



LIN 25/027

# **Migration (English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Amendment (Pathway Programs) Instrument 2025**

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I, Damien Kilner, delegate of the Minister, make the following instrument.

Dated 16 May 2025

Damien Kilner  
Senior Executive Band 2  
Migration and Temporary Visas Division  
Department of Home Affairs

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## 1 Name

This instrument is the *Migration (English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Amendment (Pathway Programs) Instrument 2025*.

## 2 Commencement

This instrument commences on the day after it is registered.

## 3 Authority

This instrument is made under subclause 500.213(3) of Schedule 2 to the *Migration Regulations 1994*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Migration (English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Instrument (LIN 24/022) 2024*

#### 1 After section 11

Insert:

#### 12 Application of amendments made by LIN 25/027

The amendments made to this instrument by the *Migration (English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Amendment (Pathway Programs) Instrument 2025* (the **amending instrument**) apply in relation to an application for a Subclass 500 (Student) visa made on or after the day the amending instrument commences.

#### 2 Schedule 2 (table)

Repeal the table, substitute:

Registered courses specified for paragraph 5(3)(d) as eligible pathway programs				
Item	Column 1:	Column 2:	Column 3:	Column 4:
	CRICOS Course Code	Course Name	Institution Name	Destination University
1.	0100739	Diploma of Business Studies	Charles Darwin University	Charles Darwin University
2.	0100740	Diploma of Information Technology	Charles Darwin University	Charles Darwin University
3.	087938G	Diploma of Arts & Creative Industries	Colleges of Business and Technology (WA) Pty Ltd	Curtin University
4.	087939G	Diploma of Built Environment	Colleges of Business and Technology (WA) Pty Ltd	Curtin University
5.	087940C	Diploma of Commerce	Colleges of Business and Technology (WA) Pty Ltd	Curtin University
6.	087941B	Diploma of Engineering	Colleges of Business and Technology (WA) Pty Ltd	Curtin University
7.	087943M	Diploma of Information Technology	Colleges of Business and Technology (WA) Pty Ltd	Curtin University
8.	063386M	Diploma of Business	Melbourne Institute of Business & Technology Pty Ltd	Deakin University
9.	022637C	Diploma of Commerce	Melbourne Institute of Business & Technology Pty Ltd	Deakin University
10.	097893M	Diploma of Communication	Melbourne Institute of Business & Technology Pty Ltd	Deakin University

11.	097892A	Diploma of Construction Management	Melbourne Institute of Business & Technology Pty Ltd	Deakin University
12.	097895J	Diploma of Design	Melbourne Institute of Business & Technology Pty Ltd	Deakin University
13.	063385A	Diploma of Engineering	Melbourne Institute of Business & Technology Pty Ltd	Deakin University
14.	097894K	Diploma of Film, Television and Animation	Melbourne Institute of Business & Technology Pty Ltd	Deakin University
15.	059996G	Diploma of Health Sciences	Melbourne Institute of Business & Technology Pty Ltd	Deakin University
16.	097891B	Diploma of Information Technology	Melbourne Institute of Business & Technology Pty Ltd	Deakin University
17.	063387K	Diploma of Science	Melbourne Institute of Business & Technology Pty Ltd	Deakin University
18.	092032G	Diploma of Commerce	Edith Cowan College Pty Ltd	Edith Cowan University
19.	092033G	Diploma of Communications and Creative Industries	Edith Cowan College Pty Ltd	Edith Cowan University
20.	103337G	Diploma of Health Science	Edith Cowan College Pty Ltd	Edith Cowan University
21.	092034F	Diploma of Hotel Management	Edith Cowan College Pty Ltd	Edith Cowan University
22.	0100511	Diploma of Performing Arts (Music)	Edith Cowan College Pty Ltd	Edith Cowan University
23.	092035E	Diploma of Science (Computing/IT)	Edith Cowan College Pty Ltd	Edith Cowan University
24.	092036D	Diploma of Science (Engineering Studies)	Edith Cowan College Pty Ltd	Edith Cowan University
25.	092037C	Diploma of Science (Health Studies)	Edith Cowan College Pty Ltd	Edith Cowan University
26.	109402K	GC1 - Diploma of Information Technology (Higher Education)	Federation University Australia	Federation University Australia
27.	109279H	Diploma in Business	Flinders University Academy	Flinders University
28.	109280D	Diploma in Creative Industries	Flinders University Academy	Flinders University
29.	109281C	Diploma in Engineering	Flinders University Academy	Flinders University
30.	109282B	Diploma in Health	Flinders University Academy	Flinders University

