

Migration (1993) Regulations (Amendment) 1994 No. 240

EXPLANATORY STATEMENT

STATUTORY RULES 1994 No. 240

Issued by the Authority of the Minister for Immigration and Ethnic Affairs

Subject - Migration Act 1958

Migration (1993) Regulations (Amendment)

Section 181 of the Migration Act 1958 (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, to prescribe all matters which are required or permitted by the Act to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to the Act. Without limiting the generality of section 181, section 23 of the Act enables regulations to be made providing for different classes of visas and section 33 of the Act enables regulations to be made providing for different classes of entry permits.

In addition, particular provision is made for the making of regulations in relation to the following matters:

- subparagraph 181(1)(a)(i) of the Act provides that the regulations may provide for the charging and recovery of fees in respect of any matter under the Act or the Regulations; and
- paragraph 181(1)(j) of the Act provides for the making of regulations enabling a person who is alleged to have contravened section 76 to pay to the Commonwealth, as an alternative to prosecution, a prescribed penalty, not exceeding \$3,000.

Subsection 181(1A) of the Act provides that section 49A of the Acts Interpretation Act 1901 does not prevent, and has not prevented, the making of regulations whose operation depends on a country or other matter being specified by the Minister in a notice published in the Gazette after the taking effect of the regulations.

The purpose of the Regulations is to amend the Migration (1993) Regulations to:

- implement a number of the recommendations of the Business Skills Assessment Panel which will ensure that the criteria is consistent with the requirement that the applicant has the business ability to adapt to changing market and economic conditions. In particular, the removal of the reliance on the Designated Industry Sector List;
- raise a number of the fees imposed by the Migration (1993) Regulations, to implement the Government's decision to index fees, from the date they were last set, in accordance with the Commonwealth Government Final Consumption Expenditure index for the quarter ending 31 December 1993;

- repeal Schedule 10 (Amounts of currencies in certain currencies) of the Migration (1993) Regulations and make provision for the amounts of fees payable in certain overseas currencies to be specified by Gazette notice, which will enable more timely change of the amounts in line with currency fluctuations;
- increase the prescribed penalty which may be paid to the Commonwealth by a person alleged to have contravened section 76 of the Act as an alternative to prosecution, from \$1,000 to \$2,000;
- extend from 30 June 1994 to 1 November 1994 the operation of the Class 435 (Sri Lankan (temporary)) entry permit and the Class 443 (Citizens of the former Socialist Federal Republic of Yugoslavia (temporary)) entry permit;
- provide that, as an exception to the requirement that an applicant for a Class 818 (Highly qualified on-shore (permanent)) entry permit must not have been financially assisted by the Commonwealth or the government of another country, grant of the entry permit is not prevented if financial assistance was received under the overseas Postgraduate Research Scholarship Program, the Special Overseas Postgraduate Fund or the Australian Development Co-operation Scholarship Scheme; and
- make a number of minor technical amendments which have no substantive effect on the operation of the Migration (1993) Regulations. Details of the Regulations are set out in the Attachment.

ATTACHMENT

Regulation 1 - Commencement

Subregulation 1.1 provides for regulation 8 to be taken to have commenced on 1 March 1994. The effect of this regulation is to extend the classes of persons eligible to apply for a Class 818 (Highly qualified on-shore (permanent)) entry permit. This is entirely beneficial to the applicants concerned and is not prejudicial to any person. Retrospective commencement of the regulation therefore does not contravene subsection 48(2) of the Acts Interpretation Act 1901.

Subregulation 1.2 provides for regulations 3, 4, 5, 6, 7, 10, 11, 12 and 13 to commence on 1 July 1994.

Regulation 2 - Amendment

This regulation provides for the Migration (1993) Regulations to be amended as set out in these Regulations.

Regulation 3 - Regulation 1.3 (Interpretation)

Subregulation 3.1 omits the definition of "designated industry sector". This term is no longer used in the Migration (1993) Regulations. The removal of this definition is linked to the amendments which relate to the Business Skills Points Test in Schedule 8 (contained in regulation 10 of these regulations).

Subregulation 3.2 inserts definitions of six terms in regulation 1.3 (Interpretation). These terms are: 'appropriate regional authority', 'AUD', 'eligible business', 'fiscal year' which are of a general application in relation to Business Skills visas; 'main business' and 'ownership interest' which ensure that the criteria in the regulations are consistent with provisions in the Act which relate to Business Skills visas.

