

EXPLANATORY STATEMENT

Migration Regulations 1994

LANGUAGE TESTS, SCORE AND PASSPORTS

(Regulations 1.15B, 1.15C, 1.15D and 1.15EA)

1. This Instrument is made under regulations 1.15B, 1.15C, 1.15D and 1.15EA of the *Migration Regulations 1994* (the Regulations). It revokes Instrument IMMI 12/018 (F2012L01287) signed on 12 June 2012.
2. Reference at paragraph 2 of the Instrument to regulation 1.15E, which was omitted from the Regulations by Select Legislative Instrument (SLI) 2012, 82, (with effect on and from 1 July 2013), is made possible by item 102, part 1, of Schedule 13 to the Regulations.
3. The purpose of the Instrument is to specify the English language tests, required scores, and, in the case of subregulations 1.15B(2) and 1.15C(2), and paragraph 1.15C(b), for applications lodged before 1 July 2012, passports of a specified type which can be used as proof of English language proficiency.
4. The Instrument operates to define English language proficiency and the test scores which are used to prove this proficiency. In the case of subregulations 1.15B(2) and 1.15C(2), and paragraph 1.15C(b), for applications lodged before 1 July 2012, it specifies passport types which can be used as proof of English language proficiency. It has been amended to include two new English language tests, the Test of English as a Foreign Language internet-based Test (TOEFL iBT) and the Pearson Test of English Academic (PTE Academic), for applications lodged on and after 23 November 2014.
5. The Instrument is of a minor or machinery nature and does not substantially alter existing arrangements. Consultation was conducted with the relevant internal and external stakeholders from the skilled migration officers group, the international

education sector and other Commonwealth government agencies in addition to consultations during the Review of the Implementation of Alternative English Language Proficiency Tests in the Student Visa Programme.

6. Under section 44 of the *Legislative Instruments Act 2003* the Instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
7. The Office of Best Practice Regulation has advised that a Regulatory Impact Statement is not required (OBPR Reference 16643).
8. The Instrument commences on 23 November 2014.