



LIN 19/198

Migration (LIN 19/198: Evidence of financial capacity— Subclass 500 Visa and Subclass 590 Visa) Instrument 2019

made under the *Migration Regulations 1994*

Compilation no. 1

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This compilation was prepared by the Department of Home Affairs on 1 October 2023 taking into account amendments up to *Migration (LIN 19/198: Evidence of financial capacity—Subclass 500 Visa and Subclass 590 Visa) Amendment (LIN 23/070) Specification 2023*.

About this compilation

This compilation

This is a compilation of the *Migration (LIN 19/198: Evidence of financial capacity— Subclass 500 Visa and Subclass 590 Visa) Instrument 2019* that shows **the text of the law as amended and in force on 01/10/2023** (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1- Preliminary

1 Name

- (1) This instrument is the *Migration (LIN 19/198: Evidence of financial capacity— Subclass 500 Visa and Subclass 590 Visa) Instrument 2019*.
- (2) This instrument may be cited as LIN 19/198.

3 Authority

This instrument is made under the following subclauses of Schedule 2 to the Regulations:

- (a) 500.214(4);
- (b) 500.313(4);
- (c) 590.216(4).

4 Definitions

Note 1: A number of expressions used in this instrument are defined in the Regulations including the following:

AASES form;
course of study;
Defence student;
dependent child;
financial institution;
Foreign Affairs student;
nominating student;
school-age dependant;
student visa.

Note 2: A number of expressions used in this instrument are defined in the Act including the following:

de facto partner;
member of the family unit;
spouse.

In this instrument:

Act means the *Migration Act 1958*.

primary applicant means an applicant seeking to satisfy the primary criteria for a Subclass 500 (Student) visa.

primary Student Guardian applicant means an applicant seeking to satisfy the primary criteria for a Subclass 590 (Student Guardian) visa.

primary student visa holder means a person of whom the secondary applicant is a member of the family unit, and who holds a student visa on the basis of satisfying the primary criteria for that visa.

Regulations means the *Migration Regulations 1994*.

secondary applicant means an applicant seeking to satisfy the secondary criteria for a Subclass 500 (Student) visa.

secondary Student Guardian applicant means an applicant seeking to satisfy the secondary criteria for a Subclass 590 (Student Guardian) visa.

secondary student visa holder means a person who holds a student visa on the basis of satisfying the secondary criteria for that visa because they are a member of the family unit of the Primary Student Visa Holder.

Part 2—Requirements for applicants

6 Subclass 500 (Student) visa—primary applicants

- (1) For the purposes of subclause 500.214(3) of Schedule 2 to the Regulations, a primary applicant must give to the Minister evidence of financial capacity that satisfies the requirements of subsections (2), (3), (4), (5) or (6).

Note: For *primary applicant*, see section 4 of Part 1 to this instrument.

- (2) The evidence of financial capacity:
- (a) is in the form specified in section 10; and
 - (b) demonstrates that the primary applicant has sufficient funds available to meet the following costs and expenses of the primary applicant:
 - (i) **travel expenses**; and
 - (ii) the following living costs and expenses:
 - (A) if the primary applicant intends to stay in Australia for a period of 12 months or more—**AUD24,505 (primary applicant annual living costs)**; and
 - (B) if the primary applicant intends to stay in Australia for a period of less than 12 months—the pro rata equivalent of primary applicant annual living costs, calculated as specified in section 11; and
 - (iii) the following course fees, minus any amount already paid:
 - (A) if the duration, or the remainder, of the primary applicant's period of study in Australia is less than 12 months—the fees for the course of study or the remaining components of the course of study; or
 - (B) if the duration, or the remainder, of the primary applicant's period of study in Australia is more than 12 months—**course fees for the first 12 months of the period study in Australia**; and

Note: The period of study is the period beginning on one of the following days and ending on the final day of the applicant's final course of study:

- (a) if the applicant's first course of study commenced after the date of application—the first day of the first course of study; or
 - (b) if the applicant's first course of study commenced before the date of application—the date of application.
- (c) demonstrates that the primary applicant has sufficient funds available to meet the following costs and expenses of each secondary applicant **making a combined application** with the primary applicant:
- (i) travel expenses; and
 - (ii) for each secondary applicant who intends to stay in Australia for a period of 12 months or more—the following costs (*secondary applicant annual living costs*):
 - (A) for a spouse or de facto partner—**AUD8,574**; and

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- (B) for a dependent child—AUD3,670; and
 - (iii) for each secondary applicant who intends to stay in Australia for a period of less than 12 months—the pro rata equivalent of secondary applicant annual living costs, calculated as specified in section 11; and
 - (iv) the following school fees for each school-age dependant:
 - (A) if the school-age dependant intends to stay in Australia for more than 12 months—AUD9,661 (*annual school costs*); or
 - (B) if the school-age dependant intends to stay in Australia for less than 12 months—the pro rata equivalent of annual school costs, calculated as specified in section 11; or
 - (C) if the school-age dependant is enrolled in a course of study at a State or Territory government school where the fees have been waived, and the Primary Applicant is enrolled in a course as a doctoral degree student, a Foreign Affairs student, a Defence student or a Commonwealth sponsored student—nil.
- (3) **The evidence of financial capacity:**
- (a) is official Government documentation of personal income that has been issued in the 12 months immediately before the application is made; and
 - (b) demonstrates that the primary applicant's parent, spouse or de facto partner has a personal annual income, in the 12 months immediately before the application is made, that is:
 - (i) if there is no secondary applicant—at least AUD72,465; or
 - (ii) if there is a secondary applicant – at least AUD84,543.
- (4) The evidence of financial capacity is the primary applicant's completed AASES form.

Note: **AASES form** is defined in regulation 1.03 of the Regulations to mean for a secondary exchange student, an Acceptance Advice of Secondary Exchange Student form from the relevant State or Territory education authority, containing the following declarations:

- (a) a declaration made by the student's exchange organisation, accepting the student;
 - (b) a declaration made by the student's parent, or the person or persons having custody of the student, agreeing to the exchange.
- (5) If the primary applicant is a Foreign Affairs student – the evidence of financial capacity is a letter of support from the Department of Foreign Affairs and Trade.
- (6) If the primary applicant is a Defence student – the evidence of financial capacity is a letter of support from the Department of Defence.

7 **Subclass 500 (Student) visa—secondary applicants**

- (1) For the purposes of subclause 500.313(3) of Schedule 2 to the Regulations, a secondary applicant who is included in the primary student visa holder's application, must give to the Minister evidence of financial capacity that satisfies the requirements of subsection (2), (3), (4), (5) or (6).
- (2) The evidence of financial capacity:

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- (a) is in the form specified in section 10; and
 - (b) demonstrates that sufficient funds are available to meet the costs and expenses of the primary student visa holder set out in subparagraphs 6(2)(b)(i) to (iii) of this Part; and
 - (c) demonstrates that sufficient funds are available to meet the costs and expenses of each secondary applicant making a combined application with the primary student visa holder specified in paragraphs 6(2)(c)(i) to (iv) of this Part.
- (3) The evidence of financial capacity:
- (a) is official Government documentation of personal income that has been issued in the 12 months immediately before the application is made; and
 - (b) demonstrates that the primary student visa holder's parent, spouse or de facto partner has a personal annual income that is at least AUD84,543.
- (4) If the primary student visa holder is a Foreign Affairs student and has provided a letter of support mentioned in subsection 6(5) of this Part – the evidence of financial capacity is the letter of support if the letter of support indicates that the Department of Foreign Affairs and Trade will meet the living costs and expenses of each secondary applicant.
- (5) If the primary student visa holder is a Defence student and has provided a letter of support mentioned in subsection 6(6) of this Part – the evidence of financial capacity is the letter of support if the letter of support indicates that the Department of Defence will meet the living costs and expenses of each secondary applicant.