Regulation 4 - New regulation 1.7A

This regulation inserts a new regulation 1.7A (Business interests), which sets out the circumstances in which a person is taken to be the owner of an interest in a business. This amendment involves no change in policy and its effect is simply to provide for a general definition of the term "business interests" in the Migration (1993) Regulations. The term was previously defined in the 'Interpretation subdivisions of Parts 127 and 129. The specific definitions in each Part are deleted by subregulations 7.1 and 7.18 of these Regulations.

Regulation 5 - Regulation 7.16 (Prescribed penalties - sections 50D and 76 of the Act)

Subregulation 5.1 amends subregulation 7.16(2) to implement the Government's decision to raise from \$1,000 to \$2,000 the prescribed penalty which may be paid to the Commonwealth (as an alternative to prosecution) by a person alleged to have contravened section 76 of the Act .

Regulation 6 - Regulation 7.25 (Payment of fees in foreign currency)

Subregulation 6.1 omits paragraphs 7.25(b) and (c) and substitutes new paragraphs (b) and (c). The new paragraphs make provision for a fee payable under the Regulations, which is given in Australian dollars, to be paid in the currency of an overseas country. Paragraph (b) provides that the fee is to be paid in the corresponding amount in the currency that is specified in the Gazette Notice. Paragraph (c) provides that where (b) does not apply, the corresponding amount of the fee payable in the currency of the country is to be ascertained according to the formula set out in subregulation 7.25(2).

This amendment is consequential to the removal of Schedule 10 (Amounts of Fees in Certain Currencies) by these Regulations (see regulation 11). Rapid currency fluctuations made it difficult for timely amendments to be made to Schedule 10 to keep the conversion amounts up to date. The making of a Gazette Notice notifying the conversion amounts is a more rapid and responsive process.

Regulation 7 - Schedule 2, Chapter 1.1 (Provisions with respect to the grant of individual classes of visas and entry permits to primary persons)

Part 127 - Class 127 (Business skills) visa and entry permit

Subregulation 7.1 omits subdivision 127.13. The terms defined in this subdivision are not specific to Part 127 but are applicable throughout the Regulations. Regulations 3 and 4 of these Regulations insert definitions of these terms in regulation 1.3 (Interpretation) and the new regulation 1.7A (Business interests). Subdivision 127.13 is, therefore, no longer required.

Subregulation 7.2 omits clause 127.321 and substitutes a new clause 127.321. This amendment ensures consistency across the classes of Business Skills visas and aligns the criterion for "ownership interest" with provisions of the Act which relate to Business Skills visas.

Subregulations 7.3 and 7.4 amend clauses 127.323 and 127.325 respectively, to reflect a recommendation of the Business Skills Assessment Panel to align the time periods in which criteria have to be met to two out of four years immediately preceding the date of application.

Subregulation 7.5 amends clause 127.326 to clarify that the appropriate regional authority is that regional authority in relation to a State or Territory.

Subregulation 7.6 amends paragraph 127.326(b) as a consequence of the amendment in subregulation 7.5 of these regulations to clarify the relationship of the regional authority to the State or Territory.

Subregulation 7.7 omits paragraphs 127.327(a) and (b) and substitutes new paragraphs which will ensure consistency with other Business Skills visas in relation to the criterion that the applicant has a realistic expectation, that after entry into Australia, to participate as an owner of an interest in a business in Australia.

Subregulation 7.8 amends subparagraph 127.332(2)(a)(i) to omit references to "Division 1 of Part 1" of Schedule 8 and insert references to "Subdivisions 1.1.1, 1.1.2 and 1.1.3". This amendment is consequential to the restructuring of Schedule 8 made by regulation 12 of these Regulations.

Subregulation 7.9 amends paragraph 127.332(2)(b) to omit references to a "Division" of Schedule 8 and substitute "Subdivision". This amendment is consequential upon the restructuring of Schedule 8 by regulation 12 of these Regulations, which inserts subdivisions in the Schedule.

Part 128 - Class 128 (Business skills (senior executive)) visa and entry permit

Subregulation 7.10 omits the definitions of "appropriate regional authority", "AUD" and "fiscal year" from clause 128.131. These terms are not specific to Part 128 but are applicable throughout the Regulations. Regulation 3 of these Regulations inserts them in regulation 1.3 (Interpretation) and they are no longer required in clause 128.131.

