



# **Migration (English Language Requirements for Subclass 485 (Temporary Graduate) Visas) Instrument (LIN 24/021) 2024**

made under clause 485.212 of Schedule 2 to the

*Migration Regulations 1994*

## **Compilation No. 01**

**Compilation date: 1 July 2024**

**Includes amendments: *Migration Legislation Amendment (Graduate Visas)*  
*Instrument (LIN 24/044) 2024***

Prepared by the Department of Home Affairs

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## About this compilation

### This compilation

This is a compilation of the *Migration (English Language Requirements for Subclass 485 (Temporary Graduate) Visas) Instrument (LIN 24/021) 2024* that shows the text of the law as amended and in force on 1 July 2024 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## Part 1 Preliminary

### 1 Name

This instrument is the *Migration (English Language Requirements for Subclass 485 (Temporary Graduate) Visas) Instrument (LIN 24/021) 2024*.

### 3 Authority

This instrument is made under clause 485.212 of Schedule 2 to the *Migration Regulations 1994* (the Migration Regulations).

### 4 Definitions

**test component:** each of the following is a test component of an English language test that is specified in section 5:

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

## Part 2 English language requirements

### 5 Specified English language tests

For subparagraph 485.212(1)(a)(i) of Schedule 2 to the Migration Regulations, the following tests are specified:

- (a) Cambridge English: Advanced test (**CAE**);
- (b) International English Language Testing System (**IELTS**);
- (c) Occupational English Test (**OET**);
- (d) Pearson Test of English Academic (**PTE**); and
- (e) Test of English as a Foreign Language internet-based test (**TOEFL iBT**).

### 6 Specified test scores to be achieved

For subparagraph 485.212(1)(a)(ii) of Schedule 2 to the Migration Regulations, the test scores to be achieved, in a language test specified in section 5, are specified:

- (a) in Schedule 1; or
- (b) if the applicant is a Hong Kong passport holder or British National (Overseas) passport holder—in Schedule 2.

### 7 Specified period and requirements

For subparagraph 485.212(1)(a)(ii) of Schedule 2 to the Migration Regulations, the following period and requirements are specified:

- 
- (a) the applicant achieved the specified test scores within 1 year before the day on which the visa application was made; and
  - (b) unless the test was an OET, the test scores were achieved in a single sitting.

**8 Specified passports in relation to which English proficiency requirements do not apply**

For paragraph 485.212(1)(b) of Schedule 2 to the Migration Regulations, a valid passport issued by one of the following countries to a citizen of that country is specified:

- (a) Canada;
- (b) New Zealand;
- (c) the Republic of Ireland;
- (d) the United Kingdom;
- (e) the United States of America.

## **Part 3 Repeals, savings, transitional**

**9 Repeal**

The instrument *Migration Regulations 1994 - Specification of English Language Tests, Scores and Passports 2015* (IMMI 15/062) is repealed.

**10 Savings and transitional**

- (1) This instrument applies in relation to an application made on or after the commencement of this instrument.
- (2) Despite the repeal of *Migration Regulations 1994 - Specification of English Language Tests, Scores and Passports 2015* (IMMI 15/062), that instrument, as in force immediately before the day this instrument commences, continues to apply in relation to an application made, but not yet finally determined, before the commencement of this instrument.

**11 Application of amendments made by LIN 24/044**

The amendments made by the *Migration Legislation Amendment (Graduate Visas) Instrument (LIN 24/044) 2024* apply in relation to an application for a Skilled (Provisional) (Class VC) visa made on or after the commencement of that instrument.

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## Schedule 1 Required English language test scores

Required test scores		
Item	If the English language test is ...	the required test scores for that test are ...
1	the CAE	(a) an overall band score of at least 176; and (b) a score of at least 162 for each test component of the CAE.
2	the IELTS	(a) an overall band score of at least 6.5; and (b) a score of at least 5.5 for each test component of the IELTS.
3	the OET	a score of at least B for each test component of the OET.
4	the PTE	(a) an overall band score of at least 57; and (b) for the listening test component of the PTE—a score of at least 43; and (c) for the reading test component of the PTE—a score of at least 48; and (d) for the speaking test component of the PTE—a score of at least 42; and (e) for the writing test component of the PTE—a score of at least 51.
5	the TOEFL iBT	(a) a total overall score of at least 83; and (b) for the listening test component of the TOEFL iBT—a score of at least 7; and (c) for the reading test component of the TOEFL iBT—a score of at least 8; and (d) for the speaking test component of the TOEFL iBT—a score of at least 16; and (e) for the writing test component of the TOEFL iBT—a score of at least 18.

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## Schedule 2 Required English language test scores for Hong Kong and British National (Overseas) passport holders

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Required test scores		
Item	If the English language test is ...	and the applicant is the holder of a Hong Kong or British National (Overseas) passport, the required test scores for that test are ...
1	the CAE	(a) an overall band score of at least 169; and (b) a score of at least 154 for each test component of the CAE.
2	the IELTS	(a) an overall band score of at least 6; and (b) a score of at least 5 for each test component of the IELTS.
3	the OET	a score of at least B for each test component of the OET.
4	the PTE	(a) an overall band score of at least 50; and (b) a score of at least 36 for each test component of the PTE.
5	the TOEFL iBT	(a) a total overall score of at least 64; and (b) for the listening and reading test components of the TOEFL iBT—a score of at least 4; and (c) for the speaking and writing test components of the TOEFL iBT—a score of at least 14.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.



**Endnote 2—Abbreviation key**

ad = added or inserted	orig = original
am = amended	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
amdt = amendment	pres = present
c = clause(s)	prev = previous
C[x] = Compilation No. x	(prev...) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislation	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LA = <i>Legislation Act 2003</i>	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

## Endnote 3—Legislation history

## Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
<i>Migration (English Language Requirements for Subclass 476 (Skilled – Recognised Graduate) and Subclass 485 (Temporary Graduate) Visas) Instrument (LIN 24/021) 2024 (LIN 24/021)</i>	21 March 2024	23 March 2024	section 10
<i>Migration Legislation Amendment (Graduate Visas) Instrument (LIN 24/044) 2024 (LIN 24/044)</i>	25 June 2024	1 July 2024	-

**Endnote 4—Amendment history**

Provision affected	How affected
title	am. F2024L00698
section 1	am. F2024L00698
section 2	rep <i>Legislation Act 2003</i> s 48D
section 3	am. F2024L00698
section 5	am. F2024L00698
section 6	am. F2024L00698
section 7	am. F2024L00698
section 8	am. F2024L00698
section 11	ad. F2024L00698