

EXPLANATORY STATEMENT

Issued by authority of the Assistant Minister for Immigration

Migration Regulations 1994

Migration (English Language Test Requirements for Subclass 482 Visas) Instrument 2025

The instrument, departmental reference LIN 25/082, is made under subclauses 482.222(1) and 482.232(1) of Schedule 2 to the *Migration Regulations 1994* (the Regulations).

The instrument repeals and replaces the *Migration (Language Test Requirements for Subclass 482 Visa) Instrument 2024* (LIN 24/099) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*. That subsection provides that a power to make a legislative instrument includes a power to amend or repeal that instrument in the same manner, and subject to the same conditions, as the power to make the instrument.

The instrument commences on 13 September 2025. It is a legislative instrument for the purposes of the *Legislation Act 2003* (the Legislation Act).

Background

Migration (English Language Test Requirements for Subclass 482 visa) Instrument 2025 (LIN 25/082)

LIN 25/082 is made under subclauses 482.222(1) and 482.232(1) of Schedule 2 to the Regulations.

The purpose of LIN 25/082 is to specify the English language test requirements for an applicant for a Subclass 482 visa in the Specialist Skills and Core Skills streams, including the following:

- the English language tests that are approved for demonstrating English language proficiency for the purposes of the Specialist Skills stream or the Core Skills stream;
- the required test scores for an applicant in an approved English language test (as defined in section 4 of LIN 25/082);
- the period of time in which the required English language test scores must be obtained; and
- applicants who are exempt from the requirement to undertake an approved English language test.

The intent of LIN 25/082 is to update the approved English language tests and the required test scores (see the definitions for these terms in section 4) for a Subclass 482 visa in either the Specialist Skills or the Core Skills stream in accordance with the outcome of the Department's Request for Expression of Interest (REOI) process, which commenced in July 2022. This instrument implements new English language test requirements for the Subclass 482 visa, to accord with changes to the English language test providers, and required test scores, under current Deeds of Agreement (Deeds) entered into between the Department and the test providers.

Consultation

External consultation was undertaken throughout the REOI process by the Department with key departmental committees and industry bodies such as the Education Visa Consultative Committee (EVCC), Australian Health Practitioner Regulation Agency (AHPRA), Law Council of Australia (LCA) and Migration Institute of Australia (MIA). English language test providers were consulted on, and confirmed accuracy of, the English language test names and test scores set out in this instrument. Feedback in the course of consultation

acknowledged the positive impact for test takers by introducing more test providers, increasing competition and ensuring more available options.

This consultation accords with the consultation requirements in section 17 of the Legislation Act.

Parliamentary scrutiny etc.

The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because in accordance with paragraph 44(2)(b) of the Legislation Act and item 20(b) in regulation 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, instruments made under Schedule 2 to the Regulations are prescribed as being exempt from disallowance. Given the instrument is exempt from disallowance, a statement of compatibility in accordance with section 9 of the *Human Rights (Parliamentary Scrutiny) Act 2011* is not required.

The instrument was made by the Assistant Minister for Immigration in accordance with subclauses 482.222(1) and 482.232(1) of Schedule 2 to the Regulations.

Details of the instrument

Part 1 – Preliminary

Section 1 – Name

This section provides that the name of the instrument is *Migration (English Language Test Requirements for Subclass 482 Visa) Instrument 2025* (the instrument).

Section 2 – Commencement

This section provides that the instrument commences on 13 September 2025.

Section 3 – Authority

This section provides that the instrument is made under subclauses 482.222(1) and 482.232(1) of Schedule 2 to the *Migration Regulations 1994* (the Regulations).

Section 4 – Definitions

This section provides for the definitions in the instrument.

A note in this section of the instrument provides that a number of expressions used in this instrument are defined in regulation 1.03 of the Regulations, including:

- AUD;
- standard business sponsor.

The definitions in this section are as follows:

- ***approved English language test***: see subsection 6(3) of the instrument.
- ***exempt applicant*** means (see paragraphs (a) – (e) of the definition):
 - an applicant who is a citizen of, and who holds a valid passport issued by, one of the following countries (see subparagraphs (a)(i) – (v) of that definition in section 4 of the instrument):
 - Canada;
 - New Zealand;
 - the Republic of Ireland;
 - the United Kingdom;
 - the United States of America; or
 - an applicant who has completed at least 5 years of full-time study in a secondary education institution or higher education institution where the instruction was delivered in English; or
 - an applicant who has been nominated by a standard business sponsor in relation to an occupation that will be performed at (see subparagraphs (c)(i) – (ii)):
 - a diplomatic or consular mission of another country; or
 - an Office of the Authorities of Taiwan located in Australia; or
 - an applicant (see subparagraphs (d)(i) – (iii)):
 - who has been nominated in relation to an occupation that requires the applicant to hold a licence, registration or membership to perform the occupation; and
 - who has been granted that license, registration, or membership; and
 - who, for the purposes of the grant of that license, registration, or membership, was required to demonstrate a level of English language proficiency that is equivalent to, or better than, the level

of English language proficiency that is required to achieve the required test scores for an approved English language test that the applicant would have been required to achieve but for this paragraph; or

- an applicant who (see subparagraphs (e)(i) – (iii)):
 - is employed by a company operating an established business overseas; and
 - is nominated by a standard business sponsor who is that company or an associated entity of that company; and
 - will receive annual earnings of at least AUD 96,400.
- **full-time study** means (see paragraphs (a) – (b)):
 - in relation to a secondary education institution in a particular country—the standard number of contact hours that a student would undertake in that country; or
 - in relation to a higher education institution—the completion of at least 3 subjects in each semester or trimester of study.
- **overall band score** means a test score calculated from the makeup of the scores received for each of the English test components.
- **Regulations** means the *Migration Regulations 1994*.
- **required test scores** for an approved English language test: see subsection 6(4) of the instrument.
- **test component**: each of the following is a test component of an approved English language test:
 - listening;
 - reading;
 - speaking;
 - writing.

