

## **EXPLANATORY STATEMENT**

### *Migration Regulations 1994*

#### **STUDENT VISA ASSESSMENT LEVELS (REGULATION 1.41)**

1. This Instrument is made under subregulation 1.41(1) of Part 1 of the *Migration Regulations 1994* ('the Regulations').
2. Regulation 1.41 of the Regulations allows the Minister to specify the assessment level for a kind of eligible passport. Relevantly, subregulation 1.41(1) permits the Minister to specify by Gazette Notice the assessment level for a kind of eligible passport, in relation to each subclass of student visa, to which an applicant for a student visa who seeks to satisfy the primary criteria will be subject. Subregulation 1.41(4) provides that the assessment level specified for a kind of eligible passport must be a number from 1 to 5, with assessment level 1 specified for passport holders who pose a very low immigration risk and assessment level 5 specified for passport holders who pose an extremely high immigration risk. The assessment level is not required to be the same for each subclass of student visa.
3. The purpose of the Instrument is to amend the assessment levels for several countries in relation to each subclass of student visa. The amendments will move 43 countries across 118 education sectors to a lower assessment level rating. This will lower the minimum evidentiary requirements needed for the grant of a student visa for these selected countries and education sectors due to improving non-compliance levels from these countries. Nine countries across 18 sectors will move to a higher assessment level rating. This will increase the evidentiary requirements needed for the grant of a student visa.
4. The Instrument operates to specify the assessment level for different countries in relation to applications for student visas.
5. Consultation was undertaken with:
  - International Education Peak Bodies;
  - Department of Education, Employment and Workplace Relations;
  - Department of Foreign Affairs and Trade;
  - Australian Security Intelligence Organisation
6. This Instrument, IMMI 08/051, commences on 1 September 2008.