31.	109283A	Diploma in Information Technology	Flinders University Academy	Flinders University
32.	088633F	Diploma of Business Studies	Educational Enterprises Australia Pty Ltd	Flinders University
33.	088634E	Diploma of Computing and Information Technology Studies	Educational Enterprises Australia Pty Ltd	Flinders University
34.	076172G	Diploma of Engineering	Educational Enterprises Australia Pty Ltd	Flinders University
35.	109014M	Diploma of Business	Queensland Institute of Business and Technology Pty Ltd	Griffith University
36.	082070G	Diploma of Criminology and Criminal Justice	Queensland Institute of Business and Technology Pty Ltd	Griffith University
37.	111385K	Diploma of Design	Queensland Institute of Business and Technology Pty Ltd	Griffith University
38.	070423G	Diploma of Engineering	Queensland Institute of Business and Technology Pty Ltd	Griffith University
39.	075188G	Diploma of Health Sciences	Queensland Institute of Business and Technology Pty Ltd	Griffith University
40.	026675J	Diploma of Information Technology	Queensland Institute of Business and Technology Pty Ltd	Griffith University
41.	109015K	Diploma of International Tourism and Hotel Management	Queensland Institute of Business and Technology Pty Ltd	Griffith University
42.	092487K	Diploma of Science	Queensland Institute of Business and Technology Pty Ltd	Griffith University
43.	092486M	Diploma of Social & Psychological Science	Queensland Institute of Business and Technology Pty Ltd	Griffith University
44.	086332B	Diploma of Business	Kaplan Business School	Kaplan Business School
45.	110279J	Diploma of Information Technology	Kaplan Business School	Kaplan Business School
46.	076108D	Diploma of Business	Navitas Bundoora Pty Ltd	La Trobe University
47.	113881M	Diploma of Business Analytics	Navitas Bundoora Pty Ltd	La Trobe University
48.	114033K	Diploma of Cybersecurity	Navitas Bundoora Pty Ltd	La Trobe University
49.	076109C	Diploma of Information Technology	Navitas Bundoora Pty Ltd	La Trobe University
50.	045084G	Diploma of Art and Design	Monash College	Monash University



51.	061625F	Diploma of Arts	Monash College	Monash University
52.	043633M	Diploma of Business	Monash College	Monash University
53.	043634K	Diploma of Engineering	Monash College	Monash University
54.	0100159	Diploma of Information Technology	Monash College	Monash University
55.	086068B	Diploma of Science	Monash College	Monash University
56.	113489H	Diploma of Business	Kaplan Higher Education trading as Murdoch College	Murdoch University
57.	113448J	Diploma of Information Technology	Murdoch College	Murdoch University
58.	116787G	Degree Transfer Program Standard – Engineering	Kaplan Higher Education	Adelaide University
59.	116791M	Degree Transfer Program Extended – Computer Science	Kaplan Higher Education	Adelaide University
60.	116797E	Degree Transfer Program Extended - Engineering	Kaplan Higher Education	Adelaide University
61.	116790A	Degree Transfer Program Extended - Business	Kaplan Higher Education	Adelaide University
62.	116798D	Degree Transfer Program Extended – Information Technology	Kaplan Higher Education	Adelaide University
63.	116786H	Degree Transfer Program Standard – Computer Science	Kaplan Higher Education	Adelaide University
64.	116785J	Degree Transfer Program Standard - Business	Kaplan Higher Education	Adelaide University
65.	116799C	Degree Transfer Program Extended - Science	Kaplan Higher Education	Adelaide University
66.	116789E	Degree Transfer Program Standard - Science	Kaplan Higher Education	Adelaide University
67.	116788F	Degree Transfer Program Standard – Information Technology	Kaplan Higher Education	Adelaide University
68.	116784K	Degree Transfer Program Accelerated - Business	Kaplan Higher Education	Adelaide University
69.	105379C	Diploma of Business	Phoenix Academy	Phoenix Academy
70.	116308E	Diploma in Architectural Studies	Queensland University of Technology	Queensland University of Technology
71.	081618F	Diploma in Business	QUT College	Queensland University of Technology
72.	081617G	Diploma in Creative Industries	QUT College	Queensland University of Technology
73.	086329G	Diploma in Engineering	QUT College	Queensland University of Technology

74.	094986G	Diploma in Health Science	QUT College	Queensland University of Technology
75.	081616G	Diploma in Information Technology	QUT College	Queensland University of Technology
76.	107881F	Diploma of Business	RMIT University	RMIT University
77.	098561A	Advanced Diploma of Engineering Technology (Civil Engineering Design)	RMIT University	RMIT University
78.	112017D	Advanced Diploma of Engineering (Mechanical)	RMIT University	RMIT University
79.	115097H	Diploma of Arts	Southern Cross University	Southern Cross University
80.	102590B	Diploma of Arts and Social Sciences	Southern Cross University	Southern Cross University
81.	079231K	Diploma of Business	Southern Cross University	Southern Cross University
82.	086030E	Diploma of Business	Southern Cross University	Southern Cross University
83.	114987D	Diploma of Conveyancing (Law and Practice)	Southern Cross University	Southern Cross University
84.	112794G	Diploma of Education	Southern Cross University	Southern Cross University
85.	111853J	Diploma of Engineering	Southern Cross University	Southern Cross University
86.	0101136	Diploma of Health	Southern Cross University	Southern Cross University
87.	0100351	Diploma of Hotel Management	Southern Cross University	Southern Cross University
88.	111198B	Diploma of Information Technology	Southern Cross University	Southern Cross University
89.	115098G	Diploma of Legal Studies	Southern Cross University	Southern Cross University
90.	111197C	Diploma of Regenerative Agriculture	Southern Cross University	Southern Cross University
91.	086408J	Diploma of Science	Southern Cross University	Southern Cross University
92.	089744B	Diploma of Arts and Communication (UniLink)	Swinburne University of Technology	Swinburne University of Technology
93.	085473G	Diploma of Business (UniLink)	Swinburne University of Technology	Swinburne University of Technology
94.	085471K	Diploma of Design (UniLink)	Swinburne University of Technology	Swinburne University of Technology
95.	085477D	Diploma of Engineering	Swinburne University of Technology	Swinburne University of Technology
96.	088689A	Diploma of Health Science	Swinburne University of Technology	Swinburne University of Technology
97.	085475F	Diploma of Information Technology	Swinburne University of Technology	Swinburne University of Technology
98.	089746M	Diploma of Science	Swinburne University of Technology	Swinburne University of Technology

