

EXPLANATORY STATEMENT

Migration Regulations 1994

EDUCATIONAL INSTITUTIONS

(Clause 485.231)

1. This Instrument is made under clause 485.231 of the *Migration Regulations 1994* ('the Regulations').
2. Clause 485.231(2) 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 that was conferred or awarded by an educational institution 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 the type of educational institutions that specified qualifications must be conferred or awarded by. The institution must be an Australian university or non-university educational provider that is registered through the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). Legislative Instrument IMMI 13/013 specifies the relevant qualifications.
5. Consultation was undertaken before the instrument was made as follows:
 - 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 13/031, commences on 23 March 2013, immediately after the commencement of *Migration Legislation Amendment Regulation 2013 (No. 1)*.