



Commonwealth of Australia

Migration Regulations 1994

TYPES OF COURSES FOR STUDENT VISAS
(Subregulation 1.40A(1))

I, *MICHAELIA CASH*, Assistant Minister for Immigration and Border Protection, acting under subregulation 1.40A(1) of the *Migration Regulations 1994* ('the Regulations'):

1. REVOKE Legislative Instrument IMMI 12/037 (F2012L00670) signed on 21 March 2012, specifying types of courses for the purposes of regulation 1.40A of the Regulations; AND
2. SPECIFY, for the purposes of subregulation 1.40A(1), the types of courses for each subclass of student visa in the Schedule.

This Instrument, number IMMI 14/015, commences on 22 March 2014, immediately after the commencement of *Migration Amendment (Redundant and Other Provisions) Regulation 2014*.

Dated 16 / 03 / 14 2014

MICHAELIA CASH

Assistant Minister for Immigration and Border Protection

Schedule 1

VISA SUBCLASS	TYPES OF COURSES
Subclass 570 (Independent ELICOS Sector)	Non-Award ELICOS
	Certificate I in ELICOS
	Certificate II in ELICOS
	Certificate III in ELICOS
	Certificate IV in ELICOS
Subclass 571 (Schools Sector)	Primary School
	Secondary School (including Junior Secondary and Senior Secondary)
	Secondary Exchange Programs
Subclass 572 (Vocational Education and Training Sector)	Certificate I, II, III and IV, other than ELICOS
	Diploma (Vocational Education and Training)
	Advanced Diploma (Vocational Education and Training)
	Graduate Certificate (Vocational Education and Training)
	Graduate Diploma (Vocational Education and Training)
Subclass 573 (Higher Education Sector)	Diploma (Higher Education)
	Advanced Diploma (Higher Education)
	Bachelor Degree
	Graduate Certificate (Higher Education)
	Graduate Diploma (Higher Education)
	Associate Degree
	Masters by Coursework
Subclass 574 (Postgraduate Research Sector)	Masters by Research
	Doctoral Degree
Subclass 575 (Non-Award Sector)	Full time courses other than ELICOS not leading to an Australian award

EXPLANATORY STATEMENT

Migration Regulations 1994

TYPES OF COURSES FOR STUDENT VISAS

(Subregulation 1.40A(1))

1. This Instrument is made under Subregulation 1.40A(1) of the *Migration Regulations 1994* ('the Regulations').
2. Subregulation 1.40A(1) provides for the specification of the types of courses for each subclass of student visa, except Subclass 576 (AusAID or Defence Sector).

"Student visa" is defined in regulation 1.03 of the Regulations to mean any of the following subclasses of visa: (a) a Subclass 570 (Independent ELICOS Sector) visa; (b) a Subclass 571 (Schools Sector) visa; (c) a Subclass 572 (Vocational Education and Training Sector) visa; (d) a Subclass 573 (Higher Education Sector) visa; (e) a Subclass 574 (Postgraduate Research Sector) visa; (f) a Subclass 575 (Non-Award Sector) visa; (g) a Subclass 576 (AusAID or Defence Sector) visa.
3. The purpose of the Instrument is to amend certain types of courses under Subclass 572 (Vocational Education and Training Sector) and Subclass 573 (Higher Education Sector). For Diplomas, Advanced Diplomas, Graduate Certificates and Graduate Diplomas, the education sector of the provider offering the course is mentioned between brackets to clarify that there is no sectoral distinction between these courses. This update will better align the types of courses in the Instrument with the Australian Qualifications Framework.
4. The instrument operates to specify the types of courses for each subclass of student visa, except Subclass 576 (AusAID or Defence Sector).
5. Consultation was undertaken before the instrument was made with the Department of Education and the Australian Qualifications Framework Council.
6. The Office of Best Practice Regulation has advised that a Regulatory Impact Statement is not required (OBPR Reference 16207).

7. Under section 44 of the *Legislative Instruments Act 2003* the Instrument is exempt from disallowance and therefore a Human Rights Statement of Compatibility is not required.
8. The instrument **commences on 22 March 2014**, immediately after the commencement of *Migration Amendment (Redundant and Other Provisions) Regulation 2014*.