

IMMIGRATION NEWS

(Volume 38)

The New 2 Year Study Rule



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Dear Students

On the 1st of July 2007 a new National Code of Practice for Registrations Authorities and Providers of Education and Training for Overseas Students was released. The National Code is a set of nationally consistent standards that governs the protection of overseas students and delivery of courses to those students by providers registered on CRICOS - the Commonwealth Register of Institutions and Courses for Overseas Students. Only CRICOS courses can be offered to international students studying in Australia on a student visa.

It is supposed to provide greater clarity and give education instructions more flexibility.

Full Time/Part Time Study Rules

Prior to the 1st July 2007 students were just required to maintain a full time study enrollment unless they were in their final session of study or they were not on a student visa (such as dependents on a 457 visa). Most universities accepted that full time enrollment was 18 to 24 credit points per session. This meant that many students completed their courses in a longer time frame than the CRICOS registration. For example many students completed their course in 2 years even though it was CRICOS registered 1.5 year program and in many cases even a 1 year program.

However since the 1st July 2007 students will be required to complete their course within

the timeframe set on their Confirmation of Enrollment (COE). This means that most students will have to be enrolled in 24 credit points per session to complete their course within the required time frame.

Students who are enrolled into a 72 credit point Masters degree CRICOS registered as two year program will still be able to complete 18 credit points per session.

Can the COE be altered?

The time frame on students COE can be altered but only under very restricted circumstances. The university must give approval for this and evidence must be provided. The current circumstances that will be considered are;

1. Compassionate or compelling circumstances
2. Implementation of a specific intervention strategy
3. An approved deferment or suspension of study has been granted

Enrolled before the 1st July 2007?

Many students who enrolled before the 1st of July 2007 were advised that it was fine to reduce their study load down to 18 credit points. These students will be able to apply to extend their COE based upon compelling circumstances since previous advice from the universities allowed them to do so.

New 2 year Study Rule starting the 1st September 2007

On the 1st of September the new 2 year study definition will commence. The new rule is expected to state that an applicant needs to complete 2 academic years of study. This will mean a course that is registered with a COE as a 2 year program. Currently one academic year is defined as a 36 week program so this may mean a minimum of 72 weeks completed no less than 16 months. It is also possible that students who accelerate their courses by taking summer and winter programs can finish them earlier but no less than 16 months.

The Good News

These new provisions will be good news for those studying at UTS, UNSW, USYD, etc,

where the semesters are the two traditional periods. Currently study during winter and summer at these universities are not considered in the two year study calculation as they are not equal length semesters.

The promising news is that you will be able to change providers and courses and use the time spent in previous study even though you have not completed your qualification before you left. This is a major shift in policy and a great bonus to many students who had difficulty at particular education providers.

The Problems

In recent Sydney presentations by the Director of Skilled Migration Mr. Peter Speldewinde to registered Migration Agents, he indicated that the current tradition of students completing 1.5 year courses over 2 years of full time study will however not meet the new criteria. This came as a shock since there has been no warning of this change in policy. Under the new policy DIAC wants students to study the entire 2 year course without exemptions.

I put to Mr. Speldewinde at one of these presentations that to bring in this new rule on the 1st of September and not consider the students who are already enrolled in the above mentioned study programs was grossly unfair. In reacting to my question he did not give a clear assurance that current students would get any special consideration on this matter.

Speak Out!

I suggest to all students who may be faced in enrolling and completing an additional course of study in order to meet the new 2 year study rules due on the 1st of September, you should write a complaint e-mail to the DIAC Skilled Migration Section, Canberra using the following details:

skilled.migration@immi.gov.au

To: Director of Skilled Migration
Mr. Peter Speldewinde

The more students who complain about these changes the greater chance DIAC may allow an unofficial transitional period to at least allow students who finish in December 2007 to meet the current guidelines.

Complain to the Dean of your University as well. They allowed you and gave advice that you could take longer to finish the course so they too should make a submission to DIAC that to implement this change on the 1st of September would be unfair. It seems the universities are allowed to extend your COE's due to compelling circumstances based upon previous advice, so DIAC should accept your two years of study under the same compelling reasons.

Over the years the Immigration Department have made rules that have been quite unfair to students and then when faced with many complaints they have seen reason to be more flexible in their approach. This is another such circumstance where they may need to be forced to listen to public pressure. This pressure will only come from voicing your opinions.

In a later newsletter I will cover some of these issues regarding the ESOS Act.

Next Seminar about these new changes?

Friday the 27th July
UTS Tower Building
Lecture Theatre 04.11 (Street Level)
2.00 pm – 4.00 pm

Good luck in results for this semester.

MODL? No changes yet which is good news.

Kind regards

Karl Konrad
Managing Director
Australian Immigration Law Services

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Australian Immigration Law Services

Level 1, 30 Carrington Street

Sydney NSW 2000

t: 61 2 9279 1991 | f: 61 2 9279 1994

e: sydney@australiavisa.com | w: www.australiavisa.com

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