LIN 26/087

Migration (LIN 20/158: Class of Persons for Student (Temporary) (Class TU) Visa Applications) Amendment Instrument 2026

I, Julian Hill, Assistant Minister for Citizenship, Customs and Multicultural Affairs make the following instrument.

Dated 1 October 2026

Julian Hill
Assistant Minister for Citizenship, Customs and Multicultural Affairs

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1 Name

This instrument is the *Migration (LIN 20/158: Class of Persons for Student (Temporary) (Class TU) Visa Applications) Amendment Instrument 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 later of: (a) the day after this instrument is registered; and (b) immediately after the commencement of the *Migration Amendment (Student Visa Reform) Regulations 2026*. However, the instrument does not commence at all if the event mentioned in paragraph (b) does not occur.	

Note: This table relates only to the provisions of this instrument as originally made.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 subitem 1222(5) of Schedule 1 to the *Migration Regulations 1994*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 (LIN 20/158: Class of Persons for Student (Temporary) (Class TU) Visa Applications) Instrument 2020

1 Section 4 (paragraph (a) of Note 1)

Omit the paragraph, substitute:

(a) ***confirmation of enrolment***;

(aa) ***Defence student***;

(ab) ***education provider***;

2 Section 4 definitions

Insert:

AQF means Australian Qualifications Framework, which has the same meaning as in the *Higher Education Support Act 2003.*

course of study has the meaning given by clause 500.111 of Schedule 2 to the Migration Regulations.

principal course means, in relation to a Subclass 500 visa that was granted to enable the visa holder to undertake one or more courses of study, the course with the highest AQF level.

higher education course has the meaning given by clause 500.111 of Schedule 2 to the Migration Regulations.

higher education provider has the meaning given by section 16-1 of the *Higher Education Support Act 2003*.

school student has the meaning given by clause 500.111 of Schedule 2 to the Migration Regulations.

VAC means visa application charge.

3 Section 4 (definition of *provider default*)

Repeal the definition, substitute:

provider default in relation to a registered course, means the occurrence of one of the following events, including where the event is as a result of a sanction being imposed on the education provider, or their registration being suspended or cancelled, under Divisions 1, 1AB, or 2 of Part 6 of the *Education Services for Overseas Students Act 2000*:

(a) the course does not start on the agreed starting day; or

(b) the course ceases to be provided at any time after it starts, but before it is completed;

(c) the course not being provided in full to a student.

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4 Section 4 (definitions of *PHEIC, relevant PHEIC, reapplying applicant* and *subsequent person*)

Repeal the definitions.

5 Before section 6

Insert:

Division 1—VAC arrangements

6 Section 6 (heading)

After "**persons**", insert "**for VAC arrangements**".

7 Section 6

Omit "sections 7 to 15", substitute "this Division".

8 Section 6 (note)

Omit "sections 7 to 15", substitute "this Division".

9 Section 10

Repeal the section.

10 Section 13

Repeal the section.

11 Section 14

Repeal the section.

12 Section 15

Repeal the section.

13 After section 15

Insert:

Division 2—Location requirements

16 Classes of persons 11—doctoral students

(1) For the purposes of paragraph 1222(3A)(d) of Schedule 1 to the Regulations, the class of persons to which subsection (2) applies is specified.

(2) This subsection applies in relation to a class of persons where the person:
   (a) is seeking to satisfy the primary criteria for the grant of a Subclass 500 visa; and
   (b) at the time of making the visa application—is enrolled in a course of study leading to the award of a doctoral degree.

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17 Classes of persons 12—provider default

(1) For the purposes of paragraph 1222(3A)(d) of Schedule 1 to the Regulations, the class of persons to which subsection (2) applies is specified.

(2) This subsection applies in relation to a class of persons where the person:
  (a) is seeking to satisfy the primary criteria for the grant of a Subclass 500 visa; and
  (b) was unable to complete a registered course due to provider default; and
  (c) was enrolled in that course on the provider default day; and
  (d) requires a further Subclass 500 visa to complete either an alternative registered course or one or more other registered courses after completing an alternative registered course; and
  (e) applies for that Subclass 500 visa within the period of 12 months after the provider default day; and
  (f) has not made a previous visa application because of the same provider default.

18 Classes of persons 13—completion of studies

(1) For the purposes of paragraph 1222(3A)(d) of Schedule 1 to the Regulations, the class of persons to which subsection (2) applies is specified.

(2) This subsection applies in relation to a class of persons where the person:
  (a) is seeking to satisfy the primary criteria for the grant of a Subclass 500 visa; and
  (b) at the time of making the visa application, holds a Subclass 500 visa; and
  (c) either:
    (i) has commenced the principal course for which the visa mentioned in paragraph (b) was granted; or
    (ii) has commenced an alternative principal course with the same provider and that course is not inconsistent with the conditions of the visa mentioned in paragraph (b); and
  (d) has not completed the principal course mentioned in subparagraph (c)(i) or (ii); and
  (e) will complete the principal course mentioned in subparagraph (c)(i) or (ii) within 12 months of the end date specified in the confirmation of enrolment issued for that principal course.

19 Classes of persons 14—course progression

(1) For the purposes of paragraph 1222(3A)(d) of Schedule 1 to the Regulations, the class of persons to which subsection (2) applies is specified.

