Strategic Review of the Student Visa Program
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 nearly 1,090 schools and around 550,000 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 16 per cent of schools in the independent sector.

Independent Catholic schools are a significant part of the sector, accounting for 10 per cent of the independent sector's enrolments. These schools have been included in the figures above.

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Key Points

1. ISCA appreciates the opportunity to make this submission.

2. ISCA's approach to international education generally is to support cross sector initiatives and reforms at government level that:

    - are in Australia's national interests
    - ensure Australia remains competitive in terms of global mobility
    - contribute to perceptions of Australia as being an open, democratic and welcoming society, with an efficient and unbiased bureaucracy[1]
    - encourage schools to engage in international education programs, rather than act as a disincentive to do this.

3. ISCA therefore welcomes and commends DIAC's decision to undertake a Strategic Review of the Student Visa Program, and is cognisant of the place of this Review within the wider context of DIAC's initiatives, that is:

    - to simplify visa categories and processes with the aim of "improving productivity and international competitiveness …….. by delivering fewer and simpler visa products through a more streamlined and consistent application and assessment process"[2]
    - to implement "Risk Tiering" as "a strategy to further enhance risk management and integrity." ISCA notes in particular:

      … In order to achieve this, the department is developing new, evidence-based, automated, technical solutions to predict relative risk levels of visa applicants, based on historical data. This will enable each visa application to be assessed with a level of rigour commensurate with the perceived level of risk involved. The priority is to identify lower risk applicants to streamline visa application processing.[3]

4. In going forward, ISCA considers the following principles to be key in re-shaping the Student Visa Program in the short and longer terms to create a viable, risk managed, international education infrastructure:

    - Equity
    - Incentive
    - Flexibility
    - Transparency
    - Simplicity
    - Predictability
    - Consistency

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[1] ISCA submitted to the Migration Program Consultation: *It is ISCA's view that having an openly transparent migration program with easy-to-navigate visa application processes helps Australia to remain competitive in terms of global mobility and contributes to perceptions of Australia as being an open, democratic and welcoming society, with an efficient and unbiased bureaucracy.* (10 January 2011, p.2)

[2] DIAC Discussion Paper June 2010: *Simpler visas Creating a simpler framework for temporary and permanent entry to Australia* (p. 5)

[3] Department of Immigration and Citizenship Annual Report 2009-10 (p.275)

- Robust data
- Appeals processes
- Transitional arrangements.

5. ISCA proposes a two-fold approach to strengthen and streamline the Student Visa Program – a long term strategy and a suite of short term measures. See "*Recommendations*" pp.9-11.

6. ISCA strongly believes, for the purposes of this Review, and in implementing longer term and short term reforms within the twin frameworks of ESOS and the Student Visa Program, it is critical:

- to understand sectoral differences and characteristics when proposing and implementing legislative policies and changes to avoid unintended consequences
- to ensure cross agency consistency in the implemention of risk management approaches.

7. ISCA strongly advocates that understanding sectoral differences and achieving national consistency in implementing reforms can only be achieved through industry consultation and testing of proposed changes.

8. ISCA contends there is a case for independent schools to be treated as low risk institutions that provide reliable, high quality education services to overseas students on the basis that there is already a significant amount of regulation and legislation covering accreditation of non-state schools, as well as the enrolment of overseas students in Australian educational institutions which independent schools generally address as individual providers.

9. ISCA is concerned that failure to address challenges currently faced by the international education industry in Australia, including an increasing compliance burden along with the unprecedented decline of overseas student enrolments, will negatively impact on school sector engagement in international education programs.

Background

Overseas students in independent schools

> **ISCA is concerned that failure to address challenges currently faced by the international education industry in Australia, including the unprecedented decline of overseas student enrolments, will negatively impact on school sector engagement in international education programs.**

Approximately 42% of all overseas students enrolled in the school sector in Australia attend independent schools. It is therefore important to understand the differences between this sector and other education sectors when drafting and implementing new legislative requirements in order to avoid unintended consequences.

