



LIN 24/022

**Migration (English Language Tests and Evidence Exemptions for
Subclass 500 (Student) Visa) Instrument (LIN 24/022) 2024**

I, Clare O’Neil, Minister for Home Affairs, make this instrument under subclause 500.213(3) of Schedule 2 to the *Migration Regulations 1994*.

Dated 21 March 2024

Clare O’Neil

Minister for Home Affairs

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Part 1 Preliminary

1 Name

This instrument is the *Migration (English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Instrument (LIN 24/022) 2024*.

2 Commencement

This instrument commences on 23 March 2024.

3 Authority

This instrument is made under subclause 500.213(3) of Schedule 2 to the *Migration Regulations 1994* (the Regulations).

4 Definitions

In this instrument:

approved English language test means an English language test that is specified in the requirement in paragraph 5(1)(a).

Australian Qualifications Framework has the meaning given by the *Higher Education Support Act 2003*.

eligible pathway program means a course, which on successful completion, provides an academic entry pathway to second year Australian undergraduate study and has been identified by the Department as delivering reputable English language training.

Note: A pathway program is a course for students who have not met the academic entry requirements for their intended Australian undergraduate university degree. A pathway program leads to a qualification recognised under the Australian Qualifications Framework and provides academic credit and entry to second year undergraduate study.

extended foundation program has the meaning given by the *Education Services for Overseas Students (Foundation Program Standards) Instrument 2021* as in force from time to time.

Note: A foundation program is a nationally recognised preparatory course for students who have not met the academic entry requirements for their intended Australian undergraduate university degree. Successful completion of the foundation program provides an academic entry pathway to first year undergraduate study. A foundation program can also be completed as an alternative to an Australian Year 12 certificate. The extended foundation program is of longer duration than the standard foundation program.

principal course means, where the student is enrolled in multiple courses for the purposes of the Subclass 500 (Student) visa, the course with the highest Australian Qualifications Framework level.

Note: A student may enrol in multiple registered courses for the purposes of a Subclass 500 (Student) visa.

required English language test score is the score specified, in relation to an approved English language test, in an item in the table in Schedule 1.

standard foundation program has the meaning given by the *Education Services for Overseas Students (Foundation Program Standards) Instrument 2021* as in force from time to time.

Note: A foundation program is a nationally recognised preparatory course for students who have not met the academic entry requirements for their intended Australian undergraduate university degree. Successful completion of the foundation program provides an academic entry pathway to first year undergraduate study. A foundation program can also be completed as an alternative to an Australian Year 12 certificate.

test component: each of the following is a test component of an approved English language test:

- (a) listening;
- (b) reading;
- (c) speaking;
- (d) writing.

Note: A number of expressions used in this instrument are defined in definitions section of the Regulations, including the following:

- (a) **Defence student** has the meaning specified in regulation 1.04B;
- (b) **ELICOS** has the meaning specified in regulation 1.03;
- (c) **Foreign Affairs student** has the meaning specified in subregulation 1.04A(3);
- (d) **IELTS (or an International English Language Test System) test** has the meaning specified in regulation 1.03; and
- (e) **Secondary exchange student** has the meaning specified in regulation 1.03.

Part 2 English language requirements for Subclass 500 (Student) visa

5 English language test requirements

- (1) For the purposes of subclause 500.213(1) of Schedule 2 to the Regulations, the following requirements are specified:
 - (a) the applicant must undertake one of the following English language tests:
 - (i) Cambridge English: Advanced test (**CAE**) (also known as Certificate in Advanced English);
 - (ii) International English Language Testing System (**IELTS**);
 - (iii) Occupational English Test (**OET**);
 - (iv) Pearson Test of English Academic (**PTE**);
 - (v) Test of English as a Foreign Language internet-based test (**TOEFL iBT**); and
 - (b) the applicant must have undertaken the test within the following period:
 - (i) if evidence of the test is provided at the time the applicant makes an application for a Subclass 500 (Student) visa—

