



Temporary relaxation of working hours for student visa holders

Due to exceptional circumstances during the COVID-19 pandemic and the need to ensure the supply of critical services, the Department of Home Affairs and Australian Border Force will take a flexible approach to student visa holders working beyond their usual work limitations, but only in specified industries.

You can work more than 40 hours a week if you are:

- employed by an aged care Approved Provider or Commonwealth-funded aged care service provider with a RACS ID or a NAPS ID, before 8 September 2020
- employed by a registered National Disability Insurance Scheme provider
- enrolled in a health care related course and you are supporting the health effort against COVID-19, as directed by health officials.

You cannot work more than 40 hours if you are employed in a supermarket. This measure ended on 1 May 2020.

NDIS providers

There is no requirement for NDIS providers to register with the Department of Home Affairs. These providers should see the letter provided to them by the NDIS Commission for further details. See a list of [NDIS providers \(https://www.ndis.gov.au/participants/working-providers/find-registered-provider\)](https://www.ndis.gov.au/participants/working-providers/find-registered-provider).

Employers

Employers must continue to follow Australian workplace law. Overseas workers, including international students, have the same rights under Australian workplace law as all other employees.

These temporary measures will be reviewed by the government regularly. Employers will be advised when these measures no longer apply.

While these measures are in place, the Department of Home Affairs and Australian Border Force will:

- exercise their discretion under s116(1)(b) of the Migration Act 1958 to **not** cancel the visas of students who work in excess of 40 hours each fortnight to support your organisation
- **not** refer student visa holders for investigation of any potential offence under s235 of the Migration Act 1958 that might relate to the hours worked by a student visa holder in breach of their visa conditions
- **not** refer you or relevant third-party labour hire companies, as an employer, for investigation of any potential offence under s245AC of the Migration Act 1958 that might relate to allowing a student visa holder to work in breach of their visa conditions.

Student visa holders

Student visa holders do not need to apply for this temporary measure. You should contact your employer.

See [what to do if your visa is about to expire \(https://covid19.homeaffairs.gov.au/staying-australia\)](https://covid19.homeaffairs.gov.au/staying-australia).