Subregulations 7.11 and 7.12 amend clause 128.322 to reflect a recommendation of the Business Skills Assessment Panel to align the time periods in which criteria have to be met to two out of four years immediately preceding the date of application.

Subregulation 7.13 amends clause 128.323 to clarify that the appropriate regional authority is that regional authority in relation to a State or Territory.

Subregulation 7.14 amends paragraph 128.323(b) as a consequence of the amendment in subregulation 7.13 of these Regulations, to clarify the relationship of the regional authority to the State or Territory.

Subregulation 7.15 omits paragraphs 128.324(a) and (b) and substitutes new paragraphs which will ensure consistency with other Business Skills visas in relation to the criterion that the applicant has a realistic expectation, that after entry into Australia, to participate as an owner of an interest in a business in Australia.

Subregulation 7.16 amends subparagraph 128.332(2)(a)(i) to omit references to "Division 2 of Part V of Schedule 8 to insert references to "Division 1.2". This amendment is consequential upon the restructuring of Schedule 8 by these Regulations, which has the effect of inserting new subdivisions in Schedule 8.

Subregulation 7.17 amends paragraph 128.332(2)(b) to omit references to a "Division" of Schedule 8 and substitute "Subdivision". This amendment is consequential upon the restructuring of Schedule 8 by regulation 12 of these Regulations, which inserts subdivisions in the Schedule.

Part 129 - Class 129 (State/Territory sponsored business skills) visa and entry permit

Subregulation 7.18 omits subdivision 129.13 The terms defined in this subdivision are not specific to Part 129 but are applicable throughout the Regulations. Regulations 3 and 4 of these Regulations insert definitions of these terms in regulation 1.3 (Interpretation) and the new regulation 1.7A (Business interests). Subdivision 129.13 is, therefore, no longer required.

Subregulation 7.19 omits clause 129.321 and substitutes a new clause. This amendment ensures consistency across the classes of Business Skills visas and aligns the criterion for "ownership interest" with provisions of the Act which relate to Business Skills visas.

Subregulations 7.20 and 7.21 amend clauses 129.323 and 129.325 respectively, to reflect a recommendation of the Business Skills Assessment Panel to align the time periods in which criteria have to be met to two out of four years immediately preceding the date of application.

Subregulation 7.22 amends subclause 129.326(1) to clarify that the appropriate regional authority is that regional authority in relation to a State or Territory.

Subregulation 7.23 amends paragraph 129.326(1)(b) as a consequence of the amendment in subregulation 7.22 of these Regulations, to clarify the relationship of the regional authority to the State or Territory.

Subregulation 7.24 amends subclause 129.326(2) as a consequence of the amendment in subregulations 7.22 and 7.23 of these Regulations, to clarify the relationship of the regional authority to the State or Territory.

Subregulation 7.25 omits paragraphs 129.327(a) and (b) and substitutes new paragraphs which will ensure consistency with other Business Skills visas in relation to the criterion that the applicant has a realistic expectation, that after entry into Australia, to participate as an owner of an interest in a business in Australia.

Subregulation 7.26 amends subparagraph 129.332(2)(a)(i) to omit references to "Division 1 of Part I" of Schedule 8 to insert references to "Subdivisions 1.1.1, 1.1.2 and 1.1.3". This amendment is consequential upon the restructuring of Schedule 8 by these Regulations, which has the effect of inserting new subdivisions in Schedule 8.

Subregulation 7.27 amends paragraph 129.332(2)(b) to omit references to a "Division" of Schedule 8 and substitute "Subdivision". This amendment is consequential to the restructuring of Schedule 8 by regulation 12 of these Regulations, which inserts subdivisions in the Schedule.

Part 130 - Class 130 (State/Territory sponsored business skills (senior executive)) visa and entry permit

Subregulation 7.28 amends clause 130.131 to omit the definitions of "appropriate regional authority", "AUD" and "fiscal year". The terms defined in this subdivision are not specific to Part 130 but are applicable throughout the Regulations. Regulations 3 and 4 of these Regulations insert definitions of these terms in regulation 1.3 (Interpretation). Subdivision 130.13 is therefore no longer required.

