



## SUBCLASS 485 – STUDY REQUIREMENT

This fact sheet answers questions about an AAT review of a decision made by the Department of Home Affairs (the Department) to refuse to grant a Subclass 485 visa on the basis that the ‘Australian study requirement’ was not met.

### What does the AAT need to decide?

The AAT needs to decide whether you have met the ‘Australian study requirement’ in the **6 months immediately before you made the visa application** under the rules of Migration legislation.

To meet the Australian study requirement, the AAT must be satisfied that you have completed at least one degree, diploma or trade qualification at an Australian educational institution. The course(s) must be:

- a registered course
- completed in a total of at least 16 calendar months
- completed as a result of at least 2 academic years of study
- conducted in English, and
- completed while you were in Australia holding a visa which allowed you to study.

For applicants in the Graduate Work Stream the qualification(s) completed must also be closely related to your nominated occupation and be on the Medium and Long – term Strategic Skills List (MLTSSL).

### When is a course considered to be completed?

‘Completion’ of a course is the date on which the educational institution decides that you have met all of the academic course requirements. It is not, for example, the date of your final exam, the date you submit your final assignment or the date of your graduation ceremony.

### What information can I give the AAT to support my review?

You can give us any information that supports the case. You are not limited to the information listed below. However, the most helpful information to give us will show how you meet the ‘Australian study requirement’.

This fact sheet provides general information only. It is not legal advice about your case. If you have a question about the law or how it applies to your case, you should seek legal advice.

Examples of helpful evidence to give us include:

- Letter from the Institution where you studied, which includes the course completion date, the number of weeks registered and the language in which the course was taught
- Academic transcript
- Course timetable
- Attendance records
- Any other document that proves you met study requirements.

## When should I give my information to the AAT?

You should give us the information as soon as possible.

If the AAT is satisfied with the information you give us, a favourable decision might be possible without the need for a hearing.

### ***Giving evidence at the hearing***

If you are required to attend a hearing, an AAT Member will ask you about your application and consider all of the information that you present. Generally, this will include the documents you have given us about your case. You must give us any information no later than 7 days before the hearing, or if we ask you to give us any information earlier, by the date we tell you.

Any information you present to the AAT Member is important evidence. Preparing this evidence well in advance of the hearing can assist you to present your case and help the AAT Member to make a decision.

## CONTACT US IF YOU HAVE ANY QUESTIONS

- Telephone: **1800 228 333**
- Email: [mrdivision@aat.gov.au](mailto:mrdivision@aat.gov.au)
- [www.aat.gov.au](http://www.aat.gov.au)
- National Relay Service [www.relayservice.gov.au](http://www.relayservice.gov.au)
- Translating and Interpreting Service (TIS): 131 450

*When this Fact Sheet refers to "You" it means the applicant, and includes his or her nominee, representative or support person. When it refers to "We" or "Us" it means the AAT.*

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