99.	090282F	Diploma of Business	Torrens University	Torrens University
100.	088633F	Diploma of Business Studies (2yr program)	Educational Enterprises Australia Pty Ltd (Eynesbury College)	University of Adelaide or Adelaide University
101.	088634E	Diploma of Computing and Information Technology Studies	Educational Enterprises Australia Pty Ltd (Eynesbury College)	University of Adelaide or Adelaide University
102.	076172G	Diploma of Engineering	Educational Enterprises Australia Pty Ltd (Eynesbury College)	University of Adelaide or Adelaide University
103.	086314D	Degree Transfer Program Accelerated - Business	University of Adelaide College	University of Adelaide or Adelaide University
104.	087624D	Degree Transfer Program Extended - Business	University of Adelaide College	University of Adelaide or Adelaide University
105.	087625C	Degree Transfer Program Extended - Computer Science	University of Adelaide College	University of Adelaide or Adelaide University
106.	087626B	Degree Transfer Program Extended - Engineering	University of Adelaide College	University of Adelaide or Adelaide University
107.	0101444	Degree Transfer Program Extended - Information Technology	University of Adelaide College	University of Adelaide or Adelaide University
108.	087627A	Degree Transfer Program Extended - Science	University of Adelaide College	University of Adelaide or Adelaide University
109.	086313E	Degree Transfer Program Standard - Business	University of Adelaide College	University of Adelaide or Adelaide University
110.	086315C	Degree Transfer Program Standard - Computer Science	University of Adelaide College	University of Adelaide or Adelaide University
111.	086316B	Degree Transfer Program Standard - Engineering	University of Adelaide College	University of Adelaide or Adelaide University
112.	0101441	Degree Transfer Program Standard - Information Technology	University of Adelaide College	University of Adelaide or Adelaide University
113.	086317A	Degree Transfer Program Standard - Science	University of Adelaide College	University of Adelaide or Adelaide University
114.	070210K	Diploma of Business	University of Canberra College	University of Canberra
115.	062888G	Diploma of Communication	University of Canberra College	University of Canberra
116.	076136M	Diploma of Design	University of Canberra College	University of Canberra
117.	090071F	Diploma of Health	University of Canberra College	University of Canberra
118.	070213G	Diploma of Information Technology	University of Canberra College	University of Canberra
119.	074935G	Diploma of Science	University of Canberra College	University of Canberra

120.	113050F	Degree Transfer Architecture	University of Newcastle College of International Education	University of Newcastle
121.	104604G	Degree Transfer Business	University of Newcastle College of International Education	University of Newcastle
122.	104606E	Degree transfer Commerce	University of Newcastle College of International Education	University of Newcastle
123.	113058J	Degree Transfer Construction Management	University of Newcastle College of International Education	University of Newcastle
124.	104608C	Degree Transfer Engineering	University of Newcastle College of International Education	University of Newcastle
125.	113051E	Degree Transfer Extended Architecture	University of Newcastle College of International Education	University of Newcastle
126.	104605F	Degree Transfer Extended Business	University of Newcastle College of International Education	University of Newcastle
127.	104607D	Degree transfer Extended Commerce	University of Newcastle College of International Education	University of Newcastle
128.	113052D	Degree Transfer Extended Construction Management	University of Newcastle College of International Education	University of Newcastle
129.	104609B	Degree Transfer Extended Engineering	University of Newcastle College of International Education	University of Newcastle
130.	104611H	Degree Transfer Extended IT	University of Newcastle College of International Education	University of Newcastle
131.	114397D	Degree Transfer Extended Media and Communication	University of Newcastle College of International Education	University of Newcastle
132.	104610J	Degree Transfer IT	University of Newcastle College of International Education	University of Newcastle
133.	114391K	Degree Transfer Media and Communication	University of Newcastle College of International Education	University of Newcastle
134.	081516A	Diploma of Arts	South Australian Institute of Business and Technology Pty Ltd	University of South Australia or Adelaide University
135.	081517M	Diploma of Business	South Australian Institute of Business and Technology Pty Ltd	University of South Australia or Adelaide University

