

EXPLANATORY STATEMENT

Migration Regulations 1994

ENGLISH LANGUAGE TESTS, SCORES AND PASSPORTS 2015

(Clauses 476.213 and 485.212)

1. This Instrument is made under clauses 476.213 and 485.212 of the *Migration Regulations 1994* (the Regulations).
2. The purpose of the Instrument is to reflect the changes to the Regulations which introduce an instrument making power to specify the current minimum English language test scores that are required for primary visa applicants for the Temporary Graduate (subclass 485) visa and the Skilled – Recognised Graduate (Subclass 476) visa.
3. The Instrument operates to specify:
 - the English language requirements and the tests that are accepted by the Department of Immigration and Border Protection, together with the minimum scores required overall and for each of the test components, and specifying which tests must be completed in a single sitting; and
 - that the English language test must have been undertaken within three years before the day on which the application was made; and
 - that the Cambridge English: Advanced (CAE) test must have been undertaken on or after 1 January 2015; and
 - the valid passports of citizens of specified countries that can be used as proof of English language proficiency.

The applicant must demonstrate that they have achieved the required level of English language proficiency by providing evidence, on lodgement of their visa application that they have achieved a minimum score.

4. Pursuant to subsection 18(1) of the *Legislative Instruments Act 2003* consultation was not necessary. The Instrument is of a minor or machinery nature and does not substantially alter existing arrangements.

5. The Office of Best Practice Regulation has advised that a Regulatory Impact Statement is not required (OBPR Reference 17284).
6. 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.
7. The Instrument commences on 18 April 2015.