

## EXPLANATORY STATEMENT

Issued by authority of the Minister for Immigration, Citizenship and Multicultural Affairs

*Migration Regulations 1994*

### ***Migration (Institutions and Disciplines for Subclass 476) (LIN 24/015) Specification 2024***

- 1 The Instrument, departmental reference LIN 24/015, is made under clause 476.212 of the *Migration Regulations 1994* (Migration Regulations).
- 2 The Instrument repeals *Migration Regulations 1994 - Institutions and Disciplines for Subclass 476 (Skilled - Recognised Graduate) Visas (IMMI 14/010)* (IMMI 14/010) 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.
- 3 The Instrument commences on the day after registration on the Federal Register of Legislation. It is a legislative instrument for the *Legislation Act 2003* (the Legislation Act).

### ***Purpose***

- 4 Clause 476.212 of Schedule 2 to the Migration Regulations provides that an applicant for a Subclass 476 (Skilled – Recognised Graduate) visa must have completed a course in the period of 24 months ending immediately before the day on which the application is made; and at an institution specified by the Minister in an instrument in writing for the paragraph, for the award of a degree or higher qualification in a discipline specified in an instrument in writing.
- 5 The purpose of the Instrument is to specify institutions for the purposes of paragraph 476.212(b) and disciplines for the purposes of clause 476.212 of Schedule 2 to the Migration Regulations. The Instrument operates to enable recent engineering graduates to live, work or study in Australia for up to 18 months, subject to satisfying the criteria for grant of a subclass 476 visa. Graduates must have completed a degree or higher qualification from a specified institution.
- 6 The Instrument provides that an institution is specified if it is mentioned in column 2 of an item in the table in Schedule 1 to the Instrument. The Instrument also provides that an institution is specified if the institution’s name is published on the website of an accrediting body that is a signatory to the Washington Accord, and that institution conducts a course that is accredited by the accrediting body under the Washington Accord. The website for the Washington Accord provides a list of signatories and a link to the website for each accrediting body, which can be accessed at [Signatories » International Engineering Alliance \(ieagrements.org\)](https://www.ieagrements.org)
- 7 In addition, the Instrument provides that engineering is a specified discipline for the purposes of clause 476.212.
- 8 The previous instrument dealing with these matters was IMMI 14/010. That instrument commenced on 14 February 2014. Prior to its repeal and replacement by this Instrument, IMMI 14/010 was scheduled to sunset on 1 April 2024.

- 9 The Instrument repeals IMMI 14/010 and maintains the same policy settings and arrangements as that instrument. The Instrument continues to specify the institutions that will allow a visa applicant with qualifications in engineering to qualify for a Subclass 476 visa, and subject to satisfying the other criteria for grant of the visa. The Instrument does not make any changes to the institutions or the discipline previously specified in IMMI 14/010.

### ***Consultation***

- 10 Section 17 of the Legislation Act requires the rule-maker to be satisfied that any consultation that is considered to be appropriate and reasonably practicable to be undertaken has been. The Department of Home Affairs has undertaken a review of IMMI 14/010. No changes have been identified as necessary to expand the list of institutions beyond those that conduct courses accredited by a signatory to the Washington accord or institutions that were otherwise specified in IMMI 14/010. No external consultation was undertaken or considered necessary because the Instrument substantially replicates existing policy settings and maintains longstanding arrangements in relation to courses accredited under the Washington Accord (to which Australia, represented by Engineers Australia, is a signatory).
- 11 The Office of Impact Analysis (OIA) was consulted and considered that the instrument dealt with matters of a minor nature and no regulatory statement was required. The OIA reference number is OIA23-05789.

### ***Details of the instrument***

- 12 Section 1 sets out the name of the instrument.
- 13 Section 2 provides that the Instrument commences on the day after registration on the Federal Register of Legislation.
- 14 Section 3 provides that the Instrument is made under clause 476.212 of Schedule 2 to the Migration Regulations.
- 15 Section 4 provides definitions for certain terms used in the Instrument.
- 16 Section 5 provides that *Migration Regulations 1994 – Institutions and Disciplines for Subclass 476 (Skilled – Recognised Graduate) Visas – IMMI 14/010* is repealed. The Instrument maintains the existing policy arrangements that are still considered necessary under IMMI 14/010, which would otherwise have sunset on 1 April 2024 by operation of section 50 of the Legislation Act.
- 17 Section 6 provides that a course that an applicant has completed in the period of 24 months the application was made is specified, for subclause 476.212(b) of Schedule 2 to the Migration Regulations, if:
- the institution is mentioned in column 2 of an item in the table in Schedule 1 to the instrument; or
  - the institution:
    - is an institution whose name is published on the website of an accrediting body that is a signatory to the Washington Accord; and
    - conducts a course that is accredited by that accrediting body under the Washington Accord.

- 18 Details of the accrediting bodies and signatories to the Washington Accord are publicly available on the website of the Washington Accord - [Washington Accord » International Engineering Alliance \(ieagreements.org\)](https://www.iea-agreements.org/).
- 19 Section 7 provides that Engineering is a specified discipline for the purpose of clause 476.212 of Schedule 2 to the Migration Regulations.
- 20 Schedule 1 to the instrument provides a list of institutions for the purpose of section 6 of the Instrument.

***Parliamentary scrutiny etc.***

- 21 The Instrument is exempt from disallowance under section 42 of the Legislation Act. This is because a legislative instrument made under Schedule 2 to the Migration Regulations is prescribed under item 20(b) of section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015* as an instrument not subject to disallowance.
- 22 As the Instrument is exempt from disallowance, a Statement of Compatibility with Human Rights is not required.
- 23 The Instrument was made by a delegate of the Minister, in accordance with clause 476.212 of Schedule 2 to the Migration Regulations.