136.	088633F	Diploma of Business Studies	Educational Enterprises Australia Pty Ltd	University of South Australia or Adelaide University
137.	088634E	Diploma of Computing and Information Technology Studies	Educational Enterprises Australia Pty Ltd	University of South Australia or Adelaide University
138.	076172G	Diploma of Engineering	Educational Enterprises Australia Pty Ltd	University of South Australia or Adelaide University
139.	081519J	Diploma of Engineering	South Australian Institute of Business and Technology Pty Ltd	University of South Australia or Adelaide University
140.	081520E	Diploma of Information Technology	South Australian Institute of Business and Technology Pty Ltd	University of South Australia or Adelaide University
141.	0100203	International First Year Diploma - Business	UP Education	University of Tasmania
142.	0100205	International First Year Diploma - Science	UP Education	University of Tasmania
143.	112658D	Diploma of Animation Production (Extended)	UTS College Limited	University of Technology Sydney
144.	080142A	Diploma of Business (Extended)	UTS College Limited	University of Technology Sydney
145.	080143M	Diploma of Communication (Extended)	UTS College Limited	University of Technology Sydney
146.	080144K	Diploma of Design and Architecture (Extended)	UTS College Limited	University of Technology Sydney
147.	080145J	Diploma of Engineering (Extended)	UTS College Limited	University of Technology Sydney
148.	080146G	Diploma of Information Technology (Extended)	UTS College Limited	University of Technology Sydney
149.	080147G	Diploma of Science (Extended)	UTS College Limited	University of Technology Sydney
150.	107425H	Diploma in Commerce – 12 Months	UWA College	University of Western Australia
151.	111079J	Diploma in Computer and Data Science – 12 Months	UWA College	University of Western Australia
152.	112405C	Diploma in Engineering – 14 Months	UWA College	University of Western Australia
153.	112406B	Diploma in Engineering – 10 Months	UWA College	University of Western Australia
154.	057232B	Diploma of Business (3 Session)	UOW College Australia	University of Wollongong
155.	0101925	Diploma of Engineering (3 Session)	UOW College Australia	University of Wollongong
156.	057234M	Diploma of Information Technology (3 Session)	UOW College Australia	University of Wollongong

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157.	0101923	Diploma of Science	UOW College Australia	University of Wollongong
158.	093391K	Diploma of Business (Enterprise)	Victoria University Sydney	Victoria University
159.	075552C	Diploma of Business (Enterprise)	Victoria University Melbourne	Victoria University
160.	077776D	Diploma of Information Technology	Victoria University	Victoria University
161.	096975F	Diploma in Arts	Western Sydney University	Western Sydney University
162.	108966D	Diploma in Arts	Western Sydney University International College	Western Sydney University
163.	096993D	Diploma in Arts Extended Pathway to Teaching Secondary	Western Sydney University	Western Sydney University
164.	096800G	Diploma in Business	Western Sydney University International College	Western Sydney University
165.	097252M	Diploma in Business - 2 Term Accelerated	Western Sydney University International College	Western Sydney University
166.	096999J	Diploma in Design Extended Graphic Design (Pathway to Teaching Secondary)	Western Sydney University	Western Sydney University

## EXPLANATORY STATEMENT

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

*Migration Regulations 1994*

### ***Migration (English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Amendment (Pathway Programs) Instrument 2025***

- 1 The instrument, departmental reference LIN 25/027, is made under subclause 500.213(3) of Schedule 2 to the *Migration Regulations 1994* (the Migration Regulations).
- 2 This instrument amends the *Migration (English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Instrument (LIN 24/022) 2024* (LIN 24/022) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the Acts Interpretation Act). 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 it is registered. It is a legislative instrument for the *Legislation Act 2003* (the Legislation Act).

#### ***Purpose***

- 4 The purpose of LIN 25/027 is to substitute the table in Schedule 2 to LIN 24/022 with an updated list of registered courses that are specified to be eligible pathway programs for the purposes of paragraph 5(3)(d) of LIN 24/022. The amendment to LIN 24/022 made by LIN 25/027 **increases the total number of specified eligible pathway programs from 155 to 166**. In substituting the table, LIN 25/027 also serves to change the title of column 4 of the table from 'Provider' to 'Destination University' to better reflect and align with the descriptions that providers use for the matriculation of courses.

#### ***Background***

- 5 Under subclause 500.213(1) of Schedule 2 to the Migration Regulations, an applicant for a Subclass 500 (Student) visa must, if required by the Minister, provide evidence that they have a level of English language proficiency that meets the requirements specified in a legislative instrument made by the Minister under paragraph 500.213(3)(a). LIN 24/022 specifies the English language proficiency requirements that an applicant may be required to meet to satisfy the criterion for the grant of a Subclass 500 (Student) visa. This includes specifying the English language tests and the required English language test scores.
- 6 Applicants who are required to provide evidence of their English language proficiency will be eligible **to meet a lower English language test score** if they are enrolled in an eligible pathway program. A pathway program is a course for students who have not yet met the academic entry requirements for their intended Australian undergraduate university degree. A pathway program leads to a qualification recognised under the Australian Qualifications Framework and provides academic credit and entry to second year undergraduate study. Only pathway programs specified in Schedule 2 to LIN 24/022 will meet the definition of an *eligible pathway program*. The effect is that applicants enrolled in an eligible

pathway program will be able to meet the lower English language test score specified for the English language test in accordance with Schedule 1 of LIN 24/022.

- 7 The courses specified as an eligible pathway program have been identified as delivering reputable English language training through rigorous consultation with the university sector. The list of eligible pathway programs provides transparency regarding the registered courses an applicant can enrol in to satisfy the English language requirements. Listing the eligible pathway programs in Schedule 2 facilitates access and provides greater clarity and certainty in relation to the requirements. The updated list of eligible pathway programs reflects recent consultation with course providers and follows previous updates to the list to remain adaptive and reflective of changes in the international education sector.

