

EXPLANATORY STATEMENT

Migration Regulations 1994

ELIGIBLE EDUCATION PROVIDERS AND EDUCATIONAL BUSINESS PARTNERS

(Clauses 573.112, 574.112 and 575.112)

1. This Instrument is made under clauses 573.112, 574.112 and 575.112 of Schedule 2 to 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 Regulations 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. An applicant for a Subclass 573, 574 or 575 visa who is an eligible higher degree student within the meaning of the corresponding Part 573, 574 or 575 of Schedule 2 to the Regulations will not be subject to an assessment level. Eligible higher degree students must intend to study an eligible course or package of courses and have a Confirmation of Enrolment from an eligible education provider. If the student is intending to study a package of courses, each course component must be provided by either the eligible education provider or an educational business partner of the eligible education provider.
5. The Instrument specifies that educational business partners are linked to a particular eligible education provider. The effect of the Instrument is to reflect modifications to the details of participating universities' educational business partners. These changes include the addition of educational business partners, the removal of some educational business partners and updating the details of some educational business partners already specified.

6. Consultation with relevant internal and external stakeholders and the international education sector was undertaken before the instrument was made. Eligible education providers were given opportunities to confirm and provide updated details of their educational business partners.
7. The Office of Best Practice Regulation has advised that a Regulatory Impact Statement is not required (OBPR Reference 14249).
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, IMMI 12/090, commences on 24 November 2012.