



**Commonwealth of Australia**

*Migration Regulations 1994*

**ENGLISH LANGUAGE TESTS AND EVIDENCE EXEMPTIONS FOR SUBCLASS  
500 (STUDENT) VISAS 2016/019**

*(Subclause 500.213(3))*

I, *PETER DUTTON*, Minister for Immigration and Border Protection, acting under subclause 500.213(3) of Schedule 2 to the *Migration Regulations 1994* (the Regulations):

1. SPECIFY for the purposes of paragraph 500.213(3)(a) of Schedule 2 to the Regulations:
  - a. the requirement to use one or more of the English language test providers listed in Schedule 1 to this Instrument; and
  - b. the requirement to achieve the relevant English language test score listed in Schedule 2 to this Instrument in a test provided by the relevant English language test provider mentioned in item 1 of this Instrument; and
  - c. countries, listed in Schedule 3 to this Instrument, where an applicant may take a Test of English as a Foreign Language (TOEFL) paper-based test; and
  - d. the maximum time periods in which an English test must be taken:
    - i. two years immediately before the date the application is made; or
    - ii. two years immediately before a decision is made on the application.
  
2. SPECIFY for the purposes of paragraph 500.213(3)(b) of Schedule 2 to the Regulations, classes of applicants to which subclause 500.213(1) of Schedule 2 to the Regulations does not apply, as stated in subclause 500.213(2) of Schedule 2 to the Regulations :
  - a. an applicant who is a citizen of, and holds a valid passport issued by:
    - i. the United Kingdom;
    - ii. the United States of America;
    - iii. Canada;
    - iv. New Zealand; or
    - v. the Republic of Ireland; or
  - b. an applicant who is enrolled in a principal course of study and that principal course of study is:
    - i. registered to be delivered in a language other than English;
    - ii. a registered ELICOS course, as defined in regulation 1.03 of the Regulations;

- iii. a registered school course; or
- iv. a registered post-graduate research course; or
- c. an applicants who is a:
  - i. Foreign Affairs student;
  - ii. Defence Student; or
  - iii. secondary exchange students; or
- d. in the two years before applying for a Subclass 500 (Student) visa, an applicant has successfully completed:
  - i. the requirements for a Senior Secondary Certificate of Education, in a course that was conducted in Australia 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 in English while the applicant was holding a Student visa; or
- 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; and/or
  - vii. the United States of America.

This Instrument, English Language Tests and Exemptions for Student (Subclass 500) Visas 2016/019, IMMI 16/019, commences immediately after the commencement of Schedule 4 of the *Migration Legislation Amendment (2016 Measures No. 1) Regulation 2016*.

Dated: 29 April 2016

Peter Dutton  
THE HON PETER DUTTON MP  
Minister for Immigration and Border Protection

**SCHEDULE 1**

| <b>English language test providers:</b> |                                                                                        |
|-----------------------------------------|----------------------------------------------------------------------------------------|
| 1.                                      | International English Language Testing System (IELTS test)                             |
| 2.                                      | Test of English as a Foreign Language (TOEFL) Paper-Based test                         |
| 3.                                      | TOEFL internet-based test (also known as TOEFL iBT)                                    |
| 4.                                      | Cambridge English: Advanced (CAE) test (also known as Certificate in Advanced English) |
| 5.                                      | Pearson Test of English Academic (PTE)                                                 |
| 6.                                      | Occupational English Test (OET)                                                        |

**SCHEDULE 2**

|   | <b>English test:</b>      | <b>Minimum test score:</b>                                                                                                                                                                       |
|---|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | IELTS                     | Overall band score <b>5.5</b> ; or<br>Overall band score <b>5</b> if packaged with at least 10 weeks' ELICOS; or<br>Overall band score of <b>4.5</b> if packaged with at least 20 weeks' ELICOS. |
| 2 | TOEFL<br>Paper-Based test | 527; or<br>500, if packaged with at least 10 weeks' ELICOS; or<br>450, if packaged with at least 20 weeks' ELICOS.                                                                               |
| 3 | TOEFL iBT                 | 46; or<br>35, if packaged with at least 10 weeks' ELICOS; or<br>32, if packaged with at least 20 weeks' ELICOS.                                                                                  |
| 4 | CAE                       | 162; or<br>154, if packaged with at least 10 weeks' ELICOS; or<br>147, if packaged with at least 20 weeks' ELICOS.                                                                               |
| 2 | PTE                       | 42; or<br>36, if packaged with at least 10 weeks' ELICOS; or<br>30, if packaged with at least 20 weeks' ELICOS.                                                                                  |
| 5 | OET                       | 'PASS' mark                                                                                                                                                                                      |

**SCHEDULE 3**

| <b>Countries in which an applicant may take a TOEFL paper-based test:</b> |                 |            |
|---------------------------------------------------------------------------|-----------------|------------|
| Belarus                                                                   | Kyrgyzstan      | Tajikistan |
| Ecuador                                                                   | Mali            | Tanzania   |
| El Salvador                                                               | Moldova         | Uganda     |
| Guatemala                                                                 | Solomon Islands | Uzbekistan |
| Honduras                                                                  | Suriname        |            |