

Update of Covid-19 for Temporary Visa Holders

Hospitality and Tourism Industry Migration
Fact Sheet

6th April 2020

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Hospitality Immigration Specialists



Visas



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What has been announced for Temporary Visa Holders?

On Saturday 4th April, Minister Tudge, the acting Minister for Immigration clarified what consideration would be given for Temporary Visa Holders. It had been widely reported that there would be some relief for Temporary Visa Holders (TVH) and access to either Job Seeker or Job Keeper.

With 2.17 million presently in Australia on a temporary visa, it appears the Government have resolved that it cannot extend relief to this cohort.

It is now evident that TVH's will not have access to either of these benefits. It is also clear that there will NOT be an announcement in the immediate future providing this relief.

The Prime Minister has advised that they will not be providing any further support.

"Temporary visa holders who are unable to support themselves under these arrangements over the next six months are strongly encouraged to return home. For these individuals, it's time to go home, and they should make arrangements as quickly as possible."

To be clear, the Temporary Visa Holders covered by this statement and the immediate recommendations from the Minister are as follows:

- SC 600 Visitor Visa Holders – Depart Australia immediately
- SC 500 Student Visa – Stay if able to support yourself through family or employment, depart if you have no support
- SC 417/462 Working Holiday – Stay if able to support, extend if working in a critical sector, depart if you have no support
- SC 485 Temporary Graduate – Stay if able to support yourself through family or employment, depart if you have no support
- SC 820 / 309 – Your sponsoring partner has declared they can support you for a period of two years
- SC 407 – Stay if able to support yourself through family or employment, depart if you have no support
- SC 457 / 482 – Stay if able to support yourself through family or employment, depart if you have no support, depart if you have been terminated and not found a new sponsor in 60 days.

Visa types and conditions can be checked via the Departments Visa Entitlement Online System (VEVO) by the visa holder or through your Organisations VEVO account.

We will now break down in detail what this means for each visa class. Some information is taken from the Ministers statement.

Visitor Visa Holders

Commentary:

International tourists should return to their home country immediately. We would point out if you are currently on a tourist visa awaiting its expiry for a Bridging A visa to activate, you should stay if you have prospective employment or you have access to financial support on-shore. This especially applies to applicants for SC 820 Partner applications lodged on-shore.

Access to Funds:

NIL

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International Students

Commentary:

Students are encouraged to rely on family support, part-time work where available, and their savings to sustain themselves in Australia. As part of their visa application, international students have had to demonstrate that they can support themselves in their first year.

Students who have been here longer than 12 months who find themselves in financial hardship will be able to access their Australian Superannuation.

The Government will undertake further engagement with the international education sector who already provide some financial support for international students facing hardship. For example, we understand some education providers are providing fee discounts to international students.

The Government will also be flexible in cases where Coronavirus has prevented international students from meeting their visa conditions (such as not being able to attend classes).

- International students can work up to 40 hours per fortnight.
- International students working in aged care and as nurses have had these hours extended to support these critical sectors.
- International students working in the major supermarkets had also had these hours extended to help get stock on shelves during the high demand. From 1 May, their hours will return to the maximum 40 hours a fortnight as more Australians are being recruited into these roles.

Access to Funds:

Access to Superannuation for holders who have been in Australia for 12 months of up to \$10,000 this financial year and \$10,000 next financial year.

Visa conditions can be checked via the Department's Visa Entitlement Online System (VEVO) by the visa holder.

Working Holiday & Work and Holiday Visa Holders

Commentary:

To support the critical sectors of health, aged and disability care, agriculture and food processing, and childcare, some limited flexibility will be provided.

In particular, working holidaymakers who are working in these critical sectors will be exempt from the six-month work limitation with the one employer and eligible for a further visa to keep working in these critical sectors if their current visa is due to expire in the next six months.

In general, working holidaymakers that do not have the ability to sustain themselves over the next six months should make arrangements to leave the country.

Further announcements will be made with the Deputy Prime Minister and Agriculture Minister concerning supporting the agricultural sector, including the operation of the Seasonal Worker Program and Pacific Labour Scheme.

Access to Funds:

Access to Superannuation of up to \$10,000 this financial year and \$10,000 next financial year.

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Graduate Visa Holders, Trainee Visa Holders and other Special Purpose Visa Holders

Commentary:

There are 185,000 other temporary visa holders in Australia. They are advised to return home unless they can support themselves through family or employment. Visa conditions restricting Training Visa holders to the sponsoring employer apply.

Access to Funds:

Access to Superannuation of up to \$10,000 this financial year and \$10,000 next financial year.

Temporary Skilled Visa Holders (457 / 482)

Commentary:

There are around 139,000 temporary skilled visa holders, on either a two year or four-year visa. They were provided with the visa to fill a skills shortage – a shortage that may still be present when the crisis has passed.

Consequently, those visa holders who have been stood down, but not laid off, will maintain their visa validity and businesses will have the opportunity to extend their visa as per normal arrangements. Businesses will also be able to reduce the hours of the visa holder without the person being in breach of their visa condition.

These visa holders will also be able to access up to \$10,000 of their Superannuation this financial year. Those visa holders who have been laid off due to Coronavirus should leave the country in line with existing visa conditions if they are unable to secure a new sponsor. However, should a 4-year visa holder be re-employed after the coronavirus pandemic, their time already spent in Australia will count towards their permanent residency skilled work experience requirements.

In summary, if you are stood down and can provide for yourself, then you should stay as your sponsorship will remain valid and you WILL be able to renew it. The Minister did indicate in a press conference that 457/482 workers will be essential to the recovery when we are allowed out again, which is very encouraging news. Temporary Visa holders will accrue time towards their 186 Transitional Visa application if eligible.

Do not expect any further announcements of support in the immediate future.

Access to Funds:

Access to Superannuation of up to \$10,000 this financial year and \$10,000 next financial year.

New Zealanders on 444 visas

Commentary:

New Zealanders and Australians have reciprocal arrangements whereby we can each stay and work in each other's country. There are more than 672,000 New Zealanders in Australia on a subclass 444 visa.

Access to Funds:

New Zealanders who are on 444 visas and arrived before 26 February 2001 will have access to welfare payments and the JobKeeper payment.

444 visa holders who arrived after 2001 have access to the JobKeeper payment. Those who have lived in Australia for 10 years or more have access to JobSeeker payments for six months.

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Bridging Visas

Commentary:

Essentially most Bridging Visa holders are subject to the conditions of their previous visa. In nearly all instances this will mean either a restriction on work rights of some sort. Our understanding is that if there is an allowance made to the visa class you previously held that will follow through. We are attempting to get clarity around this.

Note that any application for a Skilled Permanent Visa and a Partner visa will likely have NIL conditions which means you may take employment with any employer and not restricted to the sponsor.

Access to Funds:

Please see the access for the visa you previously held.

Assistance in Returning to your Home Country

If you are a temporary visa holder (e.g. 457, 482, Bridging Visa) or hold no visa, and you are unable to support yourself while in Australia, you can get some help in returning to your home country.

Usually the first port of call is to contact your local diplomatic mission (embassy, consulate, or high commission), however, if you are unable to contact them or if they are unable to render assistance to you in this situation, there are still other options.

- Homeward Return Program: <https://www.assistedreturns.com.au/>
- International Organisation for Migration Assisted Voluntary Return and Integration Program: <https://australia.iom.int/assisted-voluntary-return-and-reintegration-program>

Breaking News: COVID – 19 – Subclass 408 Stream announced

We have just received notification from the Migration Institute of Australia that the special 408 visa has been announced and the Ministerial Instrument allowing it is now active. From the MIA:

“The purpose of the instrument is to provide a pathway for certain former and current holders of temporary visas to lawfully remain in Australia and who would otherwise be required to depart Australia who, but for the COVID-19 pandemic, are unable to leave Australia.

Criteria

- Must hold a visa that is 28 days or less from ceasing to be in effect
- Or, held a visa that is no more than 28 days from ceasing to be in effect
- And, are unable to apply for the same temporary visa they hold or held or any other subclass of temporary visa other than the Subclass 408 visa
- Must be part of response to workforce shortages during the COVID-19 pandemic in relation to areas including, but not limited to, agriculture, aged care and public health.
- Allow holders of temporary visas who are engaged in or have the relevant skills to undertake critical work relating to supply of essential goods and services

VAC

- Nil

The Instrument commenced the day after it was signed 4 April 2020.”

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Edupi Update

We are all on board and working from home. Our phones are active and we are taking calls to answer your questions. We are happy to answer general enquiries but if your situation is more complex and requires a senior agent to examine we are charging a discounted fee.

Click the button below to make an appointment.

[Book a consultation](#)

Disclaimer

This fact sheet does not constitute financial advice. Whether drawing from Superannuation or not is a good idea for a particular person or not should be discussed with your financial advisor.



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