

When Do You Need To Take The English Test?

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The new points test under General Skilled Migration (GSM) which took effect on 1 July 2011 now requires that you must have taken the English test not earlier than 2 years **before you lodge your visa application**. The test results must show that you have achieved a minimum score of 6.0 for each of the four test components (speaking, reading, writing and listening) in the IELTS General or Academic module to prove that you have competent English at the time of application.

Migration Regulation 1.15C (a) (ii) reverses the High Court decision in Berenguel which is being relied upon for GSM visa applications lodged before 1 July 2011, allowing the English test to be taken even after lodgement of the visa application, provided it is before a decision is made.

You are exempted from the English test for the purpose of showing that you have competent English if you are a passport holder of any of the specified countries.

If you need 10 or 20 points for English skills in order to meet the new pass mark of 65 points under GSM, you must also show that you have achieved a score of 7 or 8 per component of the IELTS as the case may be, not earlier than 2 years **before you lodge your visa application**, in accordance with Migration Regulation 1.15EA (b). This applies even if you are a passport holder of any of the specified countries.

If you are applying for a permanent resident visa under the Employer Nomination Scheme (ENS) you must have achieved at least a score of 5 for each component (speaking, reading, writing and listening) in the IELTS test, also at the time of visa application. If not, you must apply under exceptional circumstances.

If you are applying for a permanent resident visa under the Regional Sponsored Migration Scheme, (RSMS) you must have achieved an average band score of at least 4.5 for the speaking, reading, writing and listening components of the IELTS general module, also at the time of visa application. If not, you must apply under exceptional circumstances.

In all cases, any of your dependents aged 18 years and above, who are included in your visa application must provide evidence of **functional English** so that you will not have to pay the second DIAC visa charge for them. Per DIAC policy guidelines at PAM3:Div2.2A, the evidence must be provided at the time of visa application.

There are a few ways to demonstrate *functional English*. These include a minimum IELTS overall *average* band score of 4.5 in all four components; a degree, diploma or trade qualification awarded after at least 2 years full-time study where all courses were conducted in English; a degree or diploma obtained after at least one year of full-time study in Australia; at least 3 years of secondary education where all subjects were

conducted in English; or having worked in an English speaking country for 2 years or more.

This information is of a general nature and should not be taken as authoritative legal advice for specific cases. Australia has a scheme that requires persons who give immigration assistance to be registered as migration agent.

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