



Commonwealth of Australia

Migration Regulations 1994

Migration Act 1958

EVIDENCE OF FUNCTIONAL ENGLISH LANGUAGE PROFICIENCY
(Regulation 5.17)

I, *CHRIS BOWEN*, Minister for Immigration and Citizenship, acting under paragraph 5.17(a) of the *Migration Regulations 1994* ('the Regulations'):

1. SPECIFY that, for the purposes of paragraph 5(2)(b) of the *Migration Act 1958*, ('the Act'), (dealing with whether a person has functional English), the following is prescribed evidence of the English language proficiency of a person who has functional English:
 - (a) the applicant provides evidence of having completed all years of primary education and at least 3 years of secondary education at educational institutions in which all instruction was conducted in English; or
 - (b) the applicant provides evidence of having completed at least 5 years of secondary education at institutions in which all instruction was conducted in English; or
 - (c) the applicant provides evidence of having achieved an IELTS average band score of at least 4.5 based on the 4 test components of speaking, reading, writing and listening in a test conducted:
 - not more than 12 months before lodging the relevant application to migrate; or
 - at the time of the processing of the relevant application to migrate; or
 - (d) the applicant provides evidence that he or she has successfully completed, in Australia, at least 1 year of full-time study or equivalent part-time study towards a degree, higher degree, diploma, or associate diploma at an institution or institutions where all the instruction was conducted in English.

This Instrument number IMMI 12/073, commences on 1 July 2012, immediately after the commencement of *Migration Amendment Regulation 2012 (No. 3)*.

Dated 28 June 2012

Chris Bowen

Minister for Immigration and Citizenship

[NOTE 1: Regulation 5.17(a) of the Regulations provides that, for the purposes of paragraph 5(2)(b) of the Act, (dealing with whether a person has functional English), that evidence specified by the Minister in an instrument in writing is prescribed evidence of the English proficiency of a person.

NOTE 2: Paragraph 5(2)(b) of the Act provides that, for the purposes of the Act, a person has functional English at a particular time if the person provides the Minister with prescribed evidence of the persons English language proficiency.]