The majority of independent schools are individually registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) and are individually responsible for meeting compliance requirements. By contrast, state departments of education (enrolling approximately 51% of overseas school students overall) hold single provider registrations covering any number of state schools enrolling overseas students within a state.

In 2010 there were over 8,000 overseas students enrolled at nearly 400 independent schools[4]. This represents a significant proportion of the total number of schools in the sector. Overseas enrolments in schools vary from one overseas student to just over 300 overseas students. The median number of overseas students at an independent school is nine 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.

While enrolling just 4% of overseas students overall in Australia, independent schools nonetheless account for a significant percentage of institutions registered on CRICOS. Some schools also have ELICOS centres attached to their institutions which may also be separately registered on CRICOS.

Chart 1 shows that while overseas student enrolments in the school sector have remained relatively steady for some years they have been decreasing since 2008. Between 2004 and 2010 there was net decrease of just over 3,000 students in the school sector but the sector share of total overseas student enrolments fell from 8% to 4% as other sectors grew rapidly.

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[4] Based on DEEWR Non-government School Census 2010 data

Chart 1: Overseas Student Enrolments by Sector 2004 – 2010[5]
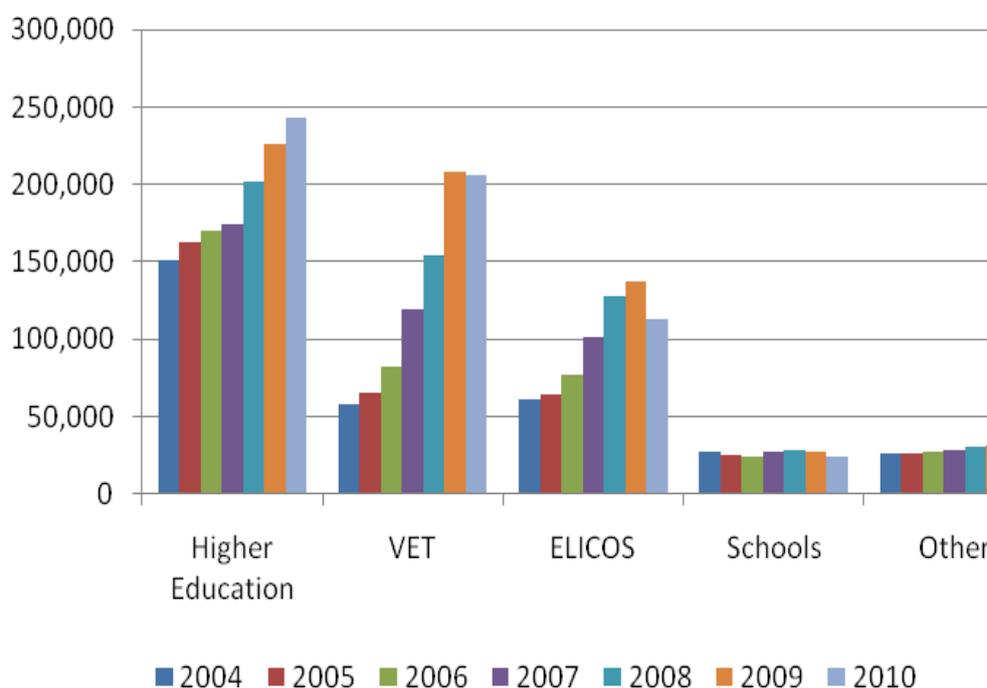
The largest decline in overseas student enrolments in the school sector has been most significant in the non-government schools in New South Wales and Victoria, the states most affected by adverse publicity about private education providers in the media overseas since the first half of 2009. Declines have escalated in the 2010 calendar year.

Table 1: Overseas student enrolments in the non-government sector 2008 – 2010[6]

State	2008	2009	% Change	2010	% Change
NSW	6,270	4,950	**-21%**	3,411	**-31%**
VIC	5,055	4,548	**-10%**	3,738	**-18%**
QLD	2,886	2,857	-1%	2,681	-6%
SA	1,360	1,377	1%	1,165	-15%
WA	940	822	-13%	676	-18%
TAS	180	188	4%	188	0%
NT	41	45	10%	53	18%
ACT	59	63	7%	55	-13%
Total	16,791	14,850	-12%	11,967	-19%

If commencements are considered to be the "pipeline", the prognosis is not good for government schools as well as non-government schools.