Subregulations 7.29 and 7.30 amend clauses 130.131 (in relation to the definition of "major business") and 130.322 respectively, to reflect a recommendation of the Business Skills Assessment Panel to align the time periods in which criteria have to be met to two out of four years immediately preceding the date of application.

Subregulation 7.31 amends subclause 130.323(1) to clarify that the appropriate regional authority is that regional authority in relation to a State or Territory.

Subregulation 7.32 amends paragraph 130.323(1)(b) as a consequence of the amendment in subregulation 7.31 of these regulations, to clarify the relationship of the regional authority to the State or Territory.

Subregulation 7.33 amends subclause 130.323(2) as a consequence of the amendment in subregulations 7.31 and 7.32 of these regulations, to clarify the relationship of the regional authority to the State or Territory.

Subregulation 7.34 omits paragraphs 130.324(a) and (b) and substitutes new paragraphs which will ensure consistency with other Business Skills visas in relation to the criterion that the applicant has a realistic expectation, that after entry into Australia, to participate as an owner of an interest in a business in Australia.

Subregulation 7.35 amends subparagraph 130.332(2)(a)(i) to omit references to "Division 2 of Part 1" of Schedule 8 to insert references to "Division 1.2". This amendment is consequential upon the restructuring of Schedule 8 by regulation 12 of these Regulations, which has the effect of inserting new subdivisions in Schedule 8.

Subregulation 7.36 amends paragraph 130.332(2)(b) to omit references to a "Division" of Schedule 8 and substitute "Subdivision". This amendment is consequential upon the restructuring of Schedule 8 by regulation 12 of these Regulations, which inserts subdivisions in the Schedule.

Regulation 8 - Schedule 2, Chapter 1.2 (Permanent resident (after entry) entry permits)

Part 818 - Class 818 (Highly qualified on-shore (permanent)) entry permit

Subregulation 8.1 omits clause 818.722 and substitutes a new clause. The new clause provides for exceptions to the requirement that an applicant, as a principal person, for a Class 818 entry permit must not have received financial assistance from the Commonwealth or the government of another country. The exceptions are that the applicant may have received financial assistance under the Overseas Postgraduate Research Scholarship Program, the Special Overseas Postgraduate Fund or the Australian Development Co-operation Scholarship Scheme.

Subregulation 8.1 is made to commence retrospectively on 1 March 1994, the date of the introduction of the Class 818 entry permit. Retrospective commencement of these provisions is entirely beneficial to the applicants who have applied for a Class 818 concerned and is not prejudicial to any applicant. It therefore does not contravene subsection 48(2) of the Acts Interpretation Act 1901.

Regulation 9 - Schedule 2, Part 2.6 (Refugee and humanitarian (temporary entry) visas and entry permits)

Part 435 - Class 435 (Sri Lankan (temporary)) entry permit

Subregulation 9.1 amends clause 435.521 to extend the period for which a Class 435 entry permit may be granted from 30 June 1994 to 30 November 1994.

Subregulation 9.2 amends clause 435.723 to provide that an applicant for a Class 435 entry permit must not be the holder of an entry permit, other than a Class 435 entry permit, having effect on or after 30 November 1994.

Part 443 - Class 443 (Citizens of the former Federal Socialist Republic of Yugoslavia (temporary)) entry permit

Subregulation 9.3 amends clause 443.521 to extend the period for which a Class 443 entry permit may be granted from 30 June 1994 to 30 November 1994.

Subregulation 9.4 amends clause 443.723 to provide that an applicant for a Class 443 entry permit must not be the holder of an entry permit, other than a Class 443 entry permit, having effect on or after 30 November 1994.

Regulation 10 - Schedule 8 (Business skills points test - attributes and points)

Subregulation 10.1 omits Schedule 8 and substitutes a new Schedule 8 as set out in the Schedule to these Regulations. See the notes on the Schedule, below, for details of the new Schedule 8.

Regulation 11 - Schedule 10 (Amounts of fees in certain currencies)

Subregulation 11.1 omits Schedule 10. The amounts in certain overseas currencies corresponding to the amounts of fees in Australian dollars will be specified by Gazette Notice, in accordance with the provisions of regulation 7.25 as amended by these Regulations. See the notes on regulation 6, above, for further details.