### ***Consultation***

- 8 The Department of Home Affairs (the Department) undertakes regular engagement with the education sector, primarily via the Education Visa Consultative Committee (EVCC), including in relation to the assessment and review of courses identified to be eligible pathway programs. The assessment process was informed by initial consultations conducted in 2023 and 2024 through an English language working group and engagement with the Australian Government Department of Education, Australian Skills Quality Authority and Tertiary Education Quality and Standards Agency.
- 9 The Department has continued to engage with the education sector on updates to the list of eligible pathway programs through: an outreach program conducted in mid-2024 visiting 51 education stakeholders including universities, peak bodies and state and territory governments; regular EVCC meetings; and direct engagement with education providers seeking to have their courses added to the list of eligible pathway programs.
- 10 Following robust assessments in November 2024 and a number of consultations with the education sector thereafter, an additional 11 courses were identified as eligible pathway programs. Further, the destination university for 21 existing courses were amended to reflect the merger of the University of South Australia and the University of Adelaide to become Adelaide University. These updates are reflected in LIN 25/027.
- 11 The education sector continues to be consulted and kept informed of updates via the EVCC.

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

- 12 Details of the instrument are set out in **Attachment A**.

### ***Parliamentary scrutiny etc.***

- 13 The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because in accordance with paragraph 44(2)(b) of the Legislation Act and item 20(b) in regulation 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, instruments made under Schedule 2 of the Migration Regulations are prescribed as being exempt from disallowance. Given the instrument is exempt from disallowance, a statement of compatibility in accordance with section 9 of the *Human Rights (Parliamentary Scrutiny) Act 2011* is not required.
- 14 The instrument was made by a delegate of the Minister under and in accordance with subclause 500.213(3) of Schedule 2 to the Migration Regulations.



**Details of the *Migration (English Language Tests and Evidence Exemptions for Subclass 500 (Student Visa) Amendment (Pathway Programs) Instrument 2025***

**Section 1      Name**

This section provides that the name of the instrument is the *Migration (English Language Tests and Evidence Exemptions for Subclass 500 (Student Visa) Amendment (Pathway Programs) Instrument 2025* (the instrument).

**Section 2      Commencement**

This section provides that the instrument commences on the day after the instrument is registered on the Federal Register of Legislation.

**Section 3      Authority**

This section provides that the instrument is made under subclause 500.213(3) of Schedule 2 to the *Migration Regulations 1994* (the Migration Regulations).

**Section 4      Schedules**

This section provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

**Schedule 1      Amendments**

Item [1] inserts new section 12 (Application of amendments made by LIN 25/027). This is an application provision, and provides that the amendments made by this instrument to *Migration (English Language Tests and Evidence Exemptions for Subclass 500 (Student Visa) Instrument (LIN 24/022) 2024* (the principal instrument) apply in relation to an application for a Subclass 500 (Student) visa made on or after the commencement of this instrument.

Item [2] amends Schedule 2 to the principal instrument. This amendment substitutes the table of eligible pathway programs – that is, registered courses specified to be eligible pathway programs for the purposes of paragraph 5(3)(d) of the principal instrument. An applicant for a Subclass 500 (Student) visa who is enrolled in one of the courses specified in the table, and who is required to meet the English language proficiency requirement under subclause 500.213(1) of Schedule 2 to the Migration Regulations, must achieve the required English language test score specified in Column 3 of an item in the table under Schedule 1 to the principal instrument.

Following further consultation with the education sector, **the substituted table includes 166 courses** (a net increase of 11) as registered courses identified as delivering reputable English language training. This increases the total number of eligible pathway programs from 155 to 166. In substituting the table of eligible pathway programs, this amendment also makes a change to the title of column 4 of the table by replacing ‘Provider’ with ‘Destination University’. This is intended to better reflect and align with the descriptions that course providers use for the matriculation of courses. The substituted table also amends the destination university for 21 courses to reflect the merger of the University of South Australia and the University of Adelaide to become Adelaide University. The destination university for certain courses is maintained to enable enrolled students to matriculate under current and future university settings.



LIN 24/022

**Migration (English Language Tests and Evidence Exemptions for  
Subclass 500 (Student) Visa) Instrument (LIN 24/022) 2024**

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I, Clare O’Neil, Minister for Home Affairs, make this instrument under subclause 500.213(3) of Schedule 2 to the *Migration Regulations 1994*.

Dated 21 March 2024

Clare O’Neil

Minister for Home Affairs

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## Part 1 Preliminary

### 1 Name

This instrument is the *Migration (English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Instrument (LIN 24/022) 2024*.

### 2 Commencement

This instrument commences on **23 March 2024**.

### 3 Authority

This instrument is made under subclause 500.213(3) of Schedule 2 to the *Migration Regulations 1994* (the Regulations).

### 4 Definitions

In this instrument:

***approved English language test*** means an English language test that is specified in the requirement in paragraph 5(1)(a).

***Australian Qualifications Framework*** has the meaning given by the *Higher Education Support Act 2003*.

***eligible pathway program*** means a course, which on successful completion, provides an academic entry pathway to second year Australian undergraduate study and has been identified by the Department as delivering reputable English language training.

Note: A pathway program is a course for students who have not met the academic entry requirements for their intended Australian undergraduate university degree. A pathway program leads to a qualification recognised under the Australian Qualifications Framework and provides academic credit and entry to second year undergraduate study.