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[5] AEI PRISMS Data
[6] AEI PRISMS Data

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Table 2: Overseas student commencements by provider type 2007 – 2011 (February YTD)[7]

Provider Type	2008	2009	2010	2011
Government	2,317	2,554	2,448	2,212
Change from previous year		10%	-4%	**-10%**
Non Government	4,042	3,574	3,090	2,444
Change from previous year		-12%	-14%	**-21%**
All Schools	6,359	6,128	5,538	4,656
Change from previous year		-4%	-10%	**-16%**

Regulatory environment for independent schools

> **ISCA contends there is a case for independent schools to be treated as low risk institutions that provide reliable, high quality education services to overseas students on the basis that there is already a significant amount of regulation and legislation covering accreditation of non-state schools, as well as the enrolment of overseas students in Australian educational institutions which independent schools generally address as individual providers.**

The regulatory environment for schools is already complex and currently demonstrates a high degree of accountability and reporting to governments. The following excerpt from ISCA's Submission to the *Review of Funding for Schooling* provides an outline of current compliance requirements for non-government schools:

Independent schools have a greater range of accountabilities than any other type of school in Australia due to the complex mix of their responsibilities to stakeholders, governments, authorities and their legal obligations as incorporated bodies.

Independent schools must meet the criteria established by their state or territory government for registration as a school and for their accreditation for credentialing of students. School registration is reviewed on an ongoing basis, which ensures that the school's curriculum and governance complies with state or territory government requirements.

State and territory governments provide some funding support for independent schools, and schools must comply with any related conditions of funding as well as reporting and accountability requirements.

The Australian Government is the source of most of the public funding for independent schools. Comprehensive conditions and accountability requirements apply to this funding which are specified in the Schools Assistance Act 2008, Schools Assistance Regulations, Administrative Guidelines: Australian Programs for Non-government Schools 2009 to 2012 and the Funding Agreement between the Australian Government and the approved school authority.

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[7] AEI PRISMS Data

Schools are obliged to work co-operatively with their state or territory government to support that government in fulfilling its obligations under the National Education Agreement. Independent schools must also agree to support the achievement of the Melbourne Declaration on Educational Goals for Young Australians and the Council of Australian Governments (COAG) outcomes for schooling. Governments have acknowledged through the Melbourne Declaration on Educational Goals for Young Australians that "Together, all Australian governments commit to working with all school sectors and the broader community to achieve the educational goals for young Australians." One of the action areas for achieving this end articulated in the Declaration is developing stronger partnerships.

Schools must participate in all specified National Student Assessments, participate in the preparation of the National Report on Schooling in Australia, collect and provide extensive information relating to individual students and school information to all organisations specified in the Regulations, including the Australian Government Department of Education, Employment and Workplace Relations (DEEWR) and the Australian Curriculum, Assessment and Reporting Authority (ACARA). Schools are also required to report to parents in compliance with legislated requirements, annually report and publish specified information relating to aspects of the school and its operations and implement the national curriculum.

Independent schools must submit to a Financial Questionnaire to DEEWR annually. The Financial Questionnaire is an annual collection of financial income, expenditure and liabilities from all non-government schools receiving Australian Government general recurrent grants. The Financial Questionnaire data draws on a school's audited financial statements. Schools are also subject to scrutiny of their financial operations including the financial viability and funding sources of the school. Independent schools must demonstrate that the funds received under each Australian Government funding program have been expended appropriately. This includes providing the Australian Government with certificates certified by qualified accountants regarding the expenditure of Australian Government grants. All accounts records and documents as well as free access to each campus of a school must be available to the Auditor-General or DEEWR officers.

