



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

made under subclauses 500.214(4), 500.313(4) and 590.216(4) of the *Migration Regulations 1994*.

## **Compilation No. 2**

**Compilation date:** 10 May 2024

**Includes amendments:** F2024L00529

Prepared by the Department of Home Affairs, Canberra

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## 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 10/05/2024 (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](http://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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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:

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*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.

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## 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—AUD29,710 (*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:

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- (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— AUD10,394; and
    - (B) for a dependent child— AUD4,449; 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— AUD13,502 (***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 AUD87,856; or
    - (ii) if there is a secondary applicant – at least AUD102,500.
- (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:



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- (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:
  - (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 AUD102,500.
- (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

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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 AUD102,500.
- (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

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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:

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- (A) if the primary Student Guardian applicant intends to stay in Australia for a period of 12 months or more – AUD29,710 (*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 – AUD29,710 (*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 – AUD4,449 (*annual living costs*); and
- Note: To satisfy the secondary criteria under clause 590.312 of Schedule 2 to the *Migration Regulations 1994*, a secondary applicant must not have turned 6 years of age.
- (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:
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- (A) if the school-age dependant intends to stay in Australia for more than 12 months – AUD13,502 (*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 AUD102,500.

## **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.

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## Part 3—Application, Saving and Transitional Provisions

### 12 Application of amendments made by LIN 23/070

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.

### 13 Application of amendments made by LIN 24/042

The amendments made to this instrument by *Migration (LIN 19/198: Evidence of financial capacity—Subclass 500 Visa and Subclass 590 Visa) Amendment (LIN 24/042) Specification 2024* (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.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	orig = original
am = amended	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
amdt = amendment	pres = present
c = clause(s)	prev = previous
C[x] = Compilation No. x	(prev...) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislation	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LA = <i>Legislation Act 2003</i>	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	



## Endnote 3—Legislation history

## Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and 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	
<i>Migration (LIN 19/198: Evidence of financial capacity—Subclass 500 Visa and Subclass 590 Visa) Amendment (LIN 24/042) Specification 2024</i>	9 May 2024 (F2024L00529)	10 May 2024	

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
<b>Part 1</b>	
section 2	rep LA s 48D
section 5	rep LA s 48C
<b>Part 2</b>	
section 6	am F2023L01349; am F2024L00529
section 7	am F2023L01349; am F2024L00529
section 8	am F2023L01349; am F2024L00529
section 9	am F2023L01349; am F2024L00529
<b>Part 3</b>	
Part 3	ad F2023L01349; am F2024L00529
section 13	ad F2024L00529
<b>Schedule 1</b>	
Schedule 1	rep LA s 48C