8 Subclass 500 (Student) visa – secondary applicants not included in the primary student visa holder's application

- (1) For the purposes of subclause 500.313(3) of Schedule 2 to the Regulations, a secondary applicant (the first secondary applicant), who is not included in the primary student visa holder's application, must give to the Minister evidence of financial capacity that satisfies the requirements of subsection (2), (3), (4), (5) or (6).
- (2) The evidence of financial capacity:
 - (a) is in the form specified in section 10; and
 - (b) demonstrates that sufficient funds are available to meet the costs and expenses of the primary student visa holder specified in subparagraph 6(2)(b)(ii) of this Part; and
 - (c) demonstrates that sufficient funds are available to meet course fees for any component of the primary student visa holder's course of study which will be completed while the first secondary applicant is in Australia, up to an amount equivalent to fees for 12 months of the course of study, minus any amount already paid; and
 - (d) demonstrates that sufficient funds are available to meet the costs and expenses of each secondary student visa holder and that the first secondary applicant has sufficient funds available to meet their own costs and

expenses, and the costs and expenses of each additional secondary applicant making a combined application with the first secondary applicant, specified in subparagraphs 6(2)(c)(ii) to (iv) of this Part; and

- (e) demonstrates that the first secondary applicant has sufficient funds available to meet their own travel expenses and the travel expenses of all additional secondary applicants making a combined application with the first secondary applicant.
- (3) The evidence of financial capacity:
- (a) is official Government documentation of personal income that has been issued in the 12 months immediately before the application is made; and
 - (b) demonstrates that the primary student visa holder's parent, spouse or de facto partner has a personal annual income that is at least AUD84,543.
- (4) If the primary student visa holder is a Foreign Affairs student and has provided a letter of support mentioned in subsection 6(5) of this Part – the evidence of financial capacity is the letter of support if the letter of support indicates that the Department of Foreign Affairs and Trade will meet the living costs and expenses of each secondary applicant.
- (5) If the primary student visa holder is a Defence student and has provided a letter of support mentioned in subsection 6(6) of this Part – the evidence of financial capacity is the letter of support if the letter of support indicates that the Department of Defence will meet the living costs and expenses of each secondary applicant.
- (6) If:
- (a) the primary student visa holder is a Foreign Affairs student or a Defence student and has provided a letter of support mentioned in subsection 6(5) or (6) of this Part; but
 - (b) the letter of support does not indicate that the relevant department will meet the living costs and expenses of each secondary applicant;
- then the evidence of financial capacity:
- (c) demonstrates that sufficient funds are available to meet the costs and expenses of each secondary student visa holder and that the first secondary applicant has sufficient funds available to meet their own costs and expenses, and the costs and expenses of each additional secondary applicant making a combined application with the first secondary applicant, specified in subparagraphs 6(2)(c)(ii) to (iv) of this Part; and
 - (d) demonstrates that the first secondary applicant has sufficient funds available to meet their own travel expenses and the travel expenses of all secondary applicants making a combined application with the first secondary applicant.

9 Subclass 590 (Student Guardian) visa – primary applicants

- (1) For the purposes of subclause 590.216(3) of Schedule 2 to the Regulations, a primary Student Guardian applicant must give to the Minister evidence of financial capacity that satisfies the requirements of subsection (2) or (3).

Note: *For primary Student Guardian applicant*, see section 4 of Part 1 of this instrument.

