

VISA PAK ISSUE 344 — 9 FEBRUARY 2019

WORK RIGHTS FOR HOLDERS OF STUDENT VISAS VALID UNTIL 31 MARCH

Operations Support has been advised that there is some confusion over the interpretation of work rights for students based on previous advice given in Visa Pak 256 – Work rights for students over summer vacation and scheduled breaks.

The confusion appears to be related to the scenario below and the accompanying note:

Scenario	Hours of work allowed	Rationale
Student completed the course in Nov 2016 and visa is valid until 31 Mar 2017. Student wants to work full-time from the course end date to the expiry of the visa.	Student can work full-time from course end date to the expiry of the visa.	The course finishes during the period considered to be summer vacation and their visa takes them over the summer vacation period. See note at the end of the table.

Note: Where the student is intending to apply for a Post-Study Work Visa (PSWV) after their student visa expires, staff should advise the student that they can work full-time until the end of their student visa but recommend that they submit their PSWV application well in advance of their student visa expiry. This is to prevent any problems with their employment should the student visa expire before the PSWV application is finalised. If the student is put on an interim visa, they will have to cease all employment (part-time work will also not be allowed).

To clarify the work rights for a student in this scenario:

- May work up to 20 hours per week;
- May work full-time during summer vacation;
- May work full-time during scheduled vacations;

If a student has been granted a student visa valid until 31 March and their student visa conditions state the above conditions then the student may work full-time from the date their course ends, up until the expiry date



of their visa (31 March). This is because the period after their course ends (e.g. in November) until 31 March is considered to be a summer vacation period, even if the student will not be returning to an education provider the following year.

The note associated with the scenario is just a reminder to staff to be proactive and let the students know that even if they can work full-time until 31 March, they should not leave it to the last possible date to submit their subsequent visa application. Many students try to maximize their work rights by working to the very end of their student visa and then submitting a Post-Study Work Visa just before their student visa expires. Students often think that they can continue working once an application has been submitted and they have been granted an Interim Visa. This is not the case as their Interim Visa condition will be those associated with a visitor visa (not their previous student visa) which means that they are unable to work.

Staff should understand that it is not the intent to apply for a Post-Study Work Visa that enables the student to work until the expiry of their student visa. It is the condition(s) endorsed on their student visa that allows them to continue working until the expiry of their student visa.