

EXPLANATORY STATEMENT

Migration Regulations 1994

EVIDENCE OF INTENDED COURSE OF STUDY 2016/027

(Subitems 1222(5) and 1222(3))

1. Instrument IMMI 16/027 is made under subitem 1222(5) of Schedule 1 to the *Migration Regulations 1994* (the Regulations).
2. The purpose of the Instrument is for the Minister to specify for applicants of the Item 1222 Student (Temporary) (Class TU) visas the evidence that is required by paragraph 1222(3)(c) of Schedule 1 to the Regulations must satisfy.

Under subparagraph 1222(3)(c) of Schedule 1 to the Regulations, if an applicant seeks to satisfy the primary criteria for the grant of a Subclass 500 (Student) visa, he or she must provide with their application, evidence specified in item 1 of the Instrument, which confirms the applicant's enrolment for each intended course of study in Australia, or activities related to study in Australia, offered by an educational provider. The term educational provider is defined in regulation 1.03 of the Regulations as an educational provider, for a registered course in a location, means each institution, body or person that is a registered provider of the course in that location, for the *Education Services for Overseas Students Act 2000*.

On 16 June 2015, the Australian Government released the Future Directions for Streamlined Visa Processing report and announced that it would implement the report's eight recommendations; including a simplified student visa framework based on two of the key recommendations:

- a. reduce the number of student visa subclasses from eight to two; and
- b. implement a new combined country and provider immigration risk framework to guide student visa evidentiary requirements and create streamlined visa application processing opportunities for education providers across all sectors.

Subclass 500 - Student and Subclass 590 – Student Guardian form part of the project to simplify the Australian Government's student visa framework.

3. Consultation was undertaken with key international education sector stakeholders as part of the project to simplify Australia's student visa framework before this instrument was made. Stakeholders consulted included: Commonwealth agencies (Department of Education and Training, Austrade, Department of Foreign Affairs and Trade, the Department of Defence, the Australian Skills Quality Authority, and the Tertiary Education Quality and Standards Agency), state and territory government agencies (including school regulators), as well as industry peak bodies (Australian Council for Private Education and Training, Australian Government Schools International, Council of Private Higher Education, English Australia, Independent Schools Council of Australia, International Education Association of Australia, TAFE Directors Australia, and Universities Australia).
4. The Office of Best Practice Regulation (OBPR) has been consulted and a Regulatory Impact Statement has been completed, and is attached to this Explanatory Statement at Attachment A. (OBPR Reference 18083).
5. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the Instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
6. The Instrument commences immediately after the commencement of Schedule 4 of the *Migration Legislation Amendment (2016 Measures No. 1) Regulation 2016*.