Regulation 12 - Further amendments - fee

This regulation amends the Migration (1993) Regulations to raise the fees imposed under a number of provisions, in accordance with Cabinet's decision to index immigration fees since the date they were last set according to the Commonwealth Government Final Consumption Expenditure index as at 30 December 1993.

Details of the fee rises are:

Subregulation 12.1 amends the following provisions of Part 7:

- regulation 7.26, to raise the fee payable in respect of an employer nomination from \$250 to \$260;
- paragraph 7.27(2)(a), to raise the fee payable in respect of a sponsorship, where not more than 10 applications are lodged together, from \$190 to \$195 for each sponsorship; and
- paragraph 7.27(2)(b), to raise the fee payable in respect of 10 or more sponsorships lodged together, from \$1900 to \$1,950.

Subregulation 12.2 amends Schedule 2, Chapter 1.1 to raise the fee payable in respect of applications for migrant visas, with the exception of business skills visas, from \$390 to \$400.

Subregulation 12.3 amends Schedule 2, Chapter 1.1 to raise the fee payable in respect of applications for migrant (business skills) visas from \$1,600 to \$1,715.

Subregulation 12.4 amends Schedule 2, Chapter 1.2 to raise the fee payable in respect of applications for Class 801 (spouse) where the applicant is the holder of a Class 820 entry permit, Class 802 (child), Class 804 (aged parent), Class 805 (skilled occupation), Class 806 (family and other close ties) and Class 814 (interdependency) permanent resident (after entry) entry permits, where the applicant is the holder of an extended eligibility entry permit, from \$155 to \$165.

Subregulation 12.5 amends Schedule 2, Chapter 1.2 to raise the fee payable in respect of applications for Class 801 (spouse) where the applicant is the holder of Class 300 (prospective marriage) entry permit, Class 802 (child), Class 804 (aged parent), Class 806 (family and other close ties) and Class 812 (December 1989) permanent resident (after entry) entry permits, where the applicant is not the holder of an extended eligibility entry permit, from \$370 to \$395.

Subregulation 12.6 amends Schedule 2, Chapter 1.2 to raise the fee payable in respect of an application for a Class 805 (skilled occupation) permanent resident (after entry)

entry permit, where the applicant is not the holder of an extended eligibility entry permit from \$780 to \$835.

Subregulation 12.7 amends Schedule 2, Chapter 1.2 to raise the fee payable in respect of an application for a Class 808 (confirmatory) permanent resident (after entry) entry permit from \$105 to \$115.

Subregulation 12.8 amends Schedule 2, Chapter 1.4 to raise the fee payable in respect of an application for a resident return (permanent entry) visa lodged overseas from \$60 to \$75.

Subregulation 12.9 amends Schedule 2, Chapter 1.4 to raise the fee payable in respect of an application for a resident return (permanent entry) visa lodged in Australia from \$50 to \$60.

Subregulation 12.10 amends Schedule 2, Chapter 1.5 to raise the fee payable in respect of an application for a Class 810 (refugee (permanent)) entry permit from \$50 to \$60.

Subregulation 12.11 amends Schedule 2, Chapter 2.1 to raise the fee payable in respect of an application for a Class 304 (Special equivalent 1989 (temporary)) visa from \$50 to \$55.

Subregulation 12.12 amends Schedule 2, Chapter 2.1 to raise the fee payable in respect of an application for a temporary resident visa from \$130 to \$140.

Subregulation 12.13 amends Schedule 2, Chapter 2.1 to raise the maximum fee payable in respect of 10 or more applications for Class 421 (sport) visas from \$1,300 to \$1,400.

Subregulation 12.14 amends Schedule 2, Chapter 2.1 to raise the fee payable in respect of an application for a temporary resident (after entry) entry permit from \$100 to \$105.

Subregulation 12.15 amends Schedule 2, Chapter 2.1 by omitting subdivision 420.82 and substituting a new subdivision. The effect of the new subdivision is to raise the fee payable in respect of an application for a Class 420 (sport) entry permit, where no sponsorship fee is payable, from \$100 to \$105. The new subdivision also incorporates a correction to the numbering of clause 420.822.

Subregulation 12.16 amends Schedule 2, Chapter 2.2 to raise the fee payable in respect of an application for a student visa from \$130 to \$135.

Subregulation 12.17 amends Schedule 2, Chapter 2.2 to raise the fee payable in respect of an application for a student entry permit (after entry), other than in cases where nil or a concessional fee is payable, from \$100 to \$105.