Independent schools are bound by a number of other legal requirements associated with their operations. For example, as companies limited by guarantee or as incorporated associations, independent schools are accountable to the Australian Securities and Investments Commission, or to their state or territory registrar of associations. They must submit audited financial statements to these bodies which are available for public scrutiny. They are also subject to regulation by the Australian Taxation Office. (March 2011, pp.47-8)

Additionally, the vast majority of independent schools enrolling overseas students are individually registered on CRICOS. In many areas, CRICOS registration duplicates regulatory requirements already covered by domestic accreditation frameworks for non-government schools.

In mostly catering for students under 18 years of age, schools as a sector attract a further layer of regulation and a greater degree of scrutiny by both DEEWR and DIAC because of undertaking welfare and duty of care responsibilities for younger students.

Recommendations

> **ISCA strongly believes, for the purposes of this Review, and in implementing longer term and short term reforms within the twin frameworks of ESOS and the Student Visa Program, it is critical:**
>
> - **to understand sectoral differences and characteristics when proposing and implementing legislative policies and changes to avoid unintended consequences**
> - **to ensure cross agency consistency in implementing of risk management approaches.**
>
> **ISCA strongly advocates that understanding sectoral differences and achieving national consistency in implementing reforms can only be achieved through industry consultation and testing of proposed changes.**

In the context of this submission, ISCA does not believe it is necessary to revisit the challenges facing the international education industry in Australia. These are well articulated in the *Strategic Review of the Student Visa Program 2011 Discussion Paper* (pp.7-8) and almost daily in national and international media.

Rather, ISCA would like to contribute towards a "vision" for a streamlined and competitive Student Visa Program which articulates an equitable, flexible and effective risk management framework for all sectors, consistent with current ESOS reforms.

ISCA recommends a two-fold approach:

a) A **longer term strategy**
   - to simplify and reform the Student Visa Program to re-position Australia as a preferred study destination
   - to make better use of regulatory resources by more closely aligning DIAC and DEEWR risk management approaches through the use and sharing of data.

b) A suite of **short term measures** to address the more pressing issues currently facing the international education industry.

Principles

In going forward, ISCA considers the following principles to be key in re-shaping the Student Visa Program in the short and longer terms to create a viable, risk managed, international education infrastructure.

- **Equity** for student visa applicants regardless of sector and country of origin, and for providers operating within a risk managed environment.
- **Incentive** for students to choose Australia as a study destination and for providers to embrace low risk practices.
- **Flexibility** for the Student Visa Program and ESOS legislation to respond quickly and with integrity to issues and challenges.

- **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.
- **Simplicity** of processes for students to apply for visas and to access information.
- **Predictability** and certainty for students as well as providers to plan for the future.
- **Consistency** of regulatory requirements for all sectors across all jurisdictions.
- **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.[8]
- **Appeals processes** for providers and students to request review of DIAC decisions at post, and for providers to request review of DEEWR assigned level of risk.
- **Transitional arrangements** for changes in policy directions or implementation which have the potential to disadvantage currently enrolled students.

Longer term strategy

ISCA supports a nationally consistent approach to risk management of the Student Visa Program that is also aligned to the risk management of provider registration, and compliance monitoring and enforcement. This could conceivably apply to a "streamlined" or reduced number of student visa subclasses. (See *Appendix 1, ISCA response to Q.7* for possible student visa subclass options.)

In an aligned risk management model, levels of risk could on the one hand be assigned by DIAC to posts or geographic regions, and on the other to an individual provider or cohort of providers, rather than to *"…each education sector and the nationality of the (visa) applicant"*[9], as at present.

Criteria for determining provider risk levels should take sectoral differences into account and should include:

- domestic/other quality assurance accreditation frameworks
- receipt of government funding and subsequent accountability requirements
- curriculum delivered under accredited frameworks
- CRICOS risk ratings
- PRISMS reports, for example, of CoEs generated, confirmations of course start and completion dates
- visas refused and reasons for refusals.

