

EXPLANATORY STATEMENT

Migration Regulations 1994

PROFESSIONAL YEAR PROGRAMS

(Subregulations 2.26AA(9), 2.26AB(7) and 2.26AC(6))

1. This instrument is made under subregulations 2.26AA(9), 2.26AB(7) and 2.26AC(6) of the *Migration Regulations 1994* ('the Regulations').
2. This Instrument revokes Instrument number IMMI 08/074 signed on 1 October 2008. This change is necessary for the implementation of the SkillSelect online system.
3. Subregulations 2.26AA(9), 2.26AB(7) and 2.26AC(6) of the Regulations provide that "professional year" means a course specified by the Minister in an instrument in writing for this definition.
4. A "***professional year***" is intended to be a formally structured program that involves both study and work experience. It serves to provide overseas graduates with an introduction to their chosen occupation. In recognition of the value of these programs in assisting former overseas students to become job ready, the Minister specifies certain professional year programs as being acceptable for migration purposes. The professional year must be specifically relevant to the occupation nominated in the graduate's General Skilled Migration (GSM) visa application. Not all occupations will have a professional year that is recognised for migration purposes.
5. Applicants who have completed a specified professional year in their nominated occupation or a closely related occupation will be awarded points under the GSM points test.
6. The purpose of the Instrument is to specify the professional year program run by:
 - The Australian Computer Society, which is available to information technology graduates;

- The Institute of Chartered Accountants in Australia, Certified Practising Accountants Australia and the Institute of Public Accounting, which is available to accounting graduates; and,
 - Engineers Australia, which is available to engineering graduates.
7. The Office of Best Practice Regulation was consulted in relation to the 1 July 2012 points test amendments and the introduction of SkillSelect, and has advised that a Regulatory Impact Statement is not required (OBPR Reference 13150).
 8. Consultation is not required as the changes are of a minor mechanical nature.
 9. 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.
 10. The Instrument, IMMI 12/029 commences on 1 July 2012, immediately after the commencement of the *Migration Amendment Regulation 2012 (No. 2)*.