

EXPLANATORY STATEMENT

Migration Regulations 1994

QUALIFICATIONS (Clause 485.231)

1. This Instrument is made under clause 485.231 of the *Migration Regulations 1994* ('the Regulations').
2. Subclause 485.231(1) of the Regulations provides that applicants satisfying criteria for the Post-Study Work stream of the Temporary Graduate (Subclass 485) visa must hold a qualification of a kind specified by the Minister in an instrument in writing.
3. The purpose of the Instrument is to enhance the quality, integrity and competitiveness of Australia's international education sector by introducing new post-study work arrangements for applicants conferred or awarded a specified degree.
4. The instrument operates to specify that the new post-study work arrangements will apply to graduates of a Bachelor Degree, Bachelor Degree with Honours, Masters by Coursework, Masters by Research, Masters (Extended) or Doctoral degree. All subclass 485 visa applicants must meet the Australian study requirement in the six months immediately prior to making their visa application and have obtained their qualification at an eligible educational institution. Legislative Instrument IMMI 13/031 specifies the relevant eligible educational institutions.
5. Consultation was undertaken before the instrument was made as follows:
 - Department of Prime Minister and Cabinet;
 - Department of Innovation, Industry, Science, Research and Tertiary Education; and
 - Education Visa Consultative Committee.
6. The Office of Best Practice Regulation has advised that a Regulatory Impact Statement is not required (OBPR Reference 14502).
7. 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.
8. The instrument, IMMI 13/013, commences on 23 March 2013, immediately after the commencement of *Migration Legislation Amendment Regulation 2013 (No. 1)*.