***extended foundation program*** has the meaning given by the *Education Services for Overseas Students (Foundation Program Standards) Instrument 2021* as in force from time to time.

Note: A foundation program is a nationally recognised preparatory course for students who have not met the academic entry requirements for their intended Australian undergraduate university degree. Successful completion of the foundation program provides an academic entry pathway to first year undergraduate study. A foundation program can also be completed as an alternative to an Australian Year 12 certificate. The extended foundation program is of longer duration than the standard foundation program.

***principal course*** means, where the student is enrolled in multiple courses for the purposes of the Subclass 500 (Student) visa, the course with the highest Australian Qualifications Framework level.

Note: A student may enrol in multiple registered courses for the purposes of a Subclass 500 (Student) visa.

***required English language test score*** is the score specified, in relation to an approved English language test, in an item in the table in Schedule 1.

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**standard foundation program** has the meaning given by the *Education Services for Overseas Students (Foundation Program Standards) Instrument 2021* as in force from time to time.

Note: A foundation program is a nationally recognised preparatory course for students who have not met the academic entry requirements for their intended Australian undergraduate university degree. Successful completion of the foundation program provides an academic entry pathway to first year undergraduate study. A foundation program can also be completed as an alternative to an Australian Year 12 certificate.

**test component:** each of the following is a test component of an approved English language test:

- (a) listening;
- (b) reading;
- (c) speaking;
- (d) writing.

Note: A number of expressions used in this instrument are defined in definitions section of the Regulations, including the following:

- (a) **Defence student** has the meaning specified in regulation 1.04B;
- (b) **ELICOS** has the meaning specified in regulation 1.03;
- (c) **Foreign Affairs student** has the meaning specified in subregulation 1.04A(3);
- (d) **IELTS (or an International English Language Test System) test** has the meaning specified in regulation 1.03; and
- (e) **Secondary exchange student** has the meaning specified in regulation 1.03.

## Part 2 English language requirements for Subclass 500 (Student) visa

### 5 English language test requirements

- (1) For the purposes of subclause 500.213(1) of Schedule 2 to the Regulations, the following requirements are specified:
  - (a) the applicant must undertake one of the following English language tests:
    - (i) Cambridge English: Advanced test (**CAE**) (also known as Certificate in Advanced English);
    - (ii) **International English Language Testing System (IELTS)**;
    - (iii) Occupational English Test (**OET**);
    - (iv) Pearson Test of English Academic (**PTE**);
    - (v) Test of English as a Foreign Language internet-based test (**TOEFL iBT**); and
  - (b) the applicant must have undertaken the test within the following period:
    - (i) if evidence of the test is provided at the time the applicant makes an application for a Subclass 500 (Student) visa—

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the 2 year period immediately before the day on which the visa application is made; or

- (ii) if evidence of the test is not provided at the time the visa application is made—the 2 year period immediately before the day on which a decision to grant or refuse to grant the visa is made; and
  - (c) the applicant meets the requirements in subsection (2), (3), or (4).
- (2) The applicant achieved the required English language test score specified in Column 2 of an item in the table in Schedule 1.
- (3) If the applicant is enrolled in:
  - (a) at least 10 weeks of an ELICOS that accompanies a principal course and that is intended to commence after the Subclass 500 (Student) visa application was made; or
  - (b) a standard foundation program; or
  - (c) an extended foundation program; or
  - (d) an eligible pathway program;the applicant achieved the required English language test score specified in Column 3 of an item in the table in Schedule 1.
- (4) If the applicant is enrolled in at least 20 weeks of an ELICOS that accompanies a principal course and that is intended to commence after the Subclass 500 (Student) visa application was made, the applicant achieved the required English language test score specified in Column 4 of an item in the table in Schedule 1.

## 6 English language test requirements do **not** apply

- (1) For the purpose of subclause 500.213(2) of Schedule 2 to the Regulations, subclause 500.213(1) of Schedule 2 to the Regulations does not apply to the following classes of applicants:
  - (a) an applicant who is a citizen of, and who holds a valid passport issued by, one or more of the following countries:
    - (i) Canada;
    - (ii) New Zealand;
    - (iii) the Republic of Ireland
    - (iv) the United Kingdom;
    - (v) the United States of America;
  - (b) an applicant who is enrolled in one of the following courses, where that course is the only course of study enrolled in for the purposes of the Subclass 500 (Student) visa application:
    - (i) a course of study that is registered to be delivered in a language other than English;
    - (ii) an ELICOS;
    - (iii) a registered school course;
    - (iv) a registered post-graduate research course;
  - (c) an applicant who is:
    - (i) a Foreign Affairs student; or
    - (ii) a Defence Student; or

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- (iii) a Secondary exchange student;
  - (d) an applicant, who, in the 2 years before applying for a Subclass 500 (Student) visa, has successfully completed:
    - (i) the requirements for a Senior Secondary Certificate of Education, in a course that was conducted in Australia and 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 and in English, while the applicant was holding a student visa;
  - (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;
    - (vii) the United States of America.

## **Part 3            Application and repeals**

### **7            Application of this instrument**

This instrument applies in relation to an application for a Subclass 500 (Student) visa made on or after the commencement of this instrument.

### **8            Repeal of IMMI 18/015**

The instrument *Migration (IMMI 18/015: English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Instrument 2018* is repealed.

