



**Commonwealth of Australia**

*Migration Regulations 1994*

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

I, *MICHAELIA CASH*, Assistant Minister for Immigration and Border Protection, acting under clause 5A102 of the *Migration Regulations 1994* ('the Regulations'):

1. REVOKE Instrument number IMMI 12/004, signed on 21 March 2012, 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) 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 14/002, **commences on 22 March 2014**, immediately after the commencement of *Migration Amendment (Redundant and Other Provisions) Regulation 2014*.

Dated 16 / 3 / 2014

MICHAELIA CASH

Assistant Minister for Immigration and Border Protection

**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**

<b>Applicant</b>	<b>TOEFL Paper-Based Test Score</b>
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 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 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 5A707(e)	527; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 450

**TOEFL iBT Test**

<b>Applicant</b>	<b>TOEFL iBT Score</b>
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 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 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 5A707(e)	46; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 32

### **Pearson Test of English Academic**

<b>Applicant</b>	<b>Pearson Test of English Academic Score</b>
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 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 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 5A707(e)	42; or if undertaking an ELICOS of no more than 30 weeks duration before commencing his or her principal course, then 30

### **Cambridge English: Advanced (CAE) Test**

<b>Applicant</b>	<b>Cambridge English: Advanced (CAE) Test Score</b>
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 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 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 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 Occupational 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)**

##### **(Clause 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, by legislative instrument, specify 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.
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.**
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. The Instrument operates to specify the minimum English language proficiency test scores for student visa applicants who undertake an alternative test to IELTS. The Instrument is updated to remove provisions for applicants subject to assessment level 4 or 5, which have become redundant. Assessment levels 4 and 5 have been removed from the Regulations as part of the simplification of the Student visa Assessment level Framework (recommendation 3 of the *Review of the Student Visa Assessment Level Framework 2013*).
7. Consultation was conducted with relevant external stakeholders from the international education sector and other Commonwealth government agencies as part of the broader consultation during the *Review of the Student Visa Assessment Level Framework 2013*. These include education peak bodies, State/Territory and Commonwealth Departments of Education, Austrade and an External Reference Group comprising members with expertise in international education and immigration risk.
8. The Office of Best Practice Regulation has been consulted and a Regulatory Impact statement is not required (OBPR Reference 16151).
9. Under subsection 44 of the *Legislative Instruments Act 2003* the Instrument is exempt from disallowance and therefore a Human Rights Statement of Compatibility is not required.
10. The Instrument, IMMI 14/002, commences on 22 March 2014, immediately after the commencement of *Migration Amendment (Redundant and Other Provisions) Regulation 2014*.