Section 5 – Schedules

This section provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Part 2 – Specified language test requirements

Section 6 – Language test requirements

This section sets out the specified language test requirements for the Subclass 482 (Skills in Demand) visa (the Subclass 482 visa) in the Specialist Skills and the Core Skills streams.

Subsection 6(1) provides that section 6 specifies language test requirements for the purposes of subclauses 482.222(1) and 482.232(1) of Schedule 2 to the Regulations.

The effect of subsection 6(1) is that an applicant for a Subclass 482 visa must satisfy the language test requirements specified by the Minister in a legislative instrument made under the following provisions:

- for an applicant to the Specialist Skills stream – subclause 482.222(1) of Schedule 2 to the Regulations;
- for an applicant to the Core Skills stream – subclause 482.232(1) of Schedule 2 to the Regulations.

Subsection 6(2) provides that the language test requirements for an applicant for a Subclass 482 visa in the Specialist Skills stream or the Core Skills stream (other than an exempt applicant) are:

- the applicant took an approved English language test; and
- the applicant achieved the required test scores for the approved English language test from

- if the applicant achieved the required test scores in all test components in one sitting on a particular day (the **test day**) – the test undertaken by the applicant on the test day; and
- if the applicant was required to re-sit a test component on a day after the test day to achieve the required test score for that component (the **re-sit test day**) – the tests undertaken by the applicant on the test day and on the re-sit test day; and
- the test day is not more than 3 years before the day on which the applicant provided evidence of the matter mentioned in paragraph 6(2)(b).

Paragraph 6(2)(b) of the instrument applies to relevant applicants who seek to satisfy a relevant test component under the Single Skill Retake (SSR) pathway. This pathway is made available by certain English test providers and it allows applicants to re-sit a single test component if they have not received the required score on their first attempt in the original test.

Subsection 6(3) provides that each of the following is an **approved English language test**:

- Canadian English Language Proficiency Index Program. General (**CELP** *General*).
- International English Language Test System (IELTS) Academic (**IELTS Academic**).
- International English Language Test System (IELTS) General Training (**IELTS General Training**).
- LANGUAGECERT Academic Test (**LANGUAGECERT Academic**).
- Michigan English Test (**MET**).
- Occupational English Test (**OET**).
- Pearson Test of English Academic (**PTE Academic**).
- Test of English as a Foreign Language internet-Based Test (**TOEFL iBT**).

Subsection 6(4) provides that the **required test scores** for an approved English language test are to be worked out using the table under subsection 6(4) of this instrument.

The table under subsection 6(4) of the instrument provides for the required test scores as it relates to the approved English language tests specified in subsection 6(3) of the instrument.

Section 7 – Specified evidence of English language proficiency—tests undertaken before commencement of this instrument

This section provides for the specified language test requirements where tests were undertaken before commencement of this instrument (13 September 2025).

Subsection 7(1) provides that for the purposes of subclauses 482.222(1) and 482.232(1) of Schedule 2 to the Regulations, the requirements under subsection 7(2) are specified in relation to a person (other than an exempt

applicant) who makes an application for a Subclass 482 (Skills in Demand) visa in the Specialist Skills stream or the Core Skills stream on or after 13 September 2025 where:

- the applicant has undertaken an English language test specified under subsection 7(2) of the instrument on a particular day (the *test day*);
- the applicant has achieved the required test scores specified under subsection 7(2) of the instrument for the relevant specified English language test taken by the applicant on the test day in a single attempt at that test; and
- the test day is in the period of 3 years immediately before the day on which the relevant visa application was made; and
- the test was undertaken before the day on which the instrument commences.

Subsection 7(2) provides that for the purposes of this section and subclauses 482.222(1) and 482.232(1) of Schedule 2 to the Regulations, the English language tests and required test scores are specified in a table under this subsection.

The effect of section 7 is that a person will be determined to possess the necessary English language proficiency for the purposes of subclauses 482.222(1) and 482.232(1) of Schedule 2 to the Regulations where:

- the person makes a valid visa application for a Subclass 482 visa in the Specialist Skills stream or the Core Skills stream on or after 13 September 2025; and
- the visa application made by the visa applicant was accompanied by evidence that:
 - the visa applicant has undertaken one of the tests specified in subsection 7(2) of the instrument on a particular day (the *test day*); and
 - the visa applicant has achieved the required test scores specified in subsection 7(2) of the instrument for the relevant specified English language test taken by that applicant on the test day in a single attempt at the test; and
 - that test day was during the period of between 13 September 2022 and 12 September 2025 (inclusive), immediately before the day on which the relevant visa application was made; and
 - that test was undertaken on or before 13 September 2025.

Part 3 – Applications provision

Section 8 – Application of the instrument

This section provides that the instrument applies in relation to an application for a visa that is made on or after the commencement of this instrument.

Schedule 1 – Repeals

Item 1 of Schedule 1, together with section 5 of the instrument, repeals the *Migration (Language Test Requirements for Subclass 482 Visa) Instrument 2024*. This instrument replaces the repealed instrument upon commencement, including providing for transitional arrangements under section 7 to recognise test scores in certain circumstances for tests undertaken before the instrument commences.