### **9            Application of repeal**

Despite the repeal of *Migration (IMMI 18/015: English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Instrument 2018* by this instrument, that instrument, as in force immediately before the commencement of this instrument, continues to apply in relation to an application for a Subclass 500 (Student) visa made but not yet finally determined before the date of commencement of this instrument.

## Schedule 1 Required English language test scores

English language test scores				
Item	Column 1:	Column 2:	Column 3:	Column 4:
	Test name	Minimum test score	Minimum test score: if principal course is accompanied by at least 10 weeks of an ELICOS; or if a standard foundation program; or if an extended foundation program; or if an eligible pathway program.	Minimum test score: if principal course is accompanied by at least 20 weeks of an ELICOS.
1	Cambridge English: Advanced (CAE) test/ Certificate in Advanced English	169	162	154
2	International English Language Testing system (IELTS Test)	Overall band score 6.0	Overall band score of 5.5	Overall band score of 5.0
3	Occupational English Test (OET)	a score of at least B for each test component	a score of at least B for each test component	a score of at least B for each test component
4	Pearson Test of English Academic (PTE)	50	42	36
5	Test of English as a Foreign Language internet-based test (TOEFL iBT)	64	46	35



## EXPLANATORY STATEMENT

Issued by authority of the Minister for Home Affairs

*Migration Regulations 1994*

### ***Migration (English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Instrument (LIN 24/022) 2024***

- 1 The instrument, Departmental reference LIN 24/022, is made under subclause 500.213(3) of Schedule 2 to the *Migration Regulations 1994* (the Migration Regulations).
- 2 The instrument repeals *Migration (IMMI 18/015: English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Instrument 2018* (F2018C00474) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the Acts Interpretation Act). 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 23 March 2024. It is a legislative instrument for the *Legislation Act 2003* (the Legislation Act).

#### ***Purpose***

- 4 The purpose of the instrument is to specify English language proficiency requirements to satisfy the criterion for the grant of a Subclass 500 (Student) visa in subclause 500.213(1). The instrument operates to increase the required English language test scores, following the release of the Government's Migration Strategy, to improve the integrity of the student visa program. The instrument also specifies the class of applicants to which English language requirements do not apply under subclause 500.213(2).

#### ***Background***

- 5 Under subclause 500.213(1), if required by the Minister, an applicant must provide evidence they have a level of English language proficiency that meets the requirements specified in a legislative instrument made by the Minister under paragraph 500.213(3)(a).
- 6 LIN 24/022 specifies the following English language proficiency requirements:
  - the applicant took an approved English language test;
  - the applicant took the test within 2 years immediately before the application is made (or if evidence of the test is not provided at the time the visa application is made, 2 years immediately before a decision on the application is made);

- the applicant achieved the required English language test score specified in Schedule 1 and any associated requirements.
- 7 The required English language test scores have increased from those previously specified in *Migration (IMMI 18/015: English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Instrument 2018*. This is because higher English language requirements will help students succeed in their studies and engage in Australian life.
- 8 Australia has a large student cohort as a proportion of the general population, so it is important for Australia's social cohesion for students to have the language skills necessary to live, study and engage in part time or casual work. Students with strong English language skills are less likely to experience workplace exploitation and more likely to make the social and professional connections that will help them navigate the labour market and gain skilled employment as graduates. The increase to English language test scores also means Australia is more aligned with competitor countries.
- 9 Lower test scores are specified for applicants who are unable to achieve a test score of IELTS 6.0 (or equivalent), if they enrol in a registered course of at least 10 or 20 weeks of an English Language Intensive Course for Overseas Students (ELICOS).
- 10 Test scores are maintained at 5.5 for applicants enrolled in standard or extended foundation programs or eligible pathway programs. Foundation and pathway programs are courses for students who have not met the academic entry requirements for their intended Australian undergraduate university degree. Successful completion of a foundation program provides an academic entry pathway to first year undergraduate study. A pathway program leads to a qualification recognised under the Australian Qualifications Framework and provides academic credit for and entry to second year undergraduate study.
- 11 The instrument also specifies classes of applicants to which the English language test requirements do not apply under subclause 500.213(2), which maintains existing settings.

### **Consultation**

- 12 Cross-Government consultation was undertaken in relation to the reforms to increase the English language test scores. Stakeholder views were also sought through the Education Visa Consultative Committee, the Council for International Education, and a range of individual meetings with International education sector providers. Stakeholders were broadly supportive of the proposal to increase English language proficiency requirements for student and graduate visas. The Department has engaged closely with the ELICOS sector who expressed the

strongest concerns about the change. This consultation accords with s 17(1) of the Legislation Act.

- 13 The Office of Impact Analysis (OIA) was consulted and considered all impact analysis requirements have been acquitted. No further impact analysis is required. The OIA reference number is OBPR23-04044.

***Details of the instrument***

- 14 Details of the instrument are set out in Attachment A.

***Parliamentary scrutiny etc.***

- 15 The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because instruments made under Schedule 2 to the Migration Regulations are prescribed as being exempt from disallowance under paragraph 44(2)(b) of the Migration Regulations. See table item 20 in regulation 10 of the *Legislation (Exemptions and Other Matters) Regulations 2015*. As the instrument is exempt from disallowance, a Statement of Compatibility with Human Rights is not required.

