

COVID-19 and International Students in Australia

Answering your questions

15 April 2020

Ward Keller's Registered Migration Agent [Anke Nagel](#) joined [Leon Loganathan](#) and Peter Gowers on their [Territory Story podcast](#) this week to facilitate a Q & A session with Ben Poveda-Alfonso to answer your questions about how international students in Australia have been affected by COVID-19. We hope that the following Q & A answers any queries and concerns you may have.

General Questions

- 1. Due to COVID-19, my course (including placements, internships or VET course) cannot be delivered on time. As a result, my completion date is now longer than the expiry date of my student visa. Can I extend my student visa?**

A visa cannot be extended, but your education course provider may issue an extension of your Certificate of Enrolment (CoE) under compassionate and compelling circumstances and this will allow international students to apply for a new student visa. Unfortunately, new visa charges will apply.

- 2. I have lost my job due to the impacts of COVID-19 and now do not have enough money to pay my tuition fees. Can my education provider cancel my Confirmation of Enrolment (CoE) if I cannot pay the fees? If so, how likely is it that my student visa will be cancelled?**

Ultimately it is the decision of to your education provider to enforce your attendance and compliance. If your education provider wants to initiate the cancellation they can. Most education providers are taking a flexible approach and you should contact them directly.

- 3. If I have to apply for a new student visa for reasons outside of my control, who will pay for the application fees? Will there be any leniency given in these exceptional circumstances?**

If your student visa was cancelled in the beginning of the COVID-19 crisis and you were offshore at the time but managed to return to Australia on a visitor visa before the travel restrictions, then you may be eligible to re-apply for your student visa with nil fees payable. In other cases, you will have to pay your fees as in any other time.

- 4. The conditions of my student visa require me to be enrolled internally on a full-time basis. However, I am currently offshore and unable to return to Australia due to travel bans. If my education provider can deliver the course online, will my visa be affected if I continue studying online or should I apply for an intermission/reduced study load? Alternatively, what should I do if my education provider cannot deliver the course online?**

Many education providers are already offering flexible arrangements for students affected by the COVID-19 crisis. We suggest reviewing your education provider's website and calling student support services. Also, the [Department of Home Affairs](#) plays no role in authorising the modes of study for international students and is guided by education sector regulators, the [Tertiary Education Quality and Standards Agency](#) (TEQSA) and the [Australian Skills Quality Authority](#) (ASQA), on whether students can count online learning towards completion of their course.

5. What happens if I am currently onshore and my student visa is expiring soon, but cannot leave Australia because my home country has also put a travel ban in place?

You should apply for another visa soon. This can be another student visa, or a tourist visa or maybe even the [408 visa](#). But we are still waiting to hear how the 408 visa will work exactly as this pathway was only introduced on 13 April 2020. Applicants should be aware that they may be charged an additional \$700 for the subsequent temporary visa application charge if this is their second or more online visa application.

6. I applied for a student visa to start on Semester 2 of 2020 but have not received a grant/refusal notice yet. Could my visa be granted even though I cannot enter to Australia? Should I withdraw my application and then apply for a refund of the application fees?

It all depends on your personal situation. If your education provider is willing to provide online learning, then you may wish to continue with your visa application until they finally process it. In any other case, your education provider should withdraw and put a refund request in. However, there is no guarantee international students will get a refund of their student visa application.

7. I am planning to lodge an offshore student visa application this year. Should I still go ahead with the application?

We would suggest waiting until the COVID-19 crisis has passed and after Australia has lifted its travel bans.

8. I have completed my course and recently applied for permanent residency (PR) through skilled migration. Will the assessment take longer than expected? What is the likelihood of the visa being refused due to COVID-19? Since I have temporary Medicare status until the PR application is granted, could I then apply for welfare support?

At the moment, most lodged onshore visa applications are still being processed as normal. Even medicals examinations are still being processed, but it may take a little longer to get an appointment. If you have applied for a skilled migration visa without an employer sponsoring you, then COVID-19 will not cause a refusal. But if you have applied for an employer sponsored visa, it will probably not be processed for some time. Unfortunately, at this stage you will not be eligible for any welfare support until permanent residency has been granted. But submissions have been made to the government to re-consider this stance.

It is also worth noting that if you were planning to lodge a graduate visa or skilled visa but have not been able sit an English Test due to the closure of testing centres, as of April 2 2020, [TOEFL iBT](#) have released a Special Home Edition test that is available in every country with the exception of Mainland China and Iran.

9. I lost my job due to the impacts of COVID-19 and do not have enough money to pay my rent. Can my landlord start an eviction process against me?

On 30 March 2020, Prime Minister Scott Morrison announced that the National Cabinet had agreed to a 6-month moratorium on evictions of residential tenants for rent defaults as a result of the coronavirus.

This simply means that currently, tenants cannot be evicted for failure to pay rent as a result of COVID-19 related financial difficulties. However, tenants are still required to pay rent so the recommendation is that landlords and tenants come to a mutual agreement on a temporary rent amount which the tenant will be able to afford throughout the crisis.

An official policy on evictions has not yet been released, so in the meantime landlords and tenants should be working together to find a flexible solution which works for both parties.

The [Northern Territory Civil and Administrative Tribunal's](#) (NTCAT) position on COVID-19 as of 26 March is that all non-urgent listings are cancelled. However, matters where a landlord or tenant is seeking termination of a tenancy are currently still considered urgent. The national moratorium on evictions does not apply to evictions for reasons unrelated to COVID-19 such as property damage, so listings for these matters will not have been cancelled.

NTCAT matters related to rent defaults as a result of COVID-19 should be considered cancelled until further notice as the National Cabinet's position on evictions was agreed on 30 March, several days after the NTCAT's latest statement.

The NT has not made any other comments in relation to this issue as of 14 April 2020.

In regards to New South Wales, the COVID-19 Legislation Amendment (Emergency Measures) Act 2020 (NSW) provides that regulations may be made under the Residential Tenancies Act 2010 (NSW) which enable the Act to prohibit terminations of tenancy agreements or the recovery of possession of premises by a landlord "in particular circumstances". The Minister has not exercised this power thus far, but currently NSW residents are not being evicted as long as they have negotiated a payment plan with their landlord.

10. I am experiencing financial hardship due to COVID-19. Could I then access my superannuation fund? Could I access it even if I am not experiencing financial hardship?

International students who have held their visa for 12 months or more and find themselves in financial hardship will be able to access their Australian superannuation. This new measure was announced on 4 April 2020 and we are now waiting for the Commonwealth Parliament to pass the legislation this week. Students who have been in Australia for less than 12 months are encouraged to rely on the support that they evidenced to the [Department of Home Affairs](#) when they submitted their visa application. This may be their own savings or support from family.

There have also been other allowances for students who work in aged care and as nurses where they are permitted to work 40 hours a fortnight. Students working in supermarkets have also had their hours extended temporarily until 1 May 2020.

Disclaimer: The advice provided in this article is of a general nature only and should not be substituted for obtaining your own independent legal advice. If you have any further queries, please contact Ward Keller on (08) 8946 2999 or wardkeller@wardkeller.com.au for further advice.

Our Migration Team



Anke Nagel
Registered Migration Agent – MARN: 0958949



Rachael Adolphe
Registered Migration Agent – MARN 1278986

Level 7 NT House Mitchell Street Darwin
GPO Box 330 Darwin NT 0801

www.wardkeller.com.au
wardkeller@wardkeller.com.au
T 08 8946 2999

Darwin Palmerston Casuarina Alice Springs