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- the 2 year period immediately before the day on which the visa application is made; or
- (ii) if evidence of the test is not provided at the time the visa application is made—the 2 year period immediately before the day on which a decision to grant or refuse to grant the visa is made; and
 - (c) the applicant meets the requirements in subsection (2), (3), or (4).
- (2) The applicant achieved the required English language test score specified in Column 2 of an item in the table in Schedule 1.
- (3) If the applicant is enrolled in:
- (a) at least 10 weeks of an ELICOS that accompanies a principal course and that is intended to commence after the Subclass 500 (Student) visa application was made; or
 - (b) a standard foundation program; or
 - (c) an extended foundation program; or
 - (d) an eligible pathway program;
- the applicant achieved the required English language test score specified in Column 3 of an item in the table in Schedule 1.
- (4) If the applicant is enrolled in at least 20 weeks of an ELICOS that accompanies a principal course and that is intended to commence after the Subclass 500 (Student) visa application was made, the applicant achieved the required English language test score specified in Column 4 of an item in the table in Schedule 1.

6 English language test requirements do not apply

- (1) For the purpose of subclause 500.213(2) of Schedule 2 to the Regulations, subclause 500.213(1) of Schedule 2 to the Regulations does not apply to the following classes of applicants:
- (a) an applicant who is a citizen of, and who holds a valid passport issued by, one or more of the following countries:
 - (i) Canada;
 - (ii) New Zealand;
 - (iii) the Republic of Ireland
 - (iv) the United Kingdom;
 - (v) the United States of America;
 - (b) an applicant who is enrolled in one of the following courses, where that course is the only course of study enrolled in for the purposes of the Subclass 500 (Student) visa application:
 - (i) a course of study that is registered to be delivered in a language other than English;
 - (ii) an ELICOS;
 - (iii) a registered school course;
 - (iv) a registered post-graduate research course;
 - (c) an applicant who is:
 - (i) a Foreign Affairs student; or
 - (ii) a Defence Student; or

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- (iii) a Secondary exchange student;
 - (d) an applicant, who, in the 2 years before applying for a Subclass 500 (Student) visa, has successfully completed:
 - (i) the requirements for a Senior Secondary Certificate of Education, in a course that was conducted in Australia and in English; or
 - (ii) a substantial component of a course leading to a qualification from the Australian Qualifications Framework at the Certificate IV level or higher that was conducted in Australia and in English, while the applicant was holding a student visa;
 - (e) an applicant who has successfully completed a minimum of 5 years of study in English undertaken in one or more of the following countries:
 - (i) Australia;
 - (ii) Canada;
 - (iii) New Zealand;
 - (iv) South Africa;
 - (v) the Republic of Ireland;
 - (vi) the United Kingdom;
 - (vii) the United States of America.

Part 3 Application and repeals

7 Application of this instrument

This instrument applies in relation to an application for a Subclass 500 (Student) visa made on or after the commencement of this instrument.

8 Repeal of IMMI 18/015

The instrument *Migration (IMMI 18/015: English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Instrument 2018* is repealed.

9 Application of repeal

Despite the repeal of *Migration (IMMI 18/015: English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Instrument 2018* by this instrument, that instrument, as in force immediately before the commencement of this instrument, continues to apply in relation to an application for a Subclass 500 (Student) visa made but not yet finally determined before the date of commencement of this instrument.

Schedule 1 Required English language test scores

English language test scores				
Item	Column 1:	Column 2:	Column 3:	Column 4:
	Test name	Minimum test score	Minimum test score: if principal course is accompanied by at least 10 weeks of an ELICOS; or if a standard foundation program; or if an extended foundation program; or if an eligible pathway program.	Minimum test score: if principal course is accompanied by at least 20 weeks of an ELICOS.
1	Cambridge English: Advanced (CAE) test/ Certificate in Advanced English	169	162	154
2	International English Language Testing system (IELTS Test)	Overall band score 6.0	Overall band score of 5.5	Overall band score of 5.0
3	Occupational English Test (OET)	a score of at least B for each test component	a score of at least B for each test component	a score of at least B for each test component
4	Pearson Test of English Academic (PTE)	50	42	36
5	Test of English as a Foreign Language internet-based test (TOEFL iBT)	64	46	35