(2) This subsection applies in relation to a class of persons where the person:
  (a) is seeking to satisfy the primary criteria for the grant of a Subclass 500 visa; and
  (b) at the time of making the visa application, holds a Subclass 500 visa; and
  (c) has completed either:

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(i) the principal course for which the visa mentioned in paragraph (b) was granted; or

(ii) an alternative principal course that was not inconsistent with the conditions of that visa; and

(d) subject to subsections (3) and (4), is enrolled in no more than one further course of study.

(3) If the principal course mentioned in subparagraph (2)(c)(i) or (ii) has an AQF level attributed to it, the further course of study mentioned in paragraph (2)(d) must:

(a) have a higher AQF level than the course mentioned in subparagraph (2)(c)(i) or (ii); and

(b) if the principal course mentioned in subparagraph (2)(c)(i) or (ii) was a higher education course, the further course of study mentioned in paragraph (2)(d) must be a higher education course delivered by a higher education provider.

(4) If the principal course mentioned in paragraph (2)(c)(i) or (ii) does not have an AQF level attributed to it, then either:

(a) the course of study mentioned in paragraph (2)(d) must have an AQF level attributed to it; or

(b) at the time the person undertook the principal course mentioned in subparagraph (2)(c)(i) or (ii), the person was a school student.

Division 3—Family

20 Classes of persons 15—family of foreign government scholarship recipient students

(1) For the purposes of subparagraph 1222(3)(d)(vi) of Schedule 1 to the Regulations, the class of persons to which subsection (2) applies is specified.

(2) This subsection applies in relation to a class of persons where the person is:

(a) seeking to satisfy the secondary criteria for the grant of a Subclass 500 visa; and

(b) a member of the family unit of a person who:

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

(ii) is enrolled in either:

(A) a single course of study that is fully funded by a foreign government; or

(B) multiple courses of study that are all fully funded by a foreign government.

21 Classes of persons 16—family of doctoral students

(1) For the purposes of subparagraph 1222(3)(d)(vi) of Schedule 1 to the Regulations, the class of persons to which subsection (2) applies is specified.

(2) This subsection applies in relation to a class of persons where the person is:

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(a) seeking to satisfy the secondary criteria for the grant of a Subclass 500 visa; and

(b) a member of the family unit of a person who:

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

(ii) is enrolled in a course of study leading to the award of a doctoral degree.

22 Classes of persons 17—family member of students affected by provider default

(1) For the purposes of subparagraph 1222(3)(d)(vi) of Schedule 1 to the Regulations, the class of persons to which subsection (2) applies is specified.

(2) This subsection applies in relation to a class of persons where the person:

(a) is seeking to satisfy the secondary criteria for the grant of a Subclass 500 visa; and

(b) at the time of making the visa application—holds a Subclass 500 visa that was granted on the basis of having satisfied the secondary criteria; and

(c) is a member of the family unit of a person who:

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

(ii) holds a Subclass 500 that was granted to the person on the basis of satisfying the primary criteria; and

(iii) was unable to complete a registered course due to provider default; and

(iv) was enrolled in that course on the provider default day; and

(v) requires a Subclass 500 visa to complete either an alternative registered course or one or more other registered courses after completing an alternative registered course; and

(vi) applies for that Subclass 500 visa within the period of 12 months after the provider default day; and

(vii) has not made a previous visa application because of the same provider default; and

(d) was granted the Subclass 500 visa mentioned in paragraph (b) as a member of the family unit of the person mentioned in paragraph (c).

23 Classes of persons 18— family member of students seeking to complete studies

(1) For the purposes of subparagraph 1222(3)(d)(vi) of Schedule 1 to the Regulations, the class of persons to which subsection (2) applies is specified.

(2) This subsection applies in relation to a class of persons where the person:

(a) is seeking to satisfy the secondary criteria for the grant of a Subclass 500 visa; and

(b) at the time of making the visa application—holds a Subclass 500 visa that was granted on the basis of having satisfied the secondary criteria; and

(c) is a member of the family unit of a person who:

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

(ii) holds a Subclass 500 that was granted to the person on the basis of satisfying the primary criteria; and

(iii) either:

(A) has commenced the principal course for which the visa mentioned in subparagraph (ii) was granted; or

(B) has commenced an alternative principal course with the same provider and that course is not inconsistent with the conditions of the visa mentioned in subparagraph (ii); and

(iv) has not completed the principal course mentioned in sub-subparagraph (iii)(A) or (iii)(B); and

(v) will complete the principal course mentioned in sub-subparagraph (iii)(A) or (iii)(B) within 12 months of the end date specified in the confirmation of enrolment issued for that principal course; and

(d) was granted the Subclass 500 visa mentioned in paragraph (b) as a member of the family unit of the person mentioned in paragraph (c).

Part 3—Application and transitional provisions

24 Application of amendments in LIN 26/087

The amendments of this instrument made by *Migration (LIN 20/158: Class of Persons for Student (Temporary) (Class TU) Visa Applications) Amendment Instrument 2026* (***LIN 26/087***) apply in relation to an application for a visa made on or after the day on which LIN 26/087 commences.

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