Subregulation 12.18 amends Schedule 2, Chapter 2.3 to raise the fee payable in respect of an application for a visitor visa by an applicant who holds or held a visitor (short stay) entry permit from \$200 to \$215.

Subregulation 12.19 amends Schedule 2, Chapter 2.3 to raise the fee payable in respect of an application for a visitor visa, where the applicant is not the holder of a visitor (short stay) visa, from \$100 to \$105.

Subregulation 12.20 amends Schedule 2, Chapter 2.4 to raise the fee payable in respect of a visitor (short stay) entry permit (after entry) from \$100 to \$105.

Subregulation 12.21 amends Schedule 2, Chapter 2.5 to raise the fee payable in respect of an application for an extended eligibility visa (before entry) from \$100 to \$105.

Subregulation 12.22 amends Schedule 2, Chapter 2.5 to raise the fee payable in respect of an application for an extended eligibility visa (after entry) from \$50 to \$55.

Subregulation 12.23 amends Schedule 2, Chapter 2.5 to raise the fee payable in respect of an application for an extended eligibility entry permit, except in the case of an application for a Class 820 extended eligibility (spouse) entry permit by a person who entered Australia to marry an Australian citizen or permanent resident, subsequently married his or her sponsor and became an illegal entrant, from \$780 to \$835.

Subregulation 12.24 amends Schedule 2, Chapter 2.5 to raise the fee payable in respect of an application for a Class 820 extended eligibility (spouse) entry permit by a person who entered Australia to marry an Australian citizen or permanent resident, subsequently married his or her sponsor and became an illegal entrant, from \$370 to \$395.

Subregulation 12.25 amends Schedule 2, Chapter 2.7 to raise the fee payable in respect of an application for a Class 159 (resident return (F)) visa from \$60 to \$75.

Subregulation 12.26 amends Schedule 2, Chapter 2.7 to raise the fee payable in respect of an application for a Class 300 (prospective marriage) visa (before entry) from \$390 to \$395.

Subregulation 12.27 amends Schedule 2, Chapter 2.7 to raise the fee payable in respect of an application for a Class 300 (prospective marriage), Class 301 (Australian requirement) and Class 302 (emergency (permanent entry)) entry permit (after entry) from \$100 to \$105.

Subregulation 12.28 amends Schedule 2, Chapter 2.8 to raise the fee payable in respect of a Class 828 (processing (temporary)) and Class 829 (processing (residence)) visa from \$50 to \$60.

Regulation 13 - Transitional

This regulation ensures that a Gazette Notice which specifies the appropriate regional authority for the purposes of the Business Skills visa classes, which was in force immediately before these regulations commenced, will continue to have effect on and after the commencement of these regulations.

Schedule - Substituted Schedule 8

The Schedule sets out the new Schedule 8 - Business Skills Points Test - Attributes and Points - to be substituted for the omitted Schedule 8 (see regulation 10 of these Regulations). Schedule 8 prescribes the points which an applicant must obtain to meet the relevant criterion in Classes 127, 128, 129 and 130 for the grant of a Business Skills visa.

The amendments give effect to some of the recommendations of the Business Skills Assessment Panel are as follows:

the removal of the Designated Industry Sector List and the introduction of alternative measures of business attributes which will allocate points on the basis of labour costs and business assets. This will enable the criteria to focus on an assessment of labour costs and business assets in relation to an applicant;

- in relation to labour costs of the applicant's main business in each of any of the two of the four years immediately preceding the application;

where labour costs are equivalent to \$A250,000 but less than \$A500,000 - 5 points are allocated

where labour costs are equivalent to not less than \$A500,000 - 10 points are allocated

- in relation to the total assets of the applicants main business or main businesses, in each of any of the two of the four years immediately preceding the application;

where total assets are equivalent to not less than \$A750,000 but less than \$A1,500,000 - 5 points are allocated

where total assets are equivalent to not less than \$A1,500,000 - 10 points are allocated

the alignment of time periods in which criteria have to be met. In relation to the points test, it will be the same as for other threshold criteria as amended by these regulations, that being for the two out of four years immediately preceding the date of application.

The remaining amendments relate to Part 3 - Language Ability of Applicant - which reflect the Adult Migrant English Program's reclassification of the naming conventions for the various levels of language ability.