Who is an overseas student for CRICOS purposes?

When a school provider is considering enrolling a student, it must first determine if the student is classed as an “overseas student” for CRICOS purposes. All students who are not Australian citizens will have a visa, and most will be reported in the Census as “students on a visa”. Some of these “students on a visa” will also be reported in the Census as “overseas students”, and of these, a smaller subset will also be defined for CRICOS purposes as “overseas students”. These categories of students are explained below.

Students on a visa

Most students who are not Australian citizens must be reported in the Census as “students on a visa”. This is a broad category which includes a student who:

- holds a 500 subclass visa, including a student who:
  - is the primary visa holder of a student visa which allows travel to Australia for the purpose of study
  - is named as a dependant (“secondary” visa holder) of a parent/guardian who holds a student visa which allows travel to Australia for the purpose of study
  - is a students on a registered student exchange for more than six months
- is the dependant of a person holding permanent resident, bridging or temporary visa (including a protection or working visa)
- is a New Zealand citizen.

However, some students who are not Australian citizens and therefore hold visas are not reported in the Census at all, including a student who:

- is on a registered student exchange (500 subclass student visa) for less than six months
- holds a visitor visa (600 subclass visa)
- has completed their schooling in their own country.

Students reported in the Census as “overseas students”

This is a subset of the broad category of those reported in the Census as “students on a visa”. The definition is important for Census purposes as a student reported as an “overseas student” is not eligible for government recurrent funding and is charged full fees by the school. These students are also referred to as “full fee paying overseas students”. For Census purposes, an “overseas student” is a student who:

- holds a 500 subclass visa, and who:
  - is the primary visa holder of a student visa which allows travel to Australia for the purpose of study, or
  - is named as a dependant (“secondary” visa holder) of a parent/guardian who holds a student visa which allows travel to Australia for the purpose of study, but only where the parent is a full
fee paying student or where the parent is receiving a partial sponsorship or scholarship from an Australian higher education institution.

Note that this Census definition of an “overseas student” does not include:

- dependants of parents who hold a 500 subclass student visa and who are receiving a sponsorship or scholarship from the Australian Government, or a full sponsorship or scholarship from an Australian higher education institution (so the school student is eligible for recurrent funding).
- a student on a registered student exchange longer than six months (the student is eligible for recurrent funding)
- a student on a registered student exchange less than six months (the student is not eligible for recurrent funding)
- any student who holds or who is the dependant of the holder of another visa such as permanent resident, bridging or temporary working or protection visas (the student is eligible for recurrent funding)
- a student holding a visitor visa (the student is not reported and is not eligible for recurrent funding).

**Students defined for CRICOS purposes as “overseas students”**

Students defined under the CRICOS framework as “overseas students” are a still smaller subset of those students reported in the Census as “overseas students”. A school must be CRICOS-registered to be able to enrol a student who is defined under the CRICOS framework as an “overseas student”. No recurrent funding is available for these students. The definition comes from the ESOS Act 2000 and is limited to a student who:

- is the primary visa holder of a student (500 subclass) visa which allows travel to Australia for the purpose of study.

Note that this definition of an “overseas student” excludes all those who are dependants of a parent/guardian who is the “primary” holder of a student visa, so CRICOS registration is not required to enrol these dependants, sometimes noted as “secondary” visa holders.

**Evidence of visa and citizenship status for CRICOS or Census purposes**

Schools must keep records of information used to determine the citizenship or visa status of the student at time of enrolment and throughout the period of enrolment. These might include documents verifying the citizenship or permanent residency of the student and/or a parent, a valid passport or a visa grant notice.

Schools can also register to use the Department of Home Affairs’ database Visa Entitlement Verification Online (VEVO) and, with the student and/or parent’s permission, can view and print a record of the student’s or parent’s visa subclass and entitlements. These records may be required as evidence for validation of funding claims in a Census post-enumeration exercise and must be kept for seven years.
When checking the status of a 500 subclass Study visa (or Student visa), if the “Education sector” is noted as:

- VET, higher education or independent ELICOS, (and not the school sector), it can be assumed the student is a dependant of an overseas student, not an “overseas student” for CRICOS purposes. A school can enrol this student and not be registered on CRICOS.

- the school sector, schools will need to determine if the student is currently enrolled in a CRICOS registered school course, is seeking to newly enrol in a CRICOS registered school course or has a visa to participate in a registered secondary student exchange program.

Summaries of requirements

The following diagram may assist in clarifying the definitions of “overseas students” for various purposes.

![Diagram showing different categories of students and their visa statuses]

The table on the following page may also assist in clarifying reporting and funding for students on a visa.
<table>
<thead>
<tr>
<th>Type of student</th>
<th>Visa</th>
<th>Age – Grade Table</th>
<th>Student on a visa</th>
<th>Overseas Student</th>
<th>Recurrent funding</th>
<th>Subject to CRICOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime purpose is to study</td>
<td>500</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>No</td>
<td>Yes – an Overseas Student</td>
</tr>
<tr>
<td>Registered exchange &gt; 6m</td>
<td>500</td>
<td>✓</td>
<td>✓</td>
<td>×</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Registered exchange &lt;6m</td>
<td>500</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Dependant of a person holding study visa &amp; receiving full sponsorship or scholarship from an Australian higher education institution</td>
<td>500</td>
<td>✓</td>
<td>✓</td>
<td>×</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Dependant of a person holding study visa &amp; receiving a partial sponsorship or scholarship from an Australian higher education institution</td>
<td>500</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Dependant of a person holding study visa &amp; receiving a sponsorship or scholarship from the Commonwealth</td>
<td>500</td>
<td>✓</td>
<td>✓</td>
<td>×</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Dependant of a person holding study visa (other than above)</td>
<td>500</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Dependant of person holding permanent resident, bridging* or temporary visa (incl protection visa)</td>
<td>e.g. 190, 489, 804 etc</td>
<td>✓</td>
<td>✓</td>
<td>×</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>New Zealand citizen</td>
<td>n/a</td>
<td>✓</td>
<td>✓</td>
<td>×</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Visitor in Aust Enrolment limit of 3 calendar months</td>
<td>600</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Completed school in own country</td>
<td>600</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>