



LIN 24/034

Migration (Suspension Certificate Matters) Specification (LIN 24/034) 2024

I, Clare O'Neil, Minister for Home Affairs, make the following instrument.

Dated 21 March 2024

Clare O'Neil
Minister for Home Affairs

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1 Name

This instrument is the *Migration (Suspension Certificate Matters) Instrument (LIN 24/034) 2024*.

2 Commencement

This instrument commences on 23 March 2024.

3 Authority

This instrument is made under subregulation 1.29(3) of the *Migration Regulations 1994*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the *Migration Act 1958* and the *Migration Regulations 1994*, including the following:

- (a) *intending overseas student*;
- (b) *overseas student*;
- (c) *protection visa*;
- (d) *registered provider*;
- (e) *relevant score*;
- (f) *student visa*;
- (g) *substantive visa*;
- (h) *unlawful non-citizen*.

In this instrument:

Act means the *Migration Act 1958*.

ImmiAccount means the interactive portal for online services that is available via the Department's website at <https://immi.homeaffairs.gov.au>.

PIC 4020 means clause 4020 of Schedule 4 to the Regulations.

primary applicant means a person who makes an application for a Student (Temporary) (Class TU) visa and is seeking to satisfy the primary criteria for the grant of a student visa.

primary person means a person who:

- (a) holds a student visa; and
- (b) satisfied the primary criteria for the grant of the visa.

Regulations means the *Migration Regulations 1994*.

reporting period means:

- (a) if a relevant score is to be worked out between 1 January and 30 June in a year—the period of 12 months between 1 January and 31 December in the preceding year; or
- (b) if a relevant score is to be worked out between 1 July and 31 December in a year—the preceding financial year.

5 Method for working out a score

- (1) For the purposes of paragraph 1.29(3)(a) of the Regulations, the specified method for working out a score for a registered provider is set out in the following table.

METHOD FOR WORKING OUT A SCORE	
Step 1.	Work out the total number of student visas, held by a primary person, that were cancelled during the reporting period under section 109, 116, 128, 501 or 501A of the Act.
Step 2.	Work out the total number of student visas, held by a primary person, that were in effect for at least one day in the reporting period.
Step 3.	Divide the number worked out in Step 1 by the number worked out in Step 2 and multiply by 25.
Step 4.	Work out the total number of decisions to grant, and decisions to refuse to grant, a student visa to a primary applicant in the reporting period.
Step 5.	Work out the total number of decisions made in the reporting period to refuse to grant a student visa to a primary applicant, in which the Minister, under subclause 500.217(1) in Schedule 2 to the Regulations, was not satisfied that the applicant satisfied PIC 4020.
Step 6.	Divide the number worked out in Step 5 by the number worked out in Step 4 and multiply by 40.
Step 7.	Work out the total number of decisions made in the reporting period to refuse to grant a student visa to a primary applicant, and subtract the number worked out in Step 5 from this number.
Step 8.	Divide the number worked out in Step 7 by the number worked out in Step 4 and multiply by 10.
Step 9.	Work out the total number of non-citizens who, in the reporting period: (a) were unlawful non-citizens for a period of more than 28 days (including where the 28-day period began before the reporting period); and (b) immediately before becoming an unlawful non-citizen, held a student visa as a primary person.
Step 10.	Work out the total number of student visas held by a primary person that ceased to be in effect in accordance with section 82 of the Act in the reporting period.
Step 11.	Divide the number worked out in Step 9 by the number worked out in Step 10 and multiply by 15.

Step 12. Work out the total number of protection visa applications made in the reporting period where, at the time of making the protection visa application, the applicant for the visa was:

- (a) a primary person; or
- (b) a non-citizen who, when the non-citizen last held a substantive visa, was a primary person.

Step 13. Divide the number worked out in Step 12 by the number worked out in Step 10 and multiply by 10.

Step 14. Add the numbers that result from the calculations in Steps 3, 6, 8, 11 and 13 to work out the relevant score for the registered provider.

- (2) Where a step in the method specified under subsection (1) refers to any of the following matters:
- (a) a number of student visas;
 - (b) a primary applicant for a student visa;
 - (c) a student visa held by a primary person;

this step takes into account the matter as it relates to overseas students or intending overseas students in respect of the registered provider only, in accordance with paragraph 1.29(4)(a)(i) of the Regulations.

6 Working out a relevant score—frequency and timing

For the purposes of paragraph 1.29(3)(b) of the Regulations, when and how often a relevant score for a registered provider is to be worked out is specified as:

- (a) twice in the year in which this instrument commences—once in the period between 1 January and 30 June and once in the period between 1 July and 31 December; and
- (b) twice in each subsequent year for so long as this instrument remains in force—once in the period between 1 January and 30 June and once in the period between 1 July and 31 December each year.

7 Relevant score—period of effect

For the purposes of paragraph 1.29(3)(c) of the Regulations, the period for which a relevant score has effect for a registered provider is the period that:

- (a) begins on the day after the Department notifies the provider that the relevant score (the **first score**) has been worked out and is available to the provider via ImmiAccount; and
- (b) ends on the earlier of:
 - (i) the end of the period of 6 months beginning on the day the first score takes effect; and
 - (ii) the day on which the Department notifies the provider that a further score for the provider (the **second score**) has been worked out and is

available to the provider via ImmiAccount, whether or not the second score is the same as the first score.