times)
- [Visa Entitlement Verification Online VEVO](https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/check-conditions-online)
- [Student Guardian Visa Department of Home Affairs](https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/student-guardian-590)
- [Pathways to University Study Australia](https://www.studyaustralia.gov.au/en/plan-your-studies/universities-and-higher-education/pathways-to-university)
- [VisaGuide.World Fees Australian Visa Costs](https://visaguide.world/australia-visa/fees/)