INDEPENDENT HIGHER EDUCATION AUSTRALIA

The Hon Julian Hill MP
Assistant Minister for International Education
Parliament House
CANBERRA ACT 2600

Dear Minister Hill

Transitional arrangements for students who transferred providers before 2 October 2026

On 2 October 2026, a significant package of changes to the Student (Subclass 500) visa program commenced. These include new restrictions on onshore Student visa applications, changes to family member arrangements and an extension of the restricted transfer period between education providers from six to 12 months as an interim measure until the new Student visa transfer stream commences on 1 July 2027.

From 2 October, most current Student visa holders who need a further Student visa must apply from outside Australia unless they fall within one of a limited number of exemptions. One exemption allows a student who needs up to 12 additional months after the end date of their original course to apply onshore where the additional time is needed to complete their studies and they are continuing with the same education provider. However, the Department of Home Affairs website states that the course must be with the same education provider for which the current Student visa was granted.

IHEA also sought clarification directly from the Department of Home Affairs, which confirmed that the intent of this exemption is to allow a student who needs a limited amount (up to 12 months) of additional time to complete the course at the provider for which they were granted a visa (or a different course, with the same or higher AQF level, at the same provider) to apply in Australia. The Home Affairs advice was that the exemption is not intended to provide a pathway for students who have changed providers to remain in Australia to complete a course with their new provider.

As such, a student who transferred to a new provider cannot rely on the new provider's Confirmation of Enrolment for the exemption, even where the transfer occurred before 2 October. The practical consequence of this is very significant and is expected to affect a substantial cohort of students.

A student may have transferred lawfully months before the changes commenced, obtained a new Confirmation of Enrolment, commenced their new course and be progressing successfully. If their existing visa expires before that course is completed, they cannot apply in Australia merely for the additional time required to finish it. Unless another exemption applies, they must leave Australia to lodge a further Student visa application offshore and must also be outside Australia when that visa is granted.

IHEA's concern is the absence of transitional arrangements for students who completed a lawful transfer before the new arrangements commenced and whose decisions were made under the previous framework. We therefore ask the Government to urgently consider a practical transitional arrangement for this existing cohort.

At the same time, the changes recognise that transfers may occur for legitimate reasons. The transitional issue is therefore not whether stronger integrity settings should apply prospectively, but how those settings should apply to students who had already lawfully transferred before the new framework commenced.

International students come to Australia with significant educational, professional and personal ambitions. Some will discover after commencing that another course or institution is better suited to their academic

goals or career ambitions. Others may find that the course, learning environment, location or support available at their first provider is not the right fit. Student choice must be at the heart of a high quality education system. A lawful decision to exercise that choice should not, in and of itself, be treated by the Government as evidence of misuse of the visa system.

This is particularly compelling for students who made and acted upon that decision before 2 October. They transferred under the rules applying at the time and made enrolment, financial and study decisions in reliance on those settings. They could not reasonably have anticipated that a later change to the rules governing further Student visa applications would require them to leave Australia part way through their new course if their existing visa did not cover its full duration.

The impact is particularly significant for students who have already completed a substantial part of their course and require only a limited further period of study to graduate. These students may have spent several years studying in Australia, maintained satisfactory academic progress and made substantial financial and personal commitments, including undertaking compulsory professional placements where required.

A transitional arrangement would recognise that these students made significant decisions in reliance on the previous framework and avoid imposing an adverse consequence for a transfer that was lawful and occurred before the new rules commenced.

Requiring these students to depart Australia mid–course would interrupt their studies, create uncertainty about their ability to complete, impose additional travel and accommodation costs and create significant administrative difficulties for students and providers. It is also expected to disrupt attendance, compulsory professional placements, assessment and academic progression.

There is also a broader reputational issue. Australia rightly expects international students to comply with our visa and education rules. Equally, students should be able to have confidence that decisions lawfully made under the rules applying at the time will not subsequently place them in an unreasonable position. Forcing an established student to interrupt their studies and leave Australia because of a provider transfer completed before the new arrangements commenced risks undermining confidence in Australia as a stable, fair and welcoming international education destination.

We believe that a clearly defined transitional arrangement is warranted for students who are caught in the middle of this change. This would protect regulatory fairness and the reasonable expectations of affected students without undermining the Government's stated integrity objectives.

For example, the Government could permit a student who had lawfully transferred to another registered provider and obtained a Confirmation of Enrolment for the new course before 2 October 2026 to apply onshore for the limited additional Student visa period genuinely required to complete that course. Existing visa criteria, including the Genuine Student requirement, would continue to apply.

The arrangement could be limited to a maximum additional period of 12 months, consistent with the period already provided for under the course completion exemption. The Government could implement this through a specific transitional provision, a temporary exemption, or another mechanism that enables affected students to apply onshore for the limited additional period required to complete their current course.

This would draw a clear line between students who transferred before the new rules commenced and students making transfer decisions with knowledge of the new framework. It would provide a practical resolution for the affected cohort while preserving the prospective operation and integrity objectives of the changes.

Your announcement of the changes emphasised both integrity and a great student experience and expressly recognised that transfers can occur for legitimate reasons. We believe a targeted transitional

solution for students who had already transferred before 2 October is consistent with those objectives. It would provide certainty and a fair resolution for students caught between the previous and new arrangements without compromising the integrity of the changes.

We therefore request an urgent meeting with you to discuss this issue and identify a practical resolution for this affected cohort of students. Students are already studying in Australia and decisions affecting their courses and visa arrangements are being made now. Given the immediate consequences for affected students and providers, it is imperative that this issue is resolved as soon as possible.

Yours sincerely



The Hon. Dr Peter Hendy
Chief Executive Officer
Independent Higher Education Australia
8 October 2026