***Details of the instrument***

- 1 Section 1 provides the name of the instrument is the *Migration (English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Instrument (LIN 24/022) 2024*.
- 2 Section 2 provides the instrument commences on **23 March 2024**.
- 3 Section 3 provides the instrument is made under subclause 500.213(3) of Schedule 2 to the *Migration Regulations 1994* (the Migration Regulations).
- 4 Section 4 sets out the definitions of terms used in the instrument. The note to section 4 provides that a number of expressions used in the instrument are defined in the Migration Regulations.
- 5 Section 5 specifies the English language test requirements an applicant must meet:
  - subsection 5(1) specifies the requirements for the purpose of subclause 500.213(1) of Schedule 2 to the Migration Regulations. Subclause 500.213(1) provides, that if required by the Minister, the applicant gives evidence they have a level of English language proficiency that meets the requirements specified in a legislative instrument. The requirements specified for this purpose are:
    - i. the applicant took an approved English language test, which is defined in section 4 to mean:
      - the International English Language Testing System (the IELTS);
      - the Test of English as a Foreign Language internet based test (the TOEFL iBT);
      - the Cambridge English: Advanced test (the CAE) (also known as Certificate in Advanced English);
      - the Pearson Test of English Academic (the PTE);
      - the Occupational English Test (the OET);
    - ii. the applicant took the test either:
      - within 2 years immediately before the application is made, if evidence of the test is provided at the time the application is made; or
      - within 2 years immediately before a decision is made on the application, if evidence of the test is not provided at the time the visa application is made;

- iii. the applicant satisfied the English language test score requirements in subsections (2), (3) or (4). The applicant is required to meet the requirements set out in only one of these subsections. The required English language test scores are set out against each of the approved English language tests in Schedule 1.
  - subsection 5(2) provides that the applicant must have achieved the required English language test score set out in Column 2 of Schedule 1. Column 2 sets out the new minimum test scores required to be achieved.
  - subsection 5(3) provides that, if the applicant has enrolled in at least 10 weeks of an ELICOS in addition to their principal course, or has enrolled in a standard foundation program, an extended foundation program or an eligible pathway program, the applicant must have achieved the required English language test score set out in Column 3 of Schedule 1, which is lower than the score required in Column 2.
  - subsection 5(4) provides that, if the applicant has enrolled in at least 20 weeks of ELICOS in addition to their principal course, the applicant must have achieved the required English language test score set out in Column 4 of Schedule 1, which is lower than the score required in Column 2 and 3.
    - i. Column 3 and Column 4 of Schedule 1 specify lower test scores for applicants who are unable to achieve the benchmark score of IELTS 6.0 (or equivalent) specified in Column 2, provided the applicant also provides evidence of enrolment in at least 10 or 20 weeks of ELICOS. Enrolment in the relevant period of ELICOS must be in addition to the principal course of study and the ELICOS must commence after the Student visa application is made. Evidence of ELICOS undertaken prior to lodging a visa application will not be eligible for consideration. This maintains the current setting that a lower score is available where a course is packaged with the required ELICOS study.
    - ii. Column 3 of Schedule 1 also specifies a lower score for the foundation and pathway programs. This maintains the score of 5.5 (or equivalent) currently required for foundation and pathway programs.
- 6 Section 6 sets out the classes of applicants to which subclause 500.213(1) of Schedule 2 to the Migration Regulations does not apply. Applicants within the specified class are not required to meet the English language requirements specified for subclause 500.213(1).
- paragraph 6(1)(a) provides the requirements of subclause 500.213(1) do not apply to an applicant who is a citizen of and who 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;
- paragraph 6(1)(b) provides the requirements of subclause 500.213(1) do not apply to an applicant who is enrolled one of the following courses, where that is the only course being undertaken on the visa (ie, is not part of a package of courses):
  - i. a course of study that is registered to be delivered in a language other than English;
  - ii. an ELICOS;
  - iii. a registered school course; or
  - iv. a registered post-graduate research course;
- paragraph 6(1)(c) provides the requirements of subclause 500.213(1) do not apply to an applicant who is a:
  - i. Foreign Affairs student;
  - ii. Defence student; or
  - iii. Secondary exchange student;
- paragraph 6(1)(d) provides the requirements of subclause 500.213(1) do not apply to an applicant who in the 2 years before applying for a Subclass 500 (Student) visa, has successfully completed:
  - i. the requirements for a Senior Secondary Certificate of Education conducted in Australia and 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 and in English, while the applicant was holding a student visa;
- paragraph 6(1)(e) provides the requirements of subclause 500.213(1) do not apply to an applicant who has successfully completed a minimum of 5 years of study in English undertaken in any of the following countries: Australia; Canada; New Zealand; South Africa; the Republic of Ireland; the United Kingdom; the United States of America.

- 7 Section 7 provides this instrument applies to an application for a Subclass 500 (Student) visa made on or after the commencement of this instrument.
- 8 Section 8 repeals the instrument *Migration (IMMI 18/015: English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Instrument 2018*.
- 9 Section 9 continues the application of *Migration (IMMI 18/015: English Language Tests and Evidence Exemptions for Subclass 500 (Student) Visa) Instrument 2018* in respect to applications for a Subclass 500 (Student) visa made, but not yet finally determined, before the date of commencement of this instrument.
- 10 Schedule 1 sets out the minimum English language test scores required in relation to each of the approved English language tests.