

EXPLANATORY STATEMENT

Migration Regulations 1994

ELIGIBLE EDUCATION PROVIDERS AND EDUCATIONAL BUSINESS PARTNERS

1. This Instrument is made under clauses 573.112, 574.112 and 575.112 of the *Migration Regulations 1994* ('the Regulations').
2. Clauses 573.112 and 574.112 of the Regulations provide that the Minister may, by instrument in writing, specify an education provider as an eligible education provider and specify one or more other education providers as educational business partners of the eligible education provider.
3. Clause 575.112 of the Regulation provides that the Minister may, by instrument in writing, specify an education provider as an eligible education provider.
4. The purpose of the Instrument is to specify eligible education providers and their educational business partners for subclasses 573 Higher Education Sector, 574 Postgraduate Research Sector and 575 Non-award Sector Student visas. The Instrument also specifies that educational business partners are linked to a particular eligible education provider.
5. The instrument operates to allow eligible students enrolled at participating universities to receive an exemption from the Assessment Level framework. Assessment levels are a risk management approach applied to all student visas, determining the amount of evidence visa applicants need to supply and the level of scrutiny with which their claims are assessed. This change will allow eligible higher degree students and eligible university exchange students with a Confirmation of Enrolment from the education providers listed in the instrument to meet evidentiary requirements similar to the existing AL1 requirements for the grant of a Student visa.
6. Consultation was undertaken before the instrument was made as follows:
Consultation was conducted with relevant internal and external stakeholders from the international education sector and other Commonwealth government agencies.

7. The Office of Best Practice Regulation has advised that a Regulatory Impact Statement is not required (OBPR Reference 12851).
8. Under section 44 of the *Legislative Instruments Act 2003* the Instrument is exempt from disallowance and therefore a Human Rights Statement of Compatibility is not required.
9. The instrument commences on 24 March 2012, immediately after the commencement of *Migration Legislation Amendment Regulation 2012 (No. 1)*.