Migration Amendment (Student Visa Reform) Regulations 2026

I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 1 October 2026

Sam Mostyn AC
Governor-General

By Her Excellency's Command

Julian Hill
Assistant Minister for Citizenship, Customs and Multicultural Affairs
Parliamentary Secretary to the Minister for Immigration and Citizenship

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1 Name

This instrument is the *Migration Amendment (Student Visa Reform) Regulations 2026*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provisions	**Commencement**	**Date/Details**
1. The whole of this instrument	The day after this instrument is registered.	2 October 2026

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Migration Act 1958*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1—Amendments

Migration Regulations 1994

1 Sub-subparagraph 1222(2)(a)(ia)(B) of Schedule 1

Omit "applicant; or", substitute "applicant;".

2 Sub-subparagraph 1222(2)(a)(ia)(C) of Schedule 1

Repeal the sub-subparagraph.

3 Sub-subparagraph 1222(2)(a)(ib)(B) of Schedule 1

Omit "applicant; or", substitute "applicant;".

4 Sub-subparagraph 1222(2)(a)(ib)(C) of Schedule 1

Repeal the sub-subparagraph.

5 Sub-subparagraph 1222(2)(a)(ic)(B) of Schedule 1

Omit "applicant; or", substitute "applicant;".

6 Sub-subparagraph 1222(2)(a)(ic)(C) of Schedule 1

Repeal the sub-subparagraph.

7 After paragraph 1222(3)(a) of Schedule 1

Insert:

(aa) An applicant who:

(i) seeks to satisfy the primary criteria for the grant of a Subclass 500 (Student) visa; and

(ii) holds a Subclass 500 (Student) visa (whether on the basis of satisfying the primary criteria or the secondary criteria for the grant of that visa); and

(iii) in the case that the applicant holds that visa on the basis of satisfying the primary criteria for the grant of that visa—is not included in a class of persons specified in subitem (3A);

must be outside Australia.

8 Paragraph 1222(3)(b) of Schedule 1

Omit "An", substitute "Subject to paragraph (e), any other".

9 After paragraph 1222(3)(d) of Schedule 1

Insert:

(da) An application may be made by a person (the ***secondary applicant***) who is seeking to satisfy the secondary criteria for the grant of a Subclass 500 (Student) visa only if:

(i) the applicant (the ***primary applicant***) who is seeking to satisfy the primary criteria for the grant of that visa is a Defence student, a Foreign Affairs student or holds a passport from a Pacific-regional country or a country specified in subregulation (5A); or

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(ii) the secondary applicant is in Australia and, at the commencement of this subparagraph, held a Subclass 500 (Student) visa (the ***earlier visa***) on the basis of satisfying the secondary criteria for the grant of the earlier visa, and in respect of which the primary applicant satisfied the primary criteria; or

(iii) the secondary applicant is in Australia and, before the commencement of this subparagraph, applied for a Subclass 500 (Student) visa (the ***earlier visa***) which was granted, on or after that commencement, on the basis of satisfying the secondary criteria for the grant of the earlier visa, and in respect of which the primary applicant satisfied the primary criteria; or

(iv) the secondary applicant is in Australia, was born in Australia on or after the commencement of this subparagraph, is a child of the primary applicant and, at that commencement, the primary applicant held a Subclass 500 (Student) visa (the ***earlier visa***) on the basis of satisfying the primary criteria for the grant of the earlier visa; or

(v) the secondary applicant is in Australia, was born in Australia on or after the commencement of this subparagraph, is a child of the primary applicant and, before that commencement, the primary applicant applied for a Subclass 500 (Student) visa (the ***earlier visa***) which was granted, on or after that commencement, on the basis of satisfying the primary criteria for the grant of the earlier visa; or

(vi) the secondary applicant is included in a class of persons specified in an instrument under paragraph (5)(c).

10 Paragraph 1222(3)(e) of Schedule 1

Omit "may", substitute "must".

11 After subitem 1222(3) of Schedule 1

Insert:

(3A) For the purposes of subparagraph (3)(aa)(iii), the classes of persons are the following:

(a) Defence students;

(b) Foreign Affairs students;

(c) school students (within the meaning of clause 500.111 of Schedule 2);

(d) classes of persons specified in an instrument under paragraph (5)(d).

12 Subitem 1222(4) of Schedule 1

Omit all the words before paragraph (a), substitute:

(4) If the applicant is in Australia:

(a) the applicant must:

(i) hold a substantive visa; and

(ii) not be included in a class of persons specified in an instrument under paragraph (5)(e); or

(b) either subitem (4A) or (4B) must apply to the applicant.

(4A) This subitem applies to an applicant if the applicant satisfies each of the following paragraphs:

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13 Subparagraph 1222(4)(b)(i) of Schedule 1

Repeal the subparagraph.

14 After subitem 1222(4) of Schedule 1

Insert:

(4B) This subitem apples to an applicant if the applicant satisfies each of the following paragraphs:

(a) the applicant is not the holder of a substantive visa;

(b) the last substantive visa held by the applicant was a student visa (the ***earlier visa***);

(c) the following circumstances exist in relation to the earlier visa:

(i) the earlier visa was cancelled;

(ii) the ART made the decision to set aside and substitute the cancellation decision or the Minister's decision not to revoke the cancellation;

(iii) the ART's decision was made after the day when the earlier visa ceased to be in effect;

(d) the application is made within 28 days after:

(i) if the ART's decision is given to the applicant orally—the applicant is taken, under subsection 368(7) of the Act, to have been notified of the decision; or

(ii) otherwise—the applicant is taken, under section 379C of the Act, to have received the notification of the ART's decision;

(e) the applicant has not previously been granted a visa based on an application made when the applicant did not hold a substantive visa.

15 Paragraph 1222(5)(c) of Schedule 1

Repeal the paragraph, substitute:

(c) classes of persons for the purposes of subparagraph (3)(da)(vi);

(d) classes of persons for the purposes of paragraph (3A)(d);

(e) classes of persons for the purposes of subparagraph (4)(a)(ii).

16 Subregulation 1222(5A) of Schedule 1

After "subparagraphs (2)(a)(ib) and (ic)", insert "and (3)(da)(i)".

17 Clause 500.311 of Schedule 2

Repeal the clause, substitute:

500.311

The applicant is a member of the family unit of a person who satisfies the primary criteria in Division 500.2.

18 Paragraph 500.315(a) of Schedule 2

Omit "the primary person mentioned in clause 500.311", substitute "a person who satisfies the primary criteria in Division 500.2".

19 Clause 500.411 of Schedule 2

Repeal the clause, substitute:

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500.411

(1) The applicant must be outside Australia when the visa is granted if, at the time the application for the visa was made, the applicant was outside Australia because:

(a) paragraph 1222(3)(aa) of Schedule 1 required the applicant to be outside Australia; or

(b) the applicant did not meet the criteria in subitem 1222(4) of Schedule 1 to make the application in Australia.

(2) In any other case, the applicant may be in or outside Australia when the visa is granted, but not in immigration clearance.

20 In the appropriate position in Schedule 13

Insert:

Part 166—Amendments made by the Migration Amendment (Student Visa Reform) Regulations 2026

16601 Operation of amendments

The amendments made by Schedule 1 to the *Migration Amendment (Student Visa Reform) Regulations 2026* apply in relation to an application for a visa made on or after the commencement of that Schedule.

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