



Immigration (Education) Regulations 1992

Statutory Rules 1992 No. 432 as amended

made under the

Immigration (Education) Act 1971

This compilation was prepared on 1 January 2011
taking into account amendments up to SLI 2010 No. 297

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Contents

1	Name of regulations [see Note 1]	3
2	Commencement	3
3	Definition	3
4	Ineligibility for English courses — application for extension of period for registration or commencement	3
5	Ineligibility for English courses — decision on application for extension of period for registration or commencement	4
6	Ineligibility for English courses — application for extension of time limit on tuition	5
7	Ineligibility for English courses — decision on application for extension of time limit on tuition	6
8	Citizenship courses	6
	Notes	7

1 Name of regulations [see Note 1]

These regulations are the *Immigration (Education) Regulations 1992*.

2 Commencement

These regulations commence on 1 January 1993.

3 Definition

Act means the *Immigration (Education) Act 1971*.

Note Several other words and phrases used in these Regulations have the meaning given by section 3 of the Act. For example:

- Secretary
- visa commencement day.

4 Ineligibility for English courses — application for extension of period for registration or commencement

- (1) For paragraph 4C (4) (a) of the Act, this regulation sets out arrangements in relation to an application for an extension of a period mentioned in subsection 4C (2) of the Act.

Applicant under 18

- (2) If the applicant is aged under 18 years on the applicant's visa commencement day, the application must be made:
- (a) in writing; and
 - (b) by the earlier of:
 - (i) 14 days after the day on which the applicant (or a person acting for the applicant) requests the extension through the provider of the approved English course with which the applicant has registered or proposes to register; and
 - (ii) 12 months after the applicant's visa commencement day.

Applicant 18 or over

- (3) If the applicant is aged 18 years or over on the applicant's visa commencement day, the application must be made:
 - (a) in writing; and
 - (b) no later than 14 days after the day on which the applicant (or a person acting for the applicant) requests the extension through the provider of the approved English course with which the applicant has registered or proposes to register.

5 Ineligibility for English courses — decision on application for extension of period for registration or commencement

- (1) For paragraph 4C (6) (a) of the Act, this regulation sets out matters to which the Secretary must have regard in making a decision on an application for an extension of a period mentioned in subsection 4C (2) of the Act.

Applicant under 18

- (2) Subregulation (3) applies in relation to:
 - (a) an applicant who was aged under 18 years on the applicant's visa commencement day; and
 - (b) the period of 12 months starting on the applicant's visa commencement day.
- (3) The matters to which the Secretary must have regard are:
 - (a) any serious illness or injury suffered by the applicant during the period, including the duration of the illness or injury; and
 - (b) the kinds of commitments that the applicant had to members of the applicant's family during the period; and
 - (c) whether any compelling and compassionate reasons for making a particular decision on the application existed during the period.

Applicant 18 or over

- (4) Subregulation (5) applies in relation to:
 - (a) an applicant who was aged 18 years or over on the applicant's visa commencement day; and
 - (b) the period starting on the applicant's visa commencement day and ending at the earlier of:
 - (i) 5 years after that day; and
 - (ii) the day on which the applicant makes the application.
- (5) The matters to which the Secretary must have regard are:
 - (a) the applicant's employment record during the period; and
 - (b) the applicant's record during the period in learning English; and
 - (c) any serious illness or injury suffered by the applicant during the period, including the duration of the illness or injury; and
 - (d) the kinds of commitments that the applicant had to members of the applicant's family during that period; and
 - (e) whether the applicant was not in Australia at any time during the period; and
 - (f) whether any compelling and compassionate reasons for making a particular decision on the application existed during the period.

6 Ineligibility for English courses — application for extension of time limit on tuition

For paragraph 4D (4) (a) of the Act, an application for an extension of the period mentioned in subsection 4D (2) of the Act must be made:

- (a) in writing; and
- (b) no later than 14 days after the day on which the applicant (or a person acting for the applicant) requests the extension through the provider of the approved English course with which the applicant has registered.

7 Ineligibility for English courses — decision on application for extension of time limit on tuition

- (1) For paragraph 4D (6) (a) of the Act, this regulation sets out matters to which the Secretary must have regard in making a decision on an application for an extension of the period mentioned in subsection 4D (2) of the Act.
- (2) If the application is made less than 5 years after the applicant's visa commencement day, the Secretary must have regard to the time remaining before the end of 5 years after that day.
- (3) The Secretary must also have regard to:
 - (a) any serious illness or injury suffered by the applicant during the period starting on the applicant's visa commencement day and ending at the earlier of:
 - (i) 5 years after that day; and
 - (ii) the day on which the applicant makes the application;including the duration of the illness or injury; and
 - (b) whether a close family member of the applicant died during that period; and
 - (c) whether the applicant experienced a traumatic experience during that period; and
 - (d) whether any reasons of a compelling and compassionate nature existed during that period to prevent the applicant from completing 510 hours of English tuition during that period.

