



Commonwealth of Australia

Migration Regulations 1994

**ALTERNATIVE ENGLISH LANGUAGE PROFICIENCY TESTS TO THE
INTERNATIONAL ENGLISH LANGUAGE TESTING SYSTEM FOR
STUDENT VISA PURPOSES
(REGULATION 5A102)**

I, *CHRIS BOWEN*, Minister for Immigration and Citizenship, acting under clause 5A102 of the *Migration Regulations 1994* ("the Regulations"):

1. REVOKE Instrument Number IMMI 11/051 signed on 29 August 2011, specifying alternative English language proficiency tests to the International English Language Testing System (IELTS) test made for the purposes of clause 5A102 of the Regulations;
2. SPECIFY for the purposes of paragraph 5A102(a) that the following English language proficiency tests are alternative to the IELTS test :
 - (a) the Test of English as a Foreign Language (TOEFL) Paper-Based test;
 - (b) the TOEFL Internet-Based test (also known as TOEFL iBT);
 - (c) the Cambridge English: Advanced (CAE) test (also known as Certificate in Advanced English);
 - (d) the Pearson Test of English Academic; and
 - (e) the Occupational English Test.
3. SPECIFY for the purposes of paragraph 5A102(b) the foreign countries referred to in Schedule 1 are the foreign countries in which the TOEFL Paper-Based Test may be taken by an applicant.
4. SPECIFY for the purposes of paragraph 5A102(b) that the TOEFL Internet-Based Test, the Cambridge English: Advanced (CAE) test, Pearson Test of English Academic test and the Occupational English Test, may respectively be taken by an applicant in any foreign country or countries.
5. SPECIFY for the purposes of paragraph 5A102(c) that the test scores referred to in Schedule 2 are the test scores that must be achieved by the applicant.

This Instrument, IMMI 11/070, commences on **5 November 2011**, immediately after the commencement of *Migration Amendment Regulations 2011 (No. 6)*.

Dated 3 November 2011

CHRIS BOWEN
Minister for Immigration and Citizenship

[NOTE 1: Clause 5A102 of the Regulations provides that the Minister may specify in a Gazette Notice an English language proficiency test as an alternative to the IELTS test, the foreign country or countries in which that test may be taken by an applicant, and the test score that must be achieved by the applicant for this clause.]

SCHEDULE 1

TOEFL PAPER-BASED TEST

Belarus
Ecuador
El Salvador
Guatemala
Honduras
Kyrgyzstan
Mali
Moldova
Solomon Islands
Suriname
Tajikistan
Tanzania
Uganda
Uzbekistan

SCHEDULE 2**TOEFL Paper-Based Test**

Applicant	TOEFL Paper-Based Test Score
Applicant referred to in paragraph 5A304(3)	500; or undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 433
Applicant referred to in paragraph 5A404(e)	527; or if undertaking an ELICOS of no more than 20 weeks duration before commencing his or her principal course, then 500
Applicant referred to in paragraph 5A407(e)	527; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 450
Applicant referred to in paragraph 5A504(1)(a)	550
Applicant referred to in paragraph 5A504(1)(aa)	If enrolled in a foundation course of at least one year's duration, then 527
Applicant referred to in paragraph 5A504(1)(b)	If undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 500
Applicant referred to in paragraph 5A507(1)(a)	550
Applicant referred to in paragraph 5A507(1)(aa)	If enrolled in a foundation course of at least one year's duration, then 527
Applicant referred to in paragraph 5A507(1)(b)	If undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 500
Applicant referred to in paragraph 5A604(2)(e)	550; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 500
Applicant referred to in paragraph 5A607(2)(e)	550; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 500
Applicant referred to in paragraph 5A704(e)	527; or if undertaking an ELICOS of no more than 20 weeks duration before commencing his or her principal course, then 500
Applicant referred to in paragraph 5A707(e)	527; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 450

SCHEDULE 2 (Continued)**TOEFL iBT Test**

Applicant	TOEFL iBT Score
Applicant referred to in paragraph 5A301(1)	94
Applicant referred to in paragraph 5A304(3)	35; or undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 31
Applicant referred to in paragraph 5A401	94
Applicant referred to in paragraph 5A404(e)	46; or if undertaking an ELICOS of no more than 20 weeks duration before commencing his or her principal course, then 35
Applicant referred to in paragraph 5A407(e)	46; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 32
Applicant referred to in paragraph 5A501	94
Applicant referred to in paragraph 5A504(1)(a)	60
Applicant referred to in paragraph 5A504(1)(aa)	If enrolled in a foundation course of at least one year's duration, then 46
Applicant referred to in paragraph 5A504(1)(b)	If undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 35
Applicant referred to in paragraph 5A507(1)(a)	60
Applicant referred to in paragraph 5A507(1)(aa)	If enrolled in a foundation course of at least one year's duration, then 46
Applicant referred to in paragraph 5A507(1)(b)	If undertaking an ELICOS of no more than 30 weeks duration during before commencing his or her principal course, then 35
Applicant referred to in paragraph 5A601	94
Applicant referred to in paragraph 5A604(2)(e)	60; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 35
Applicant referred to in paragraph 5A607(2)(e)	60; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 35
Applicant referred to in paragraph 5A701	94
Applicant referred to in paragraph 5A704(e)	46; or if undertaking an ELICOS of no more than 20 weeks duration before commencing his or her principal course, then 35
Applicant referred to in paragraph 5A707(e)	46; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 32