In the model proposed, the simplest visa application process, eVisas, would have clearly defined criteria and would apply to any students coming from a "low risk" location, wishing to study with a "low risk" provider. Successive levels of risk could be determined by combinations of higher levels of risk assigned by DIAC and/or DEEWR, and could be accompanied by higher levels of evidentiary requirements and/or longer visa processing times. Such a model aligns closely with DIAC's current approach of "Risk tiering" (See *Key Point 3*, above, and *Appendix 2: Possible risk matrix for student visa assessments* below.)

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[8] For example, published in the Department of Immigration and Citizenship Annual Report, or in an annual report to education peak bodies.
[9] Department of Immigration and Citizenship Annual Report 2009-10 (p. 59)

In such a model, it should be possible for students to "step through" an online application process which advises if further evidence will be required and/or longer visa processing times will apply as students progress through the steps, based on information provided and on enhanced data matching of geographic region and provider.

Risk levels should be reviewed annually and adjustments made if threshold levels of non-compliance were recorded in data collected by DIAC, DEEWR or CRICOS registration authorities. There could be higher annual registration charges for providers attracting a higher risk rating or requiring a higher level of monitoring.

An assignment of a high level of risk or a negative change in risk level for a DIAC post or a provider would be accompanied by a period of monitoring by relevant authorities, with clear information/guidance given to stakeholders about how to gain/regain a lower risk assessment.

In a model of this kind, resources of regulatory authorities would be mobilised around targeting and solving problems, based on evidence from DIAC and DEEWR statistical collections and other sources, e.g. Office of the Overseas Students Ombudsman.

High risk providers would attract closer scrutiny at all times with consequences being higher levels of evidence of compliance required, and longer visa processing times. However, risk rating for providers should not be publicly listed, as there is a provision for "publishing results of enforcement and monitoring" of providers under recent ESOS reforms. [10]

Short term measures

In the short term, ISCA recommends a suite of measures to address the more pressing issues currently facing the international education industry. These are outlined below.

ISCA strongly supports as a matter of urgency establishing an overarching, cross sector and cross agency consultative mechanism which:

- is genuinely consultative
- provides opportunities for two-way communications between government, industry peak bodies and other key stakeholders
- consults with industry peak bodies about effective and targeted monitoring of providers attracting higher risk ratings
- supports and enhances risk management processes and decisions by providing an overlay of scrutiny to policy and regulatory changes that are needed and/or proposed
- interacts with other "expert" industry working or advisory groups, which could include:
  - DIAC Student Visa Program advisory group
  - DIAC and DEEWR Data Management working group
  - Austrade Marketing advisory group.

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[10] Education Services for Overseas Students Legislation Amendment Bill 2010, s170A.

With regard to issues of "transparency", ISCA recommends:

- demonstrating transparency in the risk assessment processes used by DEEWR and CRICOS Registration Authorities by making public the methodology of allocating risk levels to providers
- revising DIAC Assessment Level Methodology so that students seeking protection visas are counted as a percentage of the student cohort rather than as an absolute numbers.

With regard to Student Visa Program administration, ISCA recommends:

- considering implementation of recommendations from the DIAC June 2010 Financial Workshop
- including pre-paid homestay fees in living expenses for all school students and/or students under the age of 18 years for whom living arrangements must be approved by their provider
- restructuring student visa application fees to allow for differing course lengths and for subsequent visas
- revising the requirement for a Health Check for subsequent student visas
- tightening processes around
    - monitoring of student guardian visas and enforcing of visa conditions
    - cancelling visas when enrolment is cancelled for non-payment of tuition fees.

With regard to current requirements for PR China, the market most impacted by recent events in international education for independent schools, ISCA recommends:

- expediting visa processing arrangements for lower risk locations in China for all sectors
- removing the minimum age of students allowed to apply for a student visa from Assessment Level 3 and 4 countries.

