

Visa Simplification: Transforming Australia's Visa System

About ISCA

ISCA is the national peak body representing the Independent school sector. It comprises the eight state and territory Associations of Independent Schools (AISs). Through these Associations, ISCA represents a sector with 1,104 schools and 594,200 students, accounting for approximately 16 per cent of Australian school enrolments. ISCA's major role is to bring the unique needs of Independent schools to the attention of the Australian Government and to represent the sector on national issues.

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 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.

Many Independent schools have been established by community groups seeking to meet particular needs. Examples include the Independent community schools for Indigenous students in remote areas, special schools for students with a disability and boarding schools to educate children from rural and remote areas. There are also schools that seek to reflect the religious values of a particular community or that seek to practice an internationally recognised educational philosophy such as Rudolf Steiner or Montessori schools. Independent Catholic schools are a significant part of the sector, accounting for eight per cent of the Independent sector's enrolments.

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 Lutheran systems. Systemic schools account for 18 per

cent of schools in the Independent sector. Four out of five schools in the sector are autonomous non-systemic schools.

Background

Australia's visa system has been in place without significant change for almost 30 years. Over that time, global migration patterns, including both temporary and permanent migration, have changed significantly and so Australia's needs continue to change.

The visa system is complex, with 99 individual visa types. This complexity makes Australia's visa system hard to understand and navigate. The Policy Consultation Paper notes that "Australia needs a visa system that is easier to understand, better suited to the rapidly growing number of visitors, and flexible enough for Australia to remain a competitive destination for temporary visitors and the longer term entrants Australia needs."

To achieve this goal, the paper proposes a simplified visa system based on 10 visas.

Independent schools and student visas

The latest available data shows that over 20,500 school-level overseas students are enrolled in Australian schools on student visas. These students comprise nearly 4% of the total overseas student cohort.

Of the school sector total, nearly forty per cent or 8,000 of these students are enrolled in non-government schools. Based on 2016 data, ISCA estimates that around 340 independent schools enrolled full fee paying overseas students. Overseas student enrolments in Independent schools vary from 1 to over 200 overseas students. The median number of overseas students at an independent school is 8 students.

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.

After a period of decline, the latest AUSTRADE data shows that the schools sector is continuing to grow. Although the 2016 data shows that the schools sector is currently at approximately the same numbers as 2010, these are still down on the sector's high of nearly 30,000 students in 2008. Growth for the last two years has been over 10% each year.

This is extremely positive news for the school sector and follows a period of decline and significant reform in the student visa program. In 2016 the Simplified Student Visa Framework (SSVF) came into effect, combining all student visas into one. This represented a significant change and rationalisation of the Student Visa Program.

Independent schools and the Australian visa system

Not all overseas students who study at Independent schools are on student visas. Some students are the dependants of holders of a range of different visa types, including temporary and permanent work visas. Many Independent schools also enrol refugees i.e., humanitarian visa holders.

In addition to students on student visas who come to Australia to study for significant periods of time, many schools also have groups of students who come for much shorter periods of time on study tours. These students generally engage in a mix of activities including study and can come on visitor visas.

Other students may come for short programs on a student exchange which is a subset of the student visa program. These are reciprocal international arrangements aimed at increasing student mobility and intercultural understanding.

Independent schools rely on work visas, such as the Temporary Skill Shortage visa, to bring in staff with particular skills to Independent schools including school principals, teachers and boarding staff.

Visas which enable teacher exchange are also important to Independent schools which have relationships with overseas schools and who wish to engage reciprocal professional learning opportunities.

Several Australian Independent boarding schools also have close relationships with boarding schools overseas which often results in a two-way flow of students on a gap year working as tutors for schools in other countries.

Clearly Independent schools are engaged in a range of activities which mean that any changes to the current visa system have the potential to impact on how they operate, who they enrol and employ and the scope of activities they can engage in.

Key Questions

What would a system with approximately 10 visas look like?

The practicality of moving to system with 10 visa types is yet to be demonstrated. It is ISCA's view that simplicity cannot be the only consideration in reforming the visa system. It is imperative that any new visa system retains the ability to provide enough information to disaggregate different groupings and to provide data for analysis. This applies both across visa types and within visa types.