SCHEDULE 2 (Continued)**Pearson Test of English Academic**

Applicant	Pearson Test of English Academic Score
Applicant referred to in paragraph 5A301(1)	65
Applicant referred to in paragraph 5A304(3)	36 or undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 29
Applicant referred to in paragraph 5A401	65
Applicant referred to in paragraph 5A404(e)	42; or if undertaking an ELICOS of no more than 20 weeks duration before commencing his or her principal course, then 36
Applicant referred to in paragraph 5A407(e)	42; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 30
Applicant referred to in paragraph 5A501	65
Applicant referred to in paragraph 5A504(1)(a)	50
Applicant referred to in paragraph 5A504(1)(aa)	If enrolled in a foundation course of at least one year's duration, then 42
Applicant referred to in paragraph 5A504(1)(b)	If undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 36
Applicant referred to in paragraph 5A507(1)(a)	50
Applicant referred to in paragraph 5A507(1)(aa)	If enrolled in a foundation course of at least one year's duration, then 42
Applicant referred to in paragraph 5A507(1)(b)	If undertaking an ELICOS of no more than 30 weeks duration during before commencing his or her principal course, then 36
Applicant referred to in paragraph 5A601	65
Applicant referred to in paragraph 5A604(2)(e)	50; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 36
Applicant referred to in paragraph 5A607(2)(e)	50; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 36
Applicant referred to in paragraph 5A701	65
Applicant referred to in paragraph 5A704(e)	42; or if undertaking an ELICOS of no more than 20 weeks duration before commencing his or her principal course, then 36
Applicant referred to in paragraph 5A707(e)	42; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 30

SCHEDULE 2 (Continued)**Cambridge English: Advanced (CAE) Test**

Applicant	Cambridge English: Advanced (CAE) Test Score
Applicant referred to in paragraph 5A301(1)	67
Applicant referred to in paragraph 5A304(3)	41 or undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 32
Applicant referred to in paragraph 5A401	67
Applicant referred to in paragraph 5A404(e)	47; or if undertaking an ELICOS of no more than 20 weeks duration before commencing his or her principal course, then 41
Applicant referred to in paragraph 5A407(e)	47; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 36
Applicant referred to in paragraph 5A501	67
Applicant referred to in paragraph 5A504(1)(a)	52
Applicant referred to in paragraph 5A504(1)(aa)	If enrolled in a foundation course of at least one year's duration, then 47
Applicant referred to in paragraph 5A504(1)(b)	If undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 41
Applicant referred to in paragraph 5A507(1)(a)	52
Applicant referred to in paragraph 5A507(1)(aa)	If enrolled in a foundation course of at least one year's duration, then 47
Applicant referred to in paragraph 5A507(1)(b)	If undertaking an ELICOS of no more than 30 weeks duration during before commencing his or her principal course, then 41
Applicant referred to in paragraph 5A601	67
Applicant referred to in paragraph 5A604(2)(e)	52; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 41
Applicant referred to in paragraph 5A607(2)(e)	52; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 41
Applicant referred to in paragraph 5A701	67
Applicant referred to in paragraph 5A704(e)	47; or if undertaking an ELICOS of no more than 20 weeks duration before commencing his or her principal course, then 41
Applicant referred to in paragraph 5A707(e)	47; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 36

Occupational English Test

For the purpose of paragraph 5A102(c) an applicant for the Occupation English Test must achieve a "PASS" score.

EXPLANATORY STATEMENT

Migration Regulations 1994

ALTERNATIVE ENGLISH LANGUAGE PROFICIENCY TESTS TO THE INTERNATIONAL ENGLISH LANGUAGE TESTING SYSTEM (IELTS) (REGULATION 5A102)

1. This Instrument is made under clause 5A102 of the *Migration Regulations 1994* ('the Regulations').
2. Clause 5A102 of the Regulations provides that the Minister may specify in a Gazette Notice an English language proficiency test as an alternative to the International English Language Testing System (IELTS) test, the foreign country or countries in which that test may be taken by an applicant, and the test score that must be achieved by the applicant for this clause.
3. The purpose of the Instrument is to specify which English language proficiency tests may be used as an alternative to the IELTS test, in which countries, and the scores that must be achieved by an applicant. The Instrument also removes the requirement for English language testing in a limited number of instances where English language proficiency is now to be determined by the provider of intensive English language courses. This follows from recommendations contained in the *Strategic Review of the Student Visa Program 2011 Report*.
4. The English language proficiency tests that may be used as an alternative to the IELTS test are:
 - the Test of English as a Foreign Language (TOEFL) Paper-Based test;
 - the (TOEFL) Internet-Based test (also known as TOEFL iBT),
 - the Cambridge English: Advanced (CAE) test (also known as Certificate in Advanced English),
 - the Pearson Test of English Academic test; and

- the Occupational English Test .
5. The TOEFL Paper-Based test is available to be taken by an applicant **only in a certain foreign country** or countries specified in Schedule 1, while **other tests may be taken in any foreign country or countries.**
 6. Pursuant to section 18 of the *Legislative Instruments Act 2003* consultation was not necessary. The Instrument is of a minor or machinery nature and does not substantially alter existing arrangements.
 7. The Office of Best Practice Regulation has advised that a Regulatory Impact statement is not required (OBPR Reference 12851)
 8. The Instrument, IMMI 11/070, commences on 5 November 2011, immediately after the commencement of *Migration Amendment Regulations 2011 (No. 6)*.