ISCA's approach to international education generally is to support cross sector initiatives and reforms at government level that

- **are in Australia's national interests**
- **ensure Australia remains competitive in terms of global mobility**
- **contribute to perceptions of Australia as being an open, democratic and welcoming society, with an efficient and unbiased bureaucracy**
- **encourage schools to engage in international education programs rather than act as a disincentive to do this.**

Appendix 1: ISCA Responses to Strategic Review of the Student Visa Program 2011 Discussion Paper (Questions)

1. CAN MIGRATION RISK BE MEASURED AND MANAGED MORE EFFECTIVELY?

Migration risk is risk of not returning home after studies. Ability to study **and** intention to return home is currently "measured" by:

- health and character checks
- ability to undertake course (academic and English language requirements)
- ability to finance studies (tuition & living costs)
- also by English language proficiency in some cases (as determined by DIAC).

Risk could also be measured by:

- category of visa
- risk attached to location/post
- provider risk.

Risk could be managed by having processes that take sectoral differences and domestic accreditation and regulatory frameworks into account. (See *Longer term strategy* above, pp.10-11.)

Currently some aspects of the student visa program are not managed effectively and in fact contribute to increased migration risk:

- non- payment of fees
- non-compliance by providers
- inconsistent application of assessment criteria
- lack of resourcing within regulatory authorities.

2. HOW CAN PROVIDERS BE DIFFERENTIATED FOR MIGRATION RISK?

All providers have been re-registered in 2010 using a risk assessment approach, so there should be a risk level assigned to all providers from this process. This enables compilation of a risk profile for all registered providers.

Provider risk profiles can be further enhanced through **data matching** of PRISMS and DIAC databases for visa applications/grants/rejections etc for individual providers.
It is essential that there is consistency and transparency of process between both state and territory jurisdictions and regulatory authorities.

3. WHAT ARE FAIR AND OBJECTIVE MEASURES TO CALCULATE PROVIDER RISK?

Fair measures to calculate provider risk include:

- domestic/other quality assurance framework accreditation
- receipt of government funding and accountability requirements
- curriculum delivered under accredited frameworks

- CRICOS risk ratings.

Objective (evidence-based) measures to calculate provider risk include:
- PRISMS reports – CoEs generated, confirmation of course start and completion dates
- visas refused and reasons for refusals.

Current methodology of calculating Assessment Level risk using the absolute number of protection visa applicants rather than a percentage of the total number of student visa holders can skew calculations of risk within a sector.

> **4. WILL DIFFERENTIATING PROVIDERS ENHANCE THE INTEGRITY OF THE STUDENT VISA PROGRAM AND THE COMPETITIVENESS OF THE INTERNATIONAL EDUCATION SECTOR?**

Differentiation of providers on the basis of risk and sector specific characteristics has to potential to enhance the integrity of the student visa program. However, this is dependent on data matching between DIAC, DEEWR and state registration authorities, and how well compliance is monitored and enforced by the relevant authorities.

> **5. DOES THE EXISTING ASSESSMENT LEVEL SYSTEM EFFECTIVELY MANAGE MIGRATION RISK?**

The current Assessment Level system which allocates risk on the basis of country and sector is overly complex and lacks flexibility but can be streamlined. (See *Longer term strategy* pp. 9-11.)

It is important that any future changes to the DIAC risk assessment methodology be undertaken in consultation with industry.

> **6. ARE THERE TOO MANY RISK LEVELS?**

The number of DIAC risk levels can be simplified and when combined with individual provider risk profiles can more accurately allow targeting of resources to address areas of migration concern.

It is ISCA's view that streamlining of risk assessment processes could become more of a shared responsibility with providers managing risk around academic entry and English language requirements, and DIAC managing risk around health and character checks, and finances.

> **7. ARE THERE TOO MANY VISA SUBCLASSES?**

It is ISCA's view that the number of student visa subclasses should be both in Australia's national interests and responsive to the current and future needs of industry. Any re-structure of the current visa regime should be underpinned by an evidence-based, risk management approach that takes into account sectoral differences and recent reforms to the ESOS Act and within

industry.

