

IMMIGRATION NEWS

Volume 54

2 Year Study requirement - How to Calculate Your
92 Weeks Minimum



Dear Students

Welcome to the new subscribers and we hope you find this latest edition interesting. This service is brought to you by Australian Immigration Law Services.

Have you reached 92 weeks of Study?

We have found that since our last newsletter many students have contacted DIAC to make sure what we published was correct. Unfortunately and not unusually, many of the DIAC staff has not been briefed upon the release of their own PAM (Procedural Advice Manual) which came out on the 31st October.

You need to remember that DIAC is a very large organisation and it often takes time for all the new policies that are released by the DIAC Canberra head office to filter down to all the telephone advice staff (particularly the ASPC telephone centre in Melbourne). Subscribers to this service will nearly always be one of the first to obtain freshly released information.

Our office has devised a simple formula based upon DIAC's own policy example in meeting the 2 year study requirement.

$$\frac{A}{B} \times C = D$$

Where;

- A = Total credit points you have obtained after disregarding the exempted credit for overseas RPL
- B = Total credit points required to complete the award
- C = CRICOS registration period for the course
- D = Total weeks you have studied for DIAC purposes

We have considered that it is more accurate to only consider credit point ratios for there are a number of courses which have year long subjects with different credit point loadings. This also matched DIAC's example as well which was in the my last newsletter.

For example;

1)

A student completes a 104 week (12 units) CRICOS registered course over at least 16 calendar months. However in the beginning of his course he/she was given 2 subjects credits as RPL due to their overseas qualification(s). These two subjects were worth 8 credit points each. The Masters requires 96 credits points to complete the degree. Then using the above formula;

$$\frac{80}{96} \times 104 = 86.67 \text{ weeks of study (not sufficient to meet the 92 weeks)}$$

2)

Another student completing the same program as above but has been given only 1 subject credit for RPL based on O/S study.

$$\frac{88}{96} \times 104 = 95.3 \text{ weeks of study (> 92 weeks)}$$

Migration Advice

Last week I had a CQU student come and see me and she explained that the Student advisory staff in the Sydney campus told her that our information was incorrect. They claimed and that they had received an e-mail from DIAC previously about the 2 year study requirement and no exemptions were allowed in a 104 week CRICOS registered program.

Students need to remember there are two main problems when receiving immigration advice from Australian educational institution administration staff members;

- 1) Nearly all of these individuals are not licensed to give immigration advice (please ask them if they are);
- 2) There are many students who were given advice which was incorrect and in many cases this caused them not to lodge their residency applications when they could have.

I am sure the advisor from CQU thought they were trying to act in the best interest of the student in question by telling her she could not lodge her application with one RPL exempted subject. However the reality was that they were telling her outdated advice back when the 104 weeks of study applied. They are not aware of the new rules released on the 31st of October.

I have since viewed the letter the CQU advisor was relying upon and sure enough it was dated back in September.

In the not too distant past (under the old 2 year study rule) some staff at the Macquarie University Accounting Department were telling students who had completed their 78 week, 4 semester Graduate Diploma in Accounting that they could not use this course to obtain permanent residency. They claimed they had received advice from DIAC that this was the case. The problem with that advice was that it was totally incorrect.

Many of students who came to me after finishing the requirements of that qualification subsequently obtained their permanent residency. Unfortunately many students chose to listen to the university staff members in question and missed out on their opportunity to gain their residency.

The reality was possibly more likely is that the university did not want their students to gain residency and exit the Masters of Professional Accounting they were enrolled in. Many students took my advice and obtained the completion letter and applied for their residency. Many who did apply exited the Masters program.

Then in a further bizarre move, the university decided they would not issue the completion letters for the Graduate Diploma. One could only assume that this was done in a further effort to keep from losing further students. However what they were in fact doing as a consequence was jeopardising the students from obtaining their lawful right to residency.

There have been many other cases where students have received incorrect advice from educational institutions and then come to my office for clarification.

Next Edition?

In the next volume I will provide some interesting reading of the unfolding saga at Sydney International College of Business. I realise I said this last time but we have been waiting for the result of important meetings between DEST and VETAB regarding this college. I know many students are concerned if this school will be able to remain open.

Stay Tuned!

Book an appointment?

I am sorry that we do not have time to respond to general e-mail questions but we do appreciate the feedback that many of you provide. You may book an appointment to see me at our office at any time in advance. The usual fee is \$55 and you usually need to book a couple of weeks ahead.

We also offer a telephone consultation service where you can talk to me on the phone for 30 minutes. This is also \$55 but you need to pay in advance by transferring the fee to our bank account two days before the appointment time. Contact our reception desk for more details. This will be useful for those of you interstate or have quite a distance to travel to the Sydney CBD.

Next Seminar?

Our next Seminar is on the Friday the 7th December at UTS at 2.00 pm (as usual),

Lecture Theatre CB02.04.11. The room is marked 04.11. You can find this easily by entering the Tower building at street level and then it is to the left near the IT student support section. Level 4 is actually street level.

You may ask as many questions as you like during the seminar.

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Kind regards

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