

Div1.2/reg1.15F - Australian study requirement

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Procedural Instruction

This Procedural Instruction provides policy and procedural guidance for assessing the Australian study requirement set out in regulation 1.15F of the Migration Regulations 1994.

Latest Changes

Reissued on 20 January 2021

Document ID VM-3159

1. Purpose

This Procedural Instruction provides policy and procedural guidance for assessing **the Australian study requirement set out in regulation 1.15F of the Migration Regulations 1994.**

2. Scope

This PI covers administering migration law, in relation to the Subclass 485 (Temporary Graduate) visa or a General Skilled Migration (GSM) visa. This PI applies to all officers as defined in subsection 5(1) of the Act and in particular, **officers who are a Subclass 485 visa decision maker or a GSM visa decision maker** exercising powers delegated to them under the Act. Other persons reading this PI should keep in mind that they are not the primary audience and therefore should not utilise contact channels specified for departmental staff only.

3. Procedural Instruction

3.1. Latest changes

Legislative

This instruction includes guidance that reflects the legislation as **in effect on 22 January 2021.**

Procedural guidance

This instruction updates advice last published on 20 January 2021.

3.2. Strategic context

The Australian study requirement is to ensure that an applicant has obtained an appropriate Australian qualification required by the Migration legislation **for the purpose of the GSM visa or the Subclass 485 visa program.**

3.13.3. Online study

With the exception of RPL, it is intended that study be undertaken on campus in Australia. While changes to the ESOS Act in July 2007 mean that overseas students can study up to 25% of their course online, visa applicants must have been physically present in Australia for study to count towards meeting the Australian study requirement.

With the exception of RPL, if an applicant took advantage of the ability to study online to return home or travel, that time will not be counted as it does not contribute to the two objectives of the Australian study requirement.

Note: The requirements that overseas students can study up to 25% of their course online and visa applicants must have been physically present in Australia for study to count towards meeting the Australian study requirement **will not be applied to COVID-19 impacted Subclass 485 visa applicants.**

Subclass 485 visa **applicants** who were studying offshore on an Australian visa authorising the applicant to study and not permitted to travel to Australia during the COVID-19 pandemic will be **allowed an unlimited amount of offshore online study to count towards the Australian study requirement.** This flexibility will remain in place as long as COVID-19 impacts remain.

The Department of Education, Skills and Employment and the national regulators, the Australian Skills Quality Authority and the Tertiary Education Quality and Standards Agency, are taking a flexible approach to online learning in order to support students during the COVID-19 pandemic.