Possible visa scenarios include:

OPTION A
- Student Visa I (Currently subclasses 570, 571, 572)
- Student Visa II (Currently subclasses 573, 574)
- Student Visa III (Currently Non-Award 575 for any sector up to 12 calendar months)
- Student Guardian Visa

OPTION B
- Student Visa Short Term (for any period of study 3-12 months, with corresponding changes to CRICOS requirements)
- Student Visa Long Term (for any period of study longer than 12 months)
- Student Guardian Visa

Scholarships and sponsorships should be considered under the wider visa subclass, with institutions or governments providing confirmation of financial capacity to support study and living expenses.

8. WHAT WOULD EFFECTIVE CONSULTATION AND SUFFICIENT NOTIFICATION LOOK LIKE?

It is imperative that in determining the future shape of the student visa program that DIAC and DEEWR engage constructively with industry prior to any legislative change to avoid unintended consequences.

ISCA supports the establishment of a DIAC Student Visa Program advisory group to provide an ongoing forum for consultation on proposed changes to the Student Visa Program.

9. SHOULD DIAC OFFICERS HAVE MORE DISCRETION WHEN ASSESSING STUDENT VISA APPLICATIONS?

ISCA supports greater discretion for DIAC officers to approve applications. However, discretion should be confined to criteria relevant to the officer's role (e.g., DIAC officers should not make a determination on provider entry requirements), and there should be an avenue of review of application decisions.

10. ARE AUSTRALIA'S PROCESSING TIMES FOR STUDENT VISAS TOO LONG?

ISCA supports more competitive visa processing times, but not at the expense of overall visa integrity.

Transparent processes and adopting a risk management framework should expedite faster processing times (e.g., greater use of eVisas) and free up compliance resources to target high risk areas/practices.

11. IS THE VISA APPLICATION CHARGE TOO HIGH?

Currently there is one visa charge for applicants regardless of the length of their course. ISCA supports differential fees depending on course duration, e.g., for ELICOS courses. There should also be an initial visa application fee, and a lower fee for subsequent visas.

Health checks should be reviewed in terms of cost, frequency and necessity.

12. WHAT IS THE RIGHT NUMBER OF HOURS THAT STUDENTS SHOULD BE ALLOWED TO WORK?

ISCA supports the current provisions of 20 hours per week during term time and unlimited hours during vacation time.

13. DO THE WORK RESTRICTIONS MAKE SENSE FOR HIGHER DEGREE BY RESEARCH STUDENTS?

This may need to be more flexible, but hours of work should not take priority over time needed for studies.

14. HOW SHOULD ASSESSMENT LEVELS BE MANAGED FOR STUDENTS WHO ENTER TO UNDERTAKE A PRELIMINARY COURSE PRIOR TO COMMENCING THEIR PRINCIPAL COURSE?

Current visa packaging arrangements should remain.

15. DO OVERSEAS STUDENTS HAVE SUFFICIENT OPPORTUNITIES TO WORK IN AUSTRALIA AFTER GRADUATION?

See Q. 16.

16. WHAT IS THE RIGHT LENGTH FOR A POST-STUDY WORK ENTITLEMENT?

ISCA supports a post-study work entitlement period of at least 18 months up to a maximum of 3 years.

1) OVERSEAS STUDENTS ARE CURRENTLY REQUIRED TO DEMONSTRATE OR DECLARE THAT THEY HAVE ACCESS TO $18,000 IN FUNDS TO CONTRIBUTE TOWARDS LIVING COSTS FOR EVERY YEAR OF INTENDED STUDY IN AUSTRALIA. DOES THIS PUT AUSTRALIA AT A COMPETITIVE DISADVANTAGE?

It is ISCA's view that Australia's financial evidentiary requirements should be competitive with those of other countries.

Minimum amounts should be based on research on student expenditure, and may well vary across sectors. For example "For a student applying from PR China to study for 3 years in Years 10-12 in Australia, the total amount required as a deposit held in a bank account is now over

AUD $105,000 (tuition and living costs for the first 36 months and visa length OSHC)."[11]

Criteria for low risk visa applicants should allow for financial capacity to be declared or easily demonstrated for up to the first year of enrolment; higher risk applicants should provide more evidence, as at present.

