

IMMIGRATION NEWS

(Volume 50)

2 Year Study Rule-Update



Dear Students

Welcome to IMMIGRATION NEWS an e-newsletter designed primarily for international students studying in Australia. This is brought to you by Australian Immigration Law Services (AILS).

2 Year Study Rule

We have covered a number of issues relating to the two year study rule in previous newsletters but there are two updated items to report;

1)

Closely Related?

DIAC through their web site has sneaked in some more information about what they regard as examples of how your course (or courses) must be closely related to the occupation that you nominate in your visa application. We have reproduced what is on their web site below;

Qualifications must be closely related to nominated occupation

The Australian qualification/s you have completed must be closely related to your nominated skilled occupation. This means that the subject matter and the skills gained from your qualifications can be applied at the level you achieved them in your nominated skilled occupation.

Examples:

- *Diploma in Business and Certificate IV in Carpentry would be consistent with nominating Carpenter as your occupation as applicants could find those qualifications genuinely useful in operating their own business as a carpenter.*
 - *Masters in IT and Certificate III in Carpentry would not be consistent with nominating Carpenter as your occupation as you have attained skills at a significantly higher level in a professional field and skills at that level will not have any practical application in working as a carpenter.*
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Our Comments

It is interesting that DIAC has decided to keep allowing the business studies and the trade qualification mix as being closely related. This will be a relief for many trade students who have studied other Diploma's beforehand.

The example about the Masters in IT and trade course is fairly obvious but this combination was allowed under the pre-September 2007 rules where relevancy was the issue.

These two examples will not cover all the possible questions that you may have about what is exactly closely related. However what is does provide is some hope that DIAC may not be as strict about this issue as first thought. It also provides for a broad range of possibilities one could argue about. Remember though be very careful about the occupation you are choosing to nominate in your applications for once you have applied you cannot change your mind later and swap to another occupation.

2)

2 Year Study War- Continues

We received an e-mail from the journalist at the Sydney Morning Herald stating that she is interested to doing some follow-up stories if DIAC persists in being hard headed about the taking of exemptions.

Our office recently lodged an 885 application for a UTS Engineering student who had completed two single year Master of Engineering programs. The only problem was that he was given 2 exemptions from his first Masters towards the second.

Many students will be interested to know that this student was granted his permanent residency in just three weeks, no questions asked. Remember what I discussed about the exemption issue in my last edition. As yet there is no formal policy in place so we thought we would test this theory by lodging this application and we were successful.

Over the years and having lodged thousands of skilled migration applications we have found what the policy section in Canberra wants to happen and what actually does happen at the Adelaide Skilled Processing Centre can be two different things. We find at the ASPC they generally take a more realistic and humanitarian approach in assessing applications where they may be scope to do so.

It is always wise in a circumstance where you may not be certain is to have a backup plan in place just in case there may be some problems or if the application is rejected.

Next Seminar?

Australian Immigration law Services will hold its next information seminar;

- **Date:** Friday, 12th October 2007
- **Venue:** University of Technology, Sydney Broadway Campus, Entrance-Tower Building
Building 2, Street Level, Lecture Theatre CB02.04.11
- **Time:** 2:00pm – 4:00pm

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Stay tuned to the next edition!

Kind regards

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