

Two Year Study Rule- Update (Part-2)

In Volume 7 of Immigration News released previously (you can find it on our web site), we provided some information regarding the two-year study requirement for students and the new guidelines released by DIMIA.

In this newsletter we are going to discuss in greater detail which courses are acceptable and which ones are not. This information has been provided directly from DIMIA.

Acceptable Study Patterns

1) Conventional Courses

- CRICOS registered
- Course comprises 4 semesters of approximately equal length
- Student undertakes study full time load over the four semesters

2) Elongated Courses

- CRICOS registered as 78 weeks
- Conventional course comprises three semesters (usually comprising of 4 units each)
- Course structured so that four semesters (usually comprising 3 units each) are completed over two academic years
- No reduction in normal contact hours
- Study load accepted by university as full-time

3) More than one course

- CRICOS registered as 78 weeks
- Course completed in conventional three semesters, meaning total of 18 months full-time study
- No reduction in normal contact hours
- Student completes a second CRICOS course to meet the shortfall, so that overall two years of full-time study are completed

- Second course no less than 26 weeks and meets definition of qualification for migration purposes (degree, diploma or trade qualification).

Unacceptable Study Patterns

1) Elongating 1 year courses

- It is not the intention that students be entitled to elongate 52-week courses to meet the two-year requirement. This is because, generally, a student would not maintain full-time status over that period.

2) Compressed courses

- CRICOS registered as 104 weeks
- Course comprises four semesters
- These semesters are completed consecutively within 18 months (i.e. from February year 1 to June year 2 or from July year 1 to December year 2)
- No reduction in normal contact hours or study load.
- Whilst the student has undertaken what is described as a two year full time course, the units studied have been compressed into a shorter study period meaning that the student has not been physically present in Australia for two actual years as a full time student.

3) Substantial benefits from credits

- CRICOS registered
- Course normally comprises four semesters of full-time study
- Students relies on 50% of credits/RPL/recognition of work experience, substantially reducing the contact time and study load
- The course is completed over three semesters and within 18 months
- While the student has undertaken what is described as a two year full-time course, the reduction in the number of units actually studied because of the credits granted means that the student has not been

physically present in Australia for two actual years as a full-time student

4) Study not in Australia

- CRICOS registered
- Course comprises four semesters
- At least one semester is completed at the overseas campus of an Australian educational institution.
- It is a requirement that all of the qualifying study is in Australia.

Summer Semester?

Some institutions offer students a summer semester, the frequent purpose of which is to accelerate course completion. While this may meet the academic component of the study requirement, completion of a summer semester should not generally be considered to meet the physical residence component of the study requirement. Essentially if you have completed your course early and have not studied two years in Australia because of the summer semester you have finished then you may have a problem. External study offshore does not qualify: the applicant must have been physically present in Australia studying at the campus of the relevant Australian Educational institution.

Common sense approach!

These examples are based upon the typical two semester university year programs. There a number of educational institutions which offer tri and quad semesters in their yearly programs. The overall logic is fundamentally the same in all cases and some common sense needs to be applied when deciding if your study program is going to meet these new requirements. Please refer to our previous news letters so you obtain a balanced level of information on these issues. In the near future we will cover the relevancy issue between the course you have studied and the occupation you are going to nominate. (May 2004)