ISCA welcomes the recent DIAC decision to include pre-paid formal boarding fees for school students in the calculation of living expenses (December 2010: *Overview of Student Visa Changes to Assist International Education Sector*), but recommends that this provision be extended to pre-paid homestay fees for all school students and/or students under the age of 18 years for whom living arrangements must be approved by their provider.

From a provider point of view, and for better integrity of the student visa program, it should be easier to cancel visas for non-payment of fees. Currently, a cancellation of an enrolment for failure to pay fees does not mean a student's visa is also cancelled.

A student who is not paying or cannot pay fees becomes an immigration risk as well as a risk to other providers.

> **17. ARE THERE ANY INSTITUTIONAL BARRIERS TO INCREASING THE INFLOW OF HIGH GRADE RESEARCH STUDENTS FROM OVERSEAS INTO AUSTRALIA?**

This is not applicable to the school sector.

> **18. SHOULD THERE BE A MINIMUM STANDARD FOR ENGLISH LANGUAGE PROFICIENCY BY STUDENTS COMING TO AUSTRALIA FOR ENGLISH LANGUAGE TRAINING EITHER INDEPENDENTLY OR PRIOR TO COMMENCING AN AWARD COURSE?**

ISCA supports the removal of a mandated level of English language proficiency in order to enrol in a stand-alone ELICOS course.

This is an area that needs to be addressed to allow Australia to remain competitive as a destination for **learning** English.

Similarly, ISCA supports the removal of an English language proficiency level mandated by DIAC in order to enrol in a registered course. Appropriate academic and English language prerequisites should always be determined by the provider.

> **19. SHOULD THERE BE A MAXIMUM PERIOD OF ENGLISH LANGUAGE STUDY?**

ISCA supports a regulatory approach to English language learning that takes teaching and learning principles into account:
- for ELICOS courses – the registered course length on CRICOS

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[11] ISCA Submission to the Migration Program Consultation (10 January 2011, p.5)

- packaged courses should take into account timelines for reaching academic course entry requirements. The provider of the "primary" course should determine timelines for packaging arrangements taking the needs of cohorts of learners into account.

20. SHOULD THERE BE A MINIMUM AGE FOR INTERNATIONAL STUDENTS SEEKING TO UNDERTAKE SCHOOL EDUCATION IN AUSTRALIA?

ISCA does not support minimum age requirements for school students, including from countries DIAC deems to be "higher risk".

It should be the decision of parents and providers to determine ages for enrolling students. For example, Australians and other expatriates living overseas make decisions about their children attending boarding schools or living with relatives from young ages. There is no legislation preventing this.

ISCA supports continuation of the current student guardian visa to support parental and provider choice in enrolling young students in Australian schools, but with greater monitoring of visa conditions.

21. DOES THE CURRENT VISA PROGRAM EFFECTIVELY SUPPORT CHANGING PATTERNS OF DEMAND BY INTERNATIONAL STUDENTS' SCHOOL BASED EDUCATION?

A new visa structure should take changing demands for six and twelve month "study abroad" experiences into account, with parallel adjustment of ESOS compliance requirements.

Additionally, it should be possible for DIAC officers to use greater discretion within "emerging markets" to assist rather than restrict growth from countries demonstrating an increasing demand for Australian education services, such as Cambodia.

22. DO WE NEED A BETTER MEANS OF CONSULTATION AND COMMUNICATION BETWEEN KEY STAKEHOLDERS?

ISCA strongly supports an overarching, cross sector and cross agency consultative mechanism which:
- is genuinely consultative
- provides opportunities for two-way communications between government, industry peak bodies and other key stakeholders
- supports and enhances risk management processes and decisions by providing an overlay of scrutiny of policy and regulatory changes that are needed and/or proposed
- interacts with other "expert" industry working or advisory groups, which could include
  - DIAC Student Visa Program advisory group
  - DIAC and DEEWR Data Management working group
  - Austrade Marketing advisory group.

Appendix 2: Possible risk matrix for student visa assessments

1. DIAC Level of Risk for