

1.1.1 Migration and Visa programs¹

Should the AQF be amended to accommodate more flexible education practices, the Department of Home Affairs may need to ensure legislation of the affected visa programs reflects these changes.

The Student visa program, the Temporary Graduate visa program and the Skilled Migration program may be impacted by changes to the AQF:

a) Student visa program

- *Migration Regulations 1994* (the Regulations) (and associated policy guidelines) require student visa applicants to be enrolled in a full-time (CRICOS) registered course of study. The majority of students are awarded a qualification that is linked to the AQF, on completion of their studies.
- Specific references in the Regulations include:
 - the definition of 'higher education course' - a course of study leading to an award of a diploma (higher education) through to a master's degree (extended).
 - the definition of 'postgraduate research course' - a course of study leading to the award of a doctoral degree.
- The Regulations (and associated procedural instructions) relating to student visa condition 8202 require students to maintain enrolment in a course at the same or higher AQF level for which a visa was granted. However, a transfer from an AQF 10 to AQF 9 is permitted.
- Legislative Instrument IMMI16/019 (English Language Tests and Evidence exemptions for Subclass 500 (Student) Visas) (and associated procedural instructions) relating to the English language tests and evidence of exemptions for student visa applicants. The legislative instrument exempts student visa applicants from meeting minimum English language test scores if they have successfully completed a substantial component of a course leading to an AQF qualification at the Certificate IV level or higher, or if they have successfully completed a Senior Secondary Certificate of Education, in a course conducted in English in Australia, in the two years prior to applying for a student visa.

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b) Temporary Graduate visa

- The Regulations which set out the grant criteria for a subclass 485 (Temporary Graduate) visa, require that applicants must:
 - satisfy the Australian Study Requirement (ASR) in the 6 months before making the visa application AND demonstrate each 'degree, diploma or trade qualification' used to satisfy the ASR is closely related to applicant's nominated skilled occupation.

A 'degree, diploma or trade qualification' in the Regulations is defined by reference to the AQF.

¹ Information provided by Department of Home Affairs

- Legislative Instrument IMMI13/013 (Qualifications (Clause 485.231)) which sets out the qualification required for the grant of a Temporary Graduate visa in the Post-Study Work (PSW) Stream refers to the AQF.

c) Skilled Migration program

Under the points-tested skilled migration category, prospective migrants can earn points for an Australian degree, diploma or trade qualification. The definitions for these terms are in Division 2.6 of the Regulations and each refer to the AQF. One of the definitions of a trade qualification specifically references at least the Certificate III level.