

EXPLANATORY STATEMENT*Migration Regulations 1994***ARRANGEMENTS FOR STUDENT VISA APPLICATIONS 2016/017***(Item 1222)*

1. Instrument IMMI 16/017 is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations)
2. The operation of the Instrument is that under Sections 45 and 46 of the *Migration Act 1958* as an application is required for an Item 1222 Student (Temporary) (Class TU) visa, the Minister specifies under subregulation 2.07(5) of the Regulations, the requirement of an approved form that must be completed by an applicant for a Subclass 500 (Student) visa and a Subclass 590 (Student Guardian) visa and other matters relating to the application.
3. The purpose of the Instrument is for the Minister to specify the required approved form for an Item 1222 Student (Temporary) (Class TU) visa. The instrument states that all applicants seeking to apply for a:
 - a. Subclass 500 (Student) visa must apply using the form 157A (Internet) unless authorisation by the Department for the use of paper form 157A is given in special circumstances. These special circumstances include applicants who encounter difficulty with online lodgement due to technical and systems based issues; or sensitive or high profile applications.
 - b. Subclass 590 (Student Guardian) visa must apply using the form 157G (Internet) unless authorisation by the Department for the use of the paper form 157G is given in special circumstances. These special circumstances include applicants who encounter difficulty with online lodgement due to technical and systems based issues; or sensitive or high profile applications. Forms 157G (Internet) or 157G must be used in combination with form 157N when applying for the Subclass 590 (Student Guardian) visa.

The applicant must complete an approved form in accordance with any directions on that form. The Instrument is also for the Minister to specify the requirement under

subregulation 2.07(5) of the way in which an application for an Student (Temporary) (Class TU) visa must be made in the manner and the place where an application for an Student (Temporary) (Class TU) visa must be made.

On 16 June 2015, the Australian Government released the Future Directions for Streamlined Visa Processing report and announced that it would implement the report's eight recommendations; including a simplified student visa framework based on two of the key recommendations:

- a. reduce the number of student visa subclasses from eight to two; and
- b. implement a new combined country and provider immigration risk framework to guide student visa evidentiary requirements and create streamlined visa application processing opportunities for education providers across all sectors.

Subclass 500 - Student and Subclass 590 – Student Guardian form part of the project to simplify the Australian Government's student visa framework.

4. Consultation was undertaken with key international education sector stakeholders as part of the project to simplify Australia's student visa framework before this instrument was made. Stakeholders consulted included: Commonwealth agencies (Department of Education and Training, Austrade, Department of Foreign Affairs and Trade, the Department of Defence, the Australian Skills Quality Authority, and the Tertiary Education Quality and Standards Agency), state and territory government agencies (including school regulators), as well as industry peak bodies (Australian Council for Private Education and Training, Australian Government Schools International, Council of Private Higher Education, English Australia, Independent Schools Council of Australia, International Education Association of Australia, TAFE Directors Australia, and Universities Australia).
5. The Office of Best Practice Regulation (OBPR) has been consulted and a Regulatory Impact Statement has been completed, and is attached to this Explanatory Statement at Attachment A. (OBPR Reference 18083).
6. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the Instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.

7. The Instrument commences immediately after the commencement of Schedule 4 of the *Migration Legislation Amendment (2016 Measures No. 1) Regulations 2016*.