8 Citizenship courses

For section 4E of the Act, a person to whom citizenship courses may be provided is a person who:

- (a) has made an application under subsection 21 (1) of the *Australian Citizenship Act 2007* to become an Australian citizen; and
- (b) claims to be able to satisfy the Minister of the matters set out in subsection 21 (2) of that Act.

Table of Instruments**Notes to the *Immigration (Education) Regulations 1992*****Note 1**

The *Immigration (Education) Regulations 1992* (in force under the *Immigration (Education) Act 1971*) as shown in this compilation comprise Statutory Rules 1992 No. 432 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions see Table A.

Table of Instruments

Year and number	Date of notification in Gazette or FRLI registration	Date of commencement	Application, saving or transitional provisions
1992 No. 432	24 Dec 1992	1 Jan 1993	
1993 No. 31	12 Feb 1993	1 Mar 1993	—
1993 No. 54	4 May 1993	R. 3: 1 Jan 1993 Remainder: 4 May 1993	—
1994 No. 142	23 May 1994	1 Jan 1994	—
1995 No. 303	26 Oct 1995	1 Nov 1995	—
1997 No. 136	23 June 1997	1 July 1997	—
1997 No. 280	1 Oct 1997	1 Oct 1997	—
1997 No. 405	24 Dec 1997	1 Jan 1998	—
1999 No. 90	4 June 1999	1 July 1999	—
2001 No. 46	16 Mar 2001	1 Apr 2001	—
2002 No. 120	14 June 2002	1 July 2002	R. 4
2003 No. 91	22 May 2003	1 Mar 2003	—
2004 No. 192	1 July 2004	1 July 2004	—
2004 No. 301	7 Sept 2004	1 Sept 2004	—
2005 No. 134	20 June 2005 (see F2005L01502)	1 July 2005	R. 5
2006 No. 157	26 June 2006 (see F2006L01878)	1 July 2006	—
2007 No. 165	25 June 2007 (see F2007L01827)	1 July 2007	R. 4
2007 No. 256	27 Aug 2007 (see F2007L02645)	1 Sept 2007	—

Table of Instruments

Year and number	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
2008 No. 91	3 June 2008 (see F2008L01848)	1 July 2008	R. 4
2009 No. 116	22 June 2009 (see F20092376)	1 July 2009	R. 13
2010 No. 117	8 June 2010 (see F2010L01518)	1 July 2010	R. 6
2010 No. 297	25 Nov 2010 (see F2010L03085)	1 Jan 2011	—

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 1	rs. 1999 No. 90
R. 3	rs. 2010 No. 297
R. 4	am. 1995 No. 303; 1997 Nos. 136, 280 and 405; 1999 No. 90; 2001 No. 46; 2002 No. 120; 2003 No. 91; 2004 Nos. 192 and 301; 2005 No. 134; 2006 No. 157; 2007 Nos. 165 and 256; 2008 No. 91; 2009 No. 116; 2010 No. 117 rs. 2010 No. 297
R. 5	am. 1993 Nos. 31 and 54; 1994 No. 142 rs. 2010 No. 297
R. 5A.....	ad. 1997 No. 136 rep. 2010 No. 297
R. 6	ad. 1993 No. 31 am. 1993 No. 54 rs. 2010 No. 297
R. 7	rs. 2010 No. 297
R. 8	rs. 2010 No. 297

Table A

Table A Application, saving or transitional provisions

Statutory Rules 2002 No. 120

4 Transitional

The amendment made by Schedule 1 applies to a person who enrolls in a prescribed English course (within the meaning of the *Immigration (Education) Regulations 1992*) on or after 1 July 2002.

Select Legislative Instrument 2005 No. 134

5 Transitional

- (1) The amendments made by Schedule 1 apply in relation to an enrolment in a prescribed English course on or after 1 July 2005.
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Select Legislative Instrument 2007 No. 165

5 Application

The amendments made by Schedule 1 apply to a person who enrolls in a prescribed English course on or after 1 July 2007.

Select Legislative Instrument 2008 No. 91

4 Amendment of *Immigration (Education) Regulations 1992*

- (1) Schedule 3 amends the *Immigration (Education) Regulations 1992*.
 - (2) The amendment made by Schedule 3 applies in relation to enrolment in a prescribed English course that occurs on or after 1 July 2008.
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Select Legislative Instrument 2009 No. 116

13 Amendment of *Immigration (Education) Regulations 1992* — Schedule 11

- (1) Schedule 11 amends the *Immigration (Education) Regulations 1992*.
 - (2) The amendments made by Schedule 11 apply in relation to an enrolment in a prescribed English course on or after 1 July 2009.
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Select Legislative Instrument 2010 No. 117

6 Amendment of *Immigration (Education) Regulations 1992* — Schedule 4

- (1) Schedule 4 amends the *Immigration (Education) Regulations 1992*.
- (2) The amendment made by Schedule 4 applies in relation to an enrolment in a prescribed English course on or after 1 July 2010.