- (2) The evidence of financial capacity:
- (a) is in the form specified in section 10; and
 - (b) demonstrates that the primary Student Guardian applicant has sufficient funds available to meet the following costs and expenses **of the primary Student Guardian applicant**:
 - (i) **travel expenses**; and
 - (ii) the following living costs and expenses:
 - (A) if the primary Student Guardian applicant intends to stay in Australia for a period of 12 months or more – **AUD24,505 (annual living costs)**; and
 - (B) if the primary Student Guardian applicant intends to stay in Australia for a period of less than 12 months – the pro rata equivalent of **annual living costs**, calculated as specified in section 11; **and**
 - (c) demonstrates that the primary Student Guardian applicant has sufficient funds available to meet the following costs and expenses **of the nominating student**:
 - (i) **travel expenses**; and
 - (ii) the following living costs and expenses:
 - (A) if the primary Student Guardian applicant intends to stay in Australia for a period of 12 months or more – **AUD24,505 (annual living costs)**; and
 - (B) if the primary Student Guardian applicant intends to stay in Australia for a period of less than 12 months – the pro rata equivalent of **annual living costs**, calculated as specified in section 11; and
 - (iii) **course fees for any component of the nominating student's course of study** which will be completed while the primary Student Guardian applicant is in Australia, up to an amount equivalent to fees **for 12 months of the course of study**, minus any amount already paid; **and**
 - (d) demonstrates that the primary Student Guardian applicant has sufficient funds available to meet the following costs and expenses of **each secondary Student Guardian applicant**:
 - (i) **travel expenses**; and
 - (ii) for each secondary applicant who intends to stay in Australia for a period of 12 months or more – the following costs (**annual living costs**):
 - (A) **for a spouse or de facto partner – AUD8,574**; and
 - (B) **for a dependent child – AUD3,670**; and

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- (iii) for each secondary applicant who intends to stay in Australia for a period of less than 12 months – the pro rata equivalent of **annual living costs**, calculated as specified in section 11; **and**
 - (iv) the following school fees for each school-age dependant:
 - (A) if the school-age dependant intends to stay in Australia for more than 12 months – **AUD9,661 (annual school costs)**; or
 - (B) if the school-age dependant intends to stay in Australia for less than 12 months – the pro rata equivalent of **annual school costs**, calculated as specified in section 11; or
 - (C) if the school-age dependant is enrolled in a course of study at a State or Territory government school where the fees have been waived, and the Primary Applicant is enrolled in a course as a doctoral degree student, a Foreign Affairs student, a Defence student or a Commonwealth sponsored student – nil.

Note: For **secondary Student Guardian applicant**, see section 4 of Part 1 of this instrument.

- (3) The evidence of financial capacity:
 - (a) is official Government documentation of personal income that has been issued in the 12 months immediately before the application is made; **and**
 - (b) demonstrates **that the primary Student Guardian applicant's spouse or de facto partner has a personal annual income that is at least AUD84,543.**

10 Evidence of financial capacity

The following forms of evidence of financial capacity are specified:

- (a) **money deposit with a financial institution;**
- (b) loan with a financial institution;
- (c) government loans;
- (d) scholarship or financial support.

11 Pro rata equivalent

In this Part, the pro rata equivalent of annual costs is calculated by:

- (a) dividing the annual amount by 365; and
- (b) multiplying the resulting number by the number of days the applicant is intending to stay in Australia.

Part 3—Application, Saving and Transitional Provisions

The amendments made to this instrument by *Migration (LIN 19/198: Evidence of financial capacity—Subclass 500 Visa and Subclass 590 Visa) Amendment (LIN 23/070) Specification 2023* (the **amending instrument**) apply in relation to an application for a Student (Temporary) (Class TU) visa made on or after the day the amending instrument commences.

Notes

This compilation comprises *Migration (LIN 19/198: Evidence of financial capacity— Subclass 500 Visa and Subclass 590 Visa) Instrument 2019* amended as indicated in the following tables.

Table of instruments

Name	Registration	Number	Commencement	Application, saving or transitional provisions
<i>Migration (LIN 19/198: Evidence of financial capacity— Subclass 500 Visa and Subclass 590 Visa) Instrument 2019</i>	23 October 2019	F2019L01366	24 October 2019	
<i>Migration (LIN 19/198: Evidence of financial capacity—Subclass 500 Visa and Subclass 590 Visa) Amendment (LIN 23/070) Specification 2023</i>	29 September 2023	F2023L01349	1 October 2023	

Table of amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
section 2	rep. <i>Legislation Act 2003</i> , section 48D
section 5	rep. <i>Legislation Act 2003</i> , section 48C
section 6	am. F2023L01349
section 7	am. F2023L01349
section 8	am. F2023L01349
section 9	am. F2023L01349
part 3	ad. F2023L01349
schedule 1	rep. <i>Legislation Act 2003</i> , section 48C