

# CHANGES TO STUDENT VISA REGULATIONS – VET

## What's new?

1. From 1 January 2011, all international students intending to enroll in a **stand-alone Higher Education Diploma or Advanced Diploma** will be assessed for a Higher Education (HE subclass 573) visa. *Prior to this date, all students were assessed for a Vocational Education and Training (VET subclass 572) visa irrespective of how these qualifications were classified and the type of education provider offering them.* However, this change may also have an effect on the Assessment Level ([www.immi.gov.au/allforms/pdf/assessment-levels.pdf](http://www.immi.gov.au/allforms/pdf/assessment-levels.pdf)) applied to a student visa application for a **course package** where a higher education diploma/advanced diploma is included in a package.

## Packaged Courses

When a student intends to study a course package, the visa application will always be assessed under the subclass of student visa relevant to the principal course. However, the assessment level applied to the visa application will be the highest assessment level of any of the courses in the package (except for ELICOS) options such as those listed below.

- Diploma (VET sector) packaged with a Higher Education qualification
- Diploma (Higher Education sector) packaged with other Higher Education qualification
- Foundation studies (Non-Award) packaged with Higher Education qualification

In all the above three scenarios, the student visa application will be assessed for a subclass 573 visa (Higher Education), under the highest assessment level out of the higher education and VET sectors.

It is still possible to package a non-award course with a higher education course (say, UniLink with a Bachelor degree), but the assessment level for the student visa application may differ from packaging a VET/HE Diploma with a bachelor degree (depending on the relevant country in question as shown in examples below).

## Vietnam

VET Diploma/ Foundation + Degree - AL 3 (Subclass 572 and 575 are AL3)

Higher Education Diploma + Degree – AL2 (Subclass 573 is AL2)

There appears to be a clear advantage for students enrolling in a Diploma/ Advanced Diploma registered as Higher Education, when compared with the same similar course registered as VET or Non-Award.

## China, India

However, in the case of countries such as China, India the overall Assessment Level of the package remains unaffected because the Higher Education Visa Subclass 573, is currently AL 4 which is the same as the VET sector subclass 572.

But from April 2011, the AL for SC 573 will be lowered to AL3 for China, India and students enrolling in a package which consists of Higher Education Diploma with a Bachelor degree could benefit in terms of less stringent financial evidentiary requirements.

2.VET (subclass 572) visa applicants who are citizens of Assessment Level 4 countries may undertake a package of Certificate Level courses - up to four courses, which total at least one year's duration, where at least one is a certificate IV course. *Previously for these applicants, it was a visa requirement that the certificate IV alone was of at least one year's duration.*

## Rationale and explanations

The reason for this change is to align migration legislation with the Australian Qualifications Framework (AQF) and the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). *The AQF(see table below) and CRICOS specify higher education diplomas and higher education advanced diplomas as separate and distinct from VET diplomas and VET advanced diplomas.*

Schools Sector Accreditation	Vocational Education and Training Sector Accreditation	Higher Education Sector Accreditation
		Doctoral Degree
		Masters Degree
	Vocational Graduate Diploma	Graduate Diploma
	Vocational Graduate Certificate	Graduate Certificate
		Bachelor Degree
	Advanced Diploma	Associate Degree, Advanced Diploma
	Diploma	Diploma
Senior Secondary	Certificate IV	
Certificate of Education	Certificate III	
	Certificate II	
	Certificate I	

## Implications for Students

1. This will not impact upon students who currently hold a SC 572 (VET) student visa but are enrolled in a Higher Education Diploma or Advanced Diploma (either stand-alone or part of a package).
2. All student visa applications for SC 572 (VET), prior to 1 January 2011, lodged by those with a Letter of Offer/ Confirmation of Enrolment for a Higher Education Diploma or Higher Education Advanced Diploma course, but not yet finalised, will be processed in accordance with the legislative instrument in place at the time of application. Hence they will not be reassessed or be required to re-lodge another application for SC 573.
3. Students with packaged offers where the Principal Course is a Diploma or Advanced Diploma (Higher Education or VET) can request their Education Provider to amend their Offer to undertake a package of Certificate courses instead of Certificates combine with Diplomas (if they wish to) provided their application was lodged prior to 1 January 2011 and not yet finalised. Contact with the respective DIAC case officer must be established first, if such a change is being considered.

4. Students are advised to continue to complete the package that they intended to, when they were granted a student visa as a certificate level III by itself does not meet the requirements for the visa grant. However, some student visa holders who no longer want to continue studying the package (because they have completed the 2 year study requirement for skilled migration and wish to apply for temporary or permanent residency) could request DIAC to cancel their student visa and be issued a Bridging Visa E (BVE). This will allow them to lawfully remain in Australia (at the address provided to DIAC) while their PR/TR application is being processed. Students cannot however undertake any study, or travel outside Australia on this visa, but they will be able to work full time (unlimited hours)
5. All new student visa applications lodged on or after 1 January 2011, will however be required to comply with the new legislations.

### Implications for Education Providers

1. When providing Confirmation of Enrolments for two or more Certificate level courses, Education Providers must ensure that the total period of tuition is at least 52 weeks and the package includes a course at the certificate IV level. Nesting Certificate IV and III level courses within a Diploma/Advanced Diploma purely for visa purposes may not be necessary now.
2. Education providers offering Pathway courses (especially Diploma/Advanced Diploma or Foundation Studies Unilink) to students seeking entry into Undergraduate courses may register their programs under the Higher Education sector if they believe that students from some source markets could benefit, due to variant sector based student visa risk assessment levels. But given that country risk assessment levels are annually reviewed by DIAC across all sectors and countries, based on visa compliance of various nationalities and other factors, it may be an expensive and risky proposition.

This article is intended for general information only.

For more information: [www.immi.gov.au/students](http://www.immi.gov.au/students)