

EXPLANATORY STATEMENT

Migration Regulations 1994

LANGUAGE TESTS, SCORE AND PASSPORTS 2015

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

1. This Instrument is made under regulations 1.15B, 1.15C, 1.15D, 1.15E and 1.15EA of the *Migration Regulations 1994* (the Regulations). Regulation 1.15E is kept in force by item 102 of Schedule 13 to the Regulations.
2. The Instrument revokes IMMI 14/076 (F2014L01538) signed on 12 November 2014.
3. The purpose of the Instrument is to specify the English language tests, required scores and 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 related test scores which are used to establish this proficiency. It also specifies valid passports of citizens to listed countries that may be used as proof of English language proficiency. It has also been amended to clarify test scores and include the Cambridge English:Advanced (CAE) test to apply from 1 January 2015.
5. Consultation before the Instrument was made targeted groups, industries and Government agencies that use, contribute to, or facilitate the English Language Tests. The scope of consultation included the expansion of alternative English language tests across diverse visa programmes. Consultation was conducted with both internal and external stakeholders. Areas of consultation included skilled the Skilled Migration Officials Group, providers of the English Language Tests, the international education sector and Commonwealth agencies.

6. Under subsection 33(3) of the Acts Interpretation Act 1901, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to revoke any such instrument.
7. 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.
8. The Office of Best Practice Regulation has advised that a Regulatory Impact Statement is not required (OBPR Reference 16643).
9. The Instrument commences the day after registration .