



Independent Schools
Council of Australia

Department of Immigration and Border Protection Review of the Genuine Temporary Entrant (GTE) requirement

Submission by The Independent Schools Council of Australia (ISCA)

Introduction: About ISCA

The Independent Schools Council of Australia (ISCA) is the peak national body covering the independent schools sector. It comprises the eight State and Territory Associations of Independent Schools. Through these Associations, ISCA represents a sector with 1,080 schools and 566,000 students, accounting for nearly 16 per cent of Australian school enrolments.

Independent schools are a diverse group of non-government schools serving a range of different communities. Many independent schools provide a religious or values-based education. Others promote a particular educational philosophy or interpretation of mainstream education. Independent schools include:

- *Schools affiliated with larger and smaller Christian denominations for example, Anglican, Catholic, Greek Orthodox, Lutheran, Uniting Church, Seventh Day Adventist and Presbyterian schools*
- *Non-denominational Christian schools*
- *Islamic schools*
- *Jewish schools*
- *Montessori schools*
- *Rudolf Steiner schools*
- *Schools constituted under specific Acts of Parliament, such as grammar schools in some states*
- *Community schools*
- *Indigenous community schools*
- *Schools that specialise in meeting the needs of students with disabilities*
- *Schools that cater for students at severe educational risk due to a range of social/emotional/behavioural and other risk factors.*

Independent schools are not-for-profit institutions founded by religious or other groups in the community and are registered with the relevant state or territory education authority. Most independent schools are set up and governed independently on an individual school basis. However, some independent schools with common aims and educational philosophies are governed and administered as systems, for example the Lutheran systems. Systemic schools account for 18 per cent of schools in the independent sector. Independent Catholic schools are a significant part of the sector, accounting for 8 per cent of the independent sector's enrolments.



Background

The Genuine Temporary Entrant (GTE) requirement was introduced in November 2011 to “reduce migration risk and maintain the integrity of the student visa programme. The GTE requirement also underpins and makes viable other reforms designed to significantly enhance the competitiveness of Australia as a destination for international students.”¹

The GTE proved controversial from the outset as many providers and peak bodies complained that the application of the GTE was uneven, subjective, unfair and not at all transparent. Further, it was having adverse consequences in sectors that were not in any way benefiting from the ‘other reforms’ which had been introduced by DIBP e.g. streamlined visa processing which only applied to the university sector.

The Chaney Report released in February 2013 recommended that the first year of operation of the GTE be reviewed, “addressing any unintended consequences that affect the sector, including the extent to which it is acting as a deterrent to genuine students.”²

The Department fulfilled this recommendation by holding an internal review with no input from industry stakeholders. ISCA is pleased that the Department has formally invited peak bodies to provide comments following representations from industry.

The independent sector and overseas students

Approximately 30% of all overseas students enrolled in the school sector in Australia attend independent schools. In 2013 there were over 5,700 overseas students enrolled at close to 360 independent schools. ISCA estimates between 30-40% of all CRICOS registered providers in Australia are independent schools that are individually registered and individually responsible for meeting compliance requirements. Some schools also have ELICOS centres attached to their institutions which may also be separately registered on CRICOS.

By contrast, state departments of education (enrolling approximately 60% of overseas school students overall) hold single provider registrations covering any number of state schools enrolling overseas students within a state.

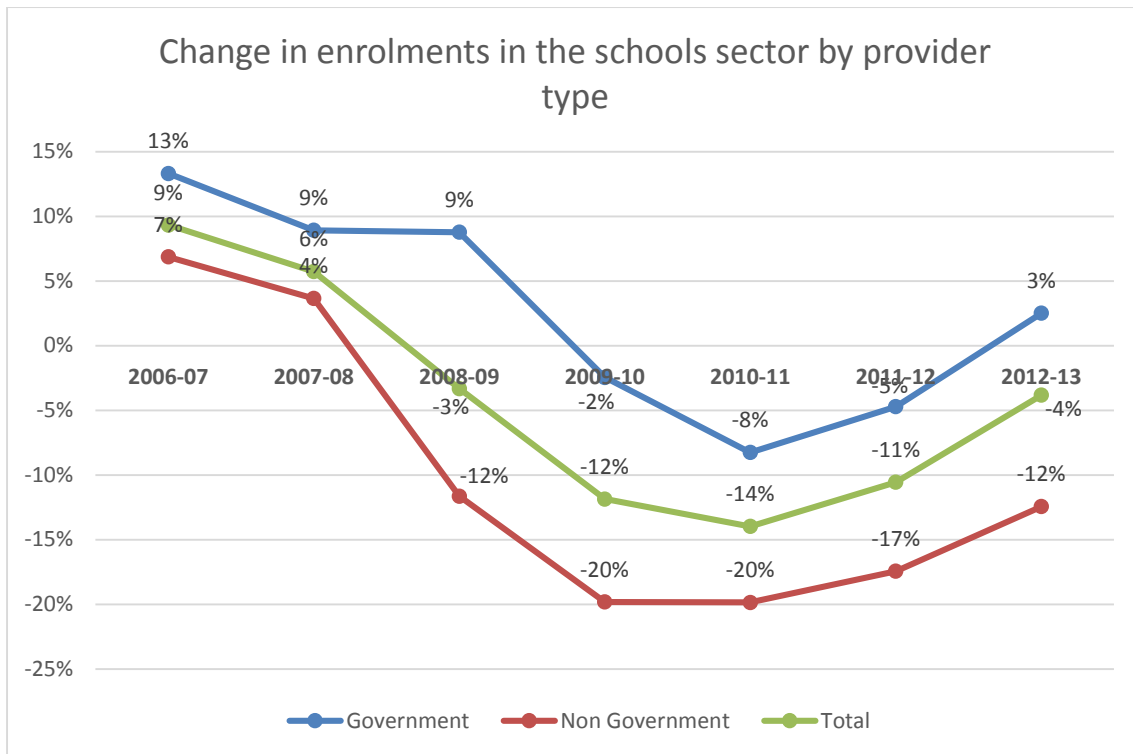
Overseas student enrolments in independent schools vary from 1 to close to 200 overseas students. The median number of overseas students at an independent school is 7 students.

This profile differs quite substantially from other sectors. For the vast majority of independent schools, overseas students do not determine the school’s sustainability. Rather, overseas students provide a much valued international element and diversity to school populations.

Since 2008, declines in overseas student enrolments in the school sector have been most significant in non-government schools. In 2013 enrolments in the government school sector grew for the first time in 4 years however the non-government enrolments are still declining.

¹ DIBP Review of the Effectiveness of the Genuine Temporary Entrant (GTE) requirement, January 2014

² Australia – Educating Globally: Advice from the International Education Advisory Council, February 2013



Source: AEI PRISMS data

There have been a range of reasons for the decline in the schools sector. Schools were caught up in the adverse media coverage overseas which focused on the private VET sector some years ago, and other factors commonly reported as influencing the rapid decline of overseas school student enrolments have been the continuing strength of the Australian dollar, and the relative ease of being granted visas to study in competitor countries.

Genuine Temporary Entrant (GTE) requirement

ISCA has noted the following principles as key to re-shaping a viable, risk managed, international education infrastructure in previous submissions to DIBP regarding the Student Visa Program:

1. **Equity** for student visa applicants regardless of sector and country of origin, and for providers operating within a risk managed environment.
2. **Incentive** for students to choose Australia as a study destination and for providers to embrace low risk practices.
3. **Flexibility** for the Student Visa Program and ESOS legislation to respond quickly and with integrity to issues and challenges.
4. **Transparency** of processes based on evidence. Assessment of risk for student visa applicants and for registered providers should be based on reliable and transparent data.
5. **Simplicity** of processes for students to apply for visas and to access information.
6. **Predictability** and certainty for students as well as providers to plan for the future.
7. **Consistency** of regulatory requirements and processes for all stakeholders across all jurisdictions.
8. **Robust data** as the basis for any risk management model. Data sources must be reliable and up-to-date, and not subject to manipulation or misinterpretation. In addition, data collection methodologies should be reported and transparent.
9. **Appeals processes** for providers and students to request review of DIBP decisions a post, and for providers to request review of CRICOS regulators' assigned levels of risk.

10. **Transitional arrangements** for changes in policy directions or implementation which have the potential to disadvantage currently enrolled students.

It is ISCA's view that the GTE does not meet many, if any, of the above criteria. Due to the subjective nature of an interview with a prospective student, we believe that the process is not transparent, predictable or consistent. Because of the differences in interviews being conducted by individuals in different countries, with potentially different levels of understanding of what information is being sought, it is ISCA's view that this also results in an equity issue for students not being treated the same way by DIBP in their student visa applications.

Prior to the introduction of the GTE, the Student Visa Program was essentially data driven with Assessment Levels being based on objective data drawn from DIBP's own systems. While there was a 'pragmatic overlay', this was introduced at a country / sector level, not at the level of individual students.

ISCA is aware that DIBP has invested significant resources in addressing concerns raised by industry around the GTE. However ISCA is also aware that some sectors continue to have significant issues with students being rejected under the GTE requirement for reasons that seems to indicate a lack of understanding of the industry and the overarching goals of international education. For example, the issue of students being refused a visa because a similar course is available in a students' home country at a lower cost demonstrates clearly why peak bodies were so concerned at the lack of industry input into the review of the GTE.

At a point in time when overseas enrolments in the non-government school sector are at the lowest point in over a decade, the last thing the sector needs is a disincentive for students to apply for a visa to study in Australia, as opposed to any other country. As noted above, the Chaney report recommended that a review should examine if the GTE is acting as a deterrent for students wishing to apply for a visa and the DIBP review does not appear to have done this.

Conclusion

ISCA has an overarching concern at the move away from a data driven risk framework to one which incorporates an individually subjective component. While it is stated that this has been required to implement initiatives in other areas of the Student Visa Program, the schools sector has yet to experience benefits from the any of the significant changes to date i.e. streamlined visa processing in the Higher Education sector and post-study work rights.

Additionally, contrary to the picture painted by the DIBP review, there are still significant issues being experienced by sectors and it is important that the Department address these concerns immediately. It is ISCA's belief that the GTE has impacted adversely on the view of Australia held by not only prospective students, but also agents who are responsible for a significant portion of student visa applications.

ISCA recommends the following;

- The GTE criterion should be one part of a student's application process, and never considered as the sole basis for a refusal
- Continuation of DIBP's training processes for processing officers
- An acknowledgement in the documentation for visa applications that for the school sector, further study in Australia is a valid pathway for overseas students
- GTE rejections be able to be reviewed on appeal

- Greater sensitivity to the international reputation of the Australian international education's industry
- An on-going review process of the GTE

ISCA
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