

Factsheet: COVID-19 affected international students

Subclass 408 COVID-19 visa

This factsheet is for international students whose study has been affected by COVID-19. It covers and provides information on Subclass 408 Australian Government Endorsed Events (COVID-19 Pandemic Event) visa, and reflects relevant immigration law and policy as at 28 June 2022.

Who can apply?

Subclass 408 Australian Government Endorsed Events (COVID-19 Pandemic Event) visa (“**408 COVID-19 visa**”) has been expanded earlier this year to allow temporary visa holders to extend their stay in Australia and support Australia’s COVID-19 economic recovery.



Did you know?

If you apply on or after **21 February 2022** and claim that you are unable to depart Australia due to COVID-19 travel restrictions, you will **NOT** be granted a COVID-19 visa.

If you are a temporary substantive visa holder, you may be eligible for this visa if you meet the following requirements.

Common requirements

- You are in Australia at the time of 408 COVID-19 visa application (which means all offshore applications will be refused);
- You can provide evidence that you are currently working (e.g. pay-slips) or will be working (e.g. an offer letter) in Australia;
- You are able to support yourself and your dependent family members;
- You have adequate health insurance;
- You and your dependent family members satisfy character, health, Genuine Temporary Entrant (GTE) requirements and other general public interest criteria.

If you were in Australia before 21 February 2022

- You have a valid substantive visa (for example, a Visitor visa, but not including a bridging visa) that will expire within 90 calendar days, or has expired within the past 28 days.

If you were in Australia after 21 February 2022

- Unless you have a job offer from a Commonwealth funded aged care service, you must have a valid substantive visa with work rights (for example, a Student visa, but not including a bridging visa) that will expire within 90 calendar days, or has expired in the past 28 days.



Did you know?

If you do not hold a substantive visa at the time of application for a 408 COVID-19 visa (for example, if you are on a Bridging Visa A), generally you will be automatically granted a Bridging Visa C (BVC) with a Condition 8101 – No Work. You may contact us or seek independent legal advice if you do not receive an auto-granted BVC or wish to work while holding your BVC.

[Eligibility requirements for a 408 COVID-19 visa](#) are subject to changes on short notice. Please ensure you read and follow the Department of Home Affairs' step-by-step guidance to confirm your eligibility before submitting your application.

How long can I stay?

Your visa grant notice will tell you how long you can stay in Australia. You may be able to travel outside and re-enter Australia during the validity of this visa.



Did you know?

408 COVID-19 visa is a visa with multiple entries travel permission. That means you can depart and re-enter Australia any time whilst holding this visa. However, please note that travel requirements to re-enter may be in place and requirements may be changed from time to time.

If you apply on or after 21 February 2022, you may:

- Stay up to **12 months** if you are employed or have an offer in agriculture, food processing, health care, aged care, disability care, child care, and tourism and hospitality (“**Key Sectors**”);
- Stay up to **6 months** if you are employee or have an offer in a sector other than the Key Sectors (“**Non Key Sectors**”);

Can I change employment after applying for a 408 COVID-19 visa?

- If your application has not been decided

You may change employment or work for multiple employers after you have lodged your application and before your application is decided. However, you must notify Home Affairs by uploading onto your IMMI ACCOUNT a completed [Form 1022](#) to avoid a refusal of your application or cancellation of your visa.



Did you know?

There are special arrangements and requirements for subclass 403 visa holders or intended applicants who would also like to apply for a 408 COVID-19 visa. Redfern Legal Centre is not able to advise clients holding or intending to hold a subclass 403 visa. Please seek advice from private immigration lawyers or migration agents to confirm your best course of action as a subclass 403 holder or applicant.

If your 408 COVID-19 visa has been granted

Your 408 COVID-19 visa will be subject to Condition 8107 – Work Limitation.

Condition 8107 requires that you must only undertake activities which your visa was granted for. If you stop working for your employer or stop the activity for which your visa was granted, you will be required to leave Australia unless you have applied for and been granted another visa.

However, Home Affairs has advised that in order to support Australia's COVID-19 economic recovery, they will take a flexible approach to Condition 8107 for 408 COVID-19 visa holders.



Did you know?

Condition 8107 may be attached to a number of work visas. If your visa is not a 408 COVID-19 visa but it is also subject to Condition 8107, you may want to seek legal advice if you are not sure whether a less restrictive policy will also apply to you.

If you are granted a 408 COVID-19 visa based on your current or intended employment in a Key Sector, you may change employment, and can also work for more than one employer, as long as your primary employment remains in a Key Sector.

If you are granted a 408 COVID-19 visa based on your current or intended employment with a Non Key Sector, you may change employment and can work for more than one employer.

If your employment is terminated while you are holding a 408 COVID-19 visa, you must seek other employment opportunities. Otherwise, you must depart Australia unless you have applied for and been granted another visa.

What other visa can I apply for if I'm on a 408 COVID-19 visa?

You will not be eligible to apply for a 403 PALM stream visa from a 408 COVID-19 visa.

There are a range of other visas you can apply for, including a second 408 COVID-19 visa or a Student visa.

Further help

For tips about other legal issues affecting international students, you can also **My Legal Mate**, a free multilanguage information resource created by Redfern Legal Centre (RLC). Eligible NSW students can apply for free access to My Legal Mate here: <https://bit.ly/rlcmim>

In addition, we have created RLC's *Welcome Back* guide, which includes key information on issues like employment, tenancy, and healthcare, and advice on how to access banking services and an

Australian tax file number. It also includes tips on getting around by public transport. Access RLC's Welcome Back guide here: <https://bit.ly/3fMoBFX>

For further assistance with your visa you may need to see an immigration lawyer or a registered migration agent. You can contact RLC's International Student Legal Service NSW for free legal help and referrals.

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This factsheet is not a substitute for legal advice or migration advice. Australian immigration law and policy are subject to constant change. This factsheet may not reflect all of the most recent changes or developments.

If you have a problem and require advice or referrals, please contact RLC's International Student Legal Service NSW. at www.rlc.org.au/contact or phone 02 9698 7277.