

Australia: Australia's Changing Visa Rules and What Comes Next

Australia signals tighter temporary visa rules aimed at curbing visa hopping, strengthening integrity and increasing compliance scrutiny.

In brief

On 17 September 2026, Minister for Home Affairs Tony Burke delivered an address at the National Press Club outlining the Government's proposed direction for Australia's immigration system. A central theme of the address was the greater scrutiny of temporary visa programs, while ensuring that temporary visas continue to serve their intended purpose.

The final shape and timing of these changes will depend on policy design, legislative or regulatory amendments and implementation guidance, but waiting is not a strategy.

Employers should map exposure, develop a workforce and international mobility contingency plan to manage potential disruption arising from the temporary visa shake-up, and strengthen work right controls now as Australia moves toward a more selective and compliance focused immigration system.

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Key takeaways

The proposed reforms mark a shift towards a more selective approach, with greater priority given to selected sectors and occupations and an increased focus on compliance.

What this means for employers

The Minister's speech indicates that the Government intends to take a more targeted and controlled approach across several parts of the Australian immigration system.

For employers, the most significant potential implications are likely to include:

- Delays in processing skilled work visa applications particularly for Core Skills visa applicants who are outside priority sectors or outside Australia.
- Reduced workforce certainty for employers that rely on Working Holiday Makers and student visa holders.
- Heightened compliance and integrity scrutiny, including the broader use of "No Further Stay" conditions to ensure that visitor visas are used for genuine temporary stays rather than as a means of extending a person's stay in Australia.

Increased focus on ongoing monitoring of employees' visa status and work rights.

Employers should move from monitoring to action:

- Map the worker cohorts most exposed to the proposed changes.
- Stress-test workforce plans that depend on Working Holiday Makers, student visa holders, or temporary employer sponsored workers.
- Review recruitment timelines, sponsorship pathways, and contingency options before processing settings change.
- Tighten compliance controls now, including work-right checks, visa expiry tracking, record keeping, and escalation protocols.
- Brief HR, mobility, legal and business leaders so immigration risk is built into workforce planning.

In depth

Changes to visa processing and skills priorities

The Minister announced that the new points-based skilled visa program will be implemented to increase the economic benefit Australia receives from skilled migration, particularly permanent skilled migration.

The proposed framework would allow the Government to give certain selected skills an uplift under the points test. For example, skills in construction and related sectors would receive the same qualification points as a university qualification.

New directions commenced on 19 September, setting priority processing orders for the subclass 482 visa program and selected permanent and provisional skilled visa subclasses, including subclasses 186, 190, 191 and 489. These priorities apply to both pending and new applications and place a clear focus on areas of skill shortage, particularly construction and healthcare.

Temporary Skilled visa applications are processed in the following order of priority:

1. Visa applications relating to Construction, Healthcare, Teaching, Agriculture, Aquaculture, Fishing, and Resources sectors, or Australia's law enforcement and defence interests.
2. Visa applications in the Specialist Skills stream of the Skills in Demand visa.
3. Visa applications where the applicant was in Australia at the time they lodged their application.
4. Visa applications where the primary applicant was outside of Australia at the time they lodged their application and whose application is not combined with another person's application at any time.
5. All other visa applications.

Certain provisional and permanent Skilled visa applications are processed in the following order of priority:

1. Visa applications relating to Construction, Healthcare, Teaching, Agriculture, Aquaculture, Fishing, and Resources sectors, or Australia's law enforcement and defence interests.
2. Visa applications where the applicant was in Australia at the time they lodged their application.
3. Visa applications where the primary applicant was outside of Australia at the time they lodged their application and whose application is not combined with another person's application at any time.
4. All other visa applications.

Changes to Student and Graduate Visa programs

Under the proposed changes to the Student and Graduate Visa programs, family members would generally no longer be able to accompany new student and graduate visa holders.

The Minister confirmed that the proposed changes would not affect families already attached to student and graduate visas in Australia, and those from Pacific countries, ASEAN countries, and those enrolling in selected courses, such as PhD and master's programs.

The proposed changes to the student visa program would also restrict further student visa applications by existing student visa holders. To apply for a subsequent student visa and pursue further studies, applicants would generally need to progress to a higher qualification level. The proposed measures are intended to prevent students from moving between courses or institutions at the same or a lower qualification level primarily to maintain their immigration status.

Capped ballots for second and third Working Holiday visas

One of the proposed measures aimed at reducing Working Holiday Maker visa numbers is the introduction of a ballot system for second and third Working Holiday Maker visas.

Regional work will remain a requirement. However, completing the required work would only make an applicant eligible to enter the ballot, rather than guarantee access to a second or third Working Holiday Maker visa.

The proposed second year Working Holiday Maker program will be capped at 45,000 places per year, compared with approximately 57,000 people who qualified in the preceding year. The third-year program will be capped at 5,000 places per year, compared with approximately 31,000 people in the preceding year's cohort.

If implemented as proposed, the ballots may materially reduce the number of Working Holiday Makers able to remain in Australia for a second or third year, even where they have completed the required regional work.

This direction will be particularly relevant to employers that rely on Working Holiday Makers for seasonal or short-term labour.

Working Holiday Maker processing

Priority processing is likely to be given to primary Working Holiday Maker applications from countries whose arrangements require regional work to qualify for subsequent Working Holiday visa.

Commenting on the sharp increase in UK Working Holiday Makers, the Minister noted that the UK cohort had grown from approximately 17,000 when the Australia–UK Free Trade Agreement was signed to just under 80,000 by the time of his National Press Club address. The Minister indicated that processing times for UK Working Holiday Maker applications may slow while the Australian Government engages with the UK Government regarding the significant growth in the UK cohort and the operation of the relevant free trade agreement arrangements.

"No further stay" conditions for visitor visas

The Government has proposed imposing a "No Further Stay" condition on Visitor visas as part of its broader strategy to reduce "visa hopping".

The proposed change is designed to discourage the use of Visitor visa program as a means of facilitating entry to Australia where there is a pre-existing intention to pursue a different visa after arrival. More broadly, it is consistent with the Government's stated policy direction of reducing successive temporary visa applications and exercising greater control over the number of temporary migrants remaining in Australia.

For employers, the proposal could have important consequences for workforce planning. Businesses should be cautious about arrangements under which a prospective employee travels to Australia as a visitor with the expectation that an employer-sponsored or other longer-term visa application can subsequently be lodged onshore. Instead, employers and prospective visa applicants may need to identify the appropriate visa strategy before the individual travels to Australia and, where necessary, lodge the relevant application offshore.

Increased focus on visa overstayers

The Government also plans to increase compliance activity concerning people who remain in Australia after their visas expire.

The Minister announced an intended increase of:

- 100 compliance officers
- 250 detention beds.

The Government is also considering how alternative facilities may be used, including possible repurposing of the former quarantine facility in Melbourne.

The Minister characterised this direction as a return to the approach used before 2015 for managing visa overstayers, rather than a broader change to immigration detention policy.

Practical step: employers should maintain current work-right checks, track visa expiry dates, and key milestones, and use a clear escalation process where an employee's immigration status changes.

Recommended actions

Employers should move from monitoring to action:

- Map the worker cohorts most exposed to the proposed changes.
- Stress-test workforce plans that depend on Working Holiday Makers, student visa holders, or temporary employer sponsored workers.
- Review recruitment timelines, sponsorship pathways, and contingency options before processing settings change.
- Tighten compliance controls now, including work-right checks, visa expiry tracking, record keeping, and escalation protocols.
- Brief HR, mobility, legal and business leaders so immigration risk is built into workforce planning.

What comes next?

What comes next is unlikely to be one big switch. It is more likely to be a series of fast-moving changes, with some made by Ministerial Direction, some by regulation or legislation, and some through operational guidance.

That means employers need a live immigration strategy, not a static policy.

Employers who are best placed to respond will be those that know where their visa reliance sits, which roles are critical, and where compliance controls need strengthening.

Baker McKenzie's Australian Immigration & Global Mobility team helps employers translate policy change into clear workforce choices: when to act, where risk sits, and how to keep hiring plans moving as the rules evolve.

Our team combines Australian immigration capability with Baker McKenzie's global platform, helping clients manage local compliance while planning confidently across borders.

If your workforce depends on global talent, now is the time to prepare before policy signals become operational constraints.

Please contact us to assess exposure, prioritize action, and build a visa strategy that is ready for what comes next.

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