For example, when the student visas were combined into one visa, retaining the ability to identify student exchange students easily became an issue for the school sector.

The key question must be: What is the minimum number of visas which comprise a simpler framework but still provide the Department of Immigration and Border Protection and other stakeholders with sufficient data and other information to successfully manage the visa system?

What factors should we consider when simplifying the visa system?

The student visa has recently been significantly reformed which has resulted in significant changes for providers and students alike. Education agents also play a key role in attracting students to Australia and they need sufficient lead time to understand and adjust to any changes to the visa system. Any further changes to the student visa should be very carefully considered as further change at this point in time could easily lead to confusion in the market.

Extensive and on-going consultation with a range of stakeholders is also imperative to the success of any new visa system structure. Often large-scale change can result in unintended consequences. Engaging in broad and wide-ranging consultations at each stage can often ameliorate the negative effects of any proposed changes. Once arrangements are in place it is difficult to institute retrospective changes. Therefore, it is critical to ensure thorough stakeholder consultation to anticipate and avoid unintended consequences.

There is also the danger that the same conditions will be applied broadly to all visa holders in a category whether or not that is appropriate. Conversely, where people are applying to do a combination of activities, such as study and work or study and holiday, the temptation to allocate them to a particular category without considering the ramifications of such a decision must be resisted.

For example, visitor visa holders are currently able to engage in study for a short period of time in Australia. The school sector has a healthy flow of school students coming out to Australia on study tours utilising this visa. This type of activity serves a variety of purposes and is beneficial to Australian schools and students. If there was an intention to put any person with an intention to do any type of study onto a one-size-fits-all student visa, it is entirely possible that this market could be severely curtailed as it is much more onerous and expensive to obtain a student visa.

Additionally, the regulatory framework for providers enrolling students on student visas is proportional to the responsibility they take on for students coming to Australia for significant periods of time. The same framework would not be appropriate for short term visitors.

What should be the key characteristics of a simplified and flexible visa system?

Any simplified and flexible visa system would need to be responsive to changes in the market and any unforeseen and unintended consequences that may arise from such changes.

The risk associated with different types of visas and the assessment of risk should also be transparent.

What role does the visa system play in ensuring Australia remains attractive to the best and brightest temporary and permanent migrants?

International education is one of Australia's largest export earners and it is imperative that the visa system works with industry to ensure that genuine temporary entrants are provided with an easy to navigate visa process that facilitates entry rather than puts up barriers to entry.

It is also worth noting that the cost of an Australian student visa is one of the highest amongst our competitor countries such as the USA and Canada. Simplification and rationalisation of the visa system should result in cost savings that can be passed on to visa applicants whilst maintaining Australia's attractiveness as a study destination.

Do you think an efficient visa system that is simple to understand and quickly assesses risk will make Australia a more attractive destination? Why?

Complex systems do act as a disincentive to applicants. Where Australia is one of several markets hoping to attract either temporary or permanent migrants, an efficient visa system that is simple to understand and quickly assesses risk will act to make Australia a more attractive destination.

To what extent should the Government collect biometrics from visa applicants?

The collection of biometrics would appear to be an inevitable progression as technology changes and makes the collections of such characteristics easier. If biometrics can assist in the creation of a visa system that is efficient and quickly able to assess risk then that would be a positive outcome. However, the extent to which this would have a positive effect needs to be weighed against the risk of infringing on privacy and appearing unwelcoming.

Conclusion

There are strong arguments to be made for reforming the current visa system in Australia. However, any wholesale change will inevitably cause confusion amongst those who seek to come to Australia and those endeavouring to facilitate such movement. As noted earlier, it is imperative that any change process be well thought through and that meaningful and on-going consultation with stakeholders occurs at all stages.

It is also imperative that a model is developed that will preserve the utility of the current system in terms of data and analysis to best serve any new system going forward.

Any new system with the aims of being welcoming and encouraging of talented prospective migrants, both temporary and permanent, needs to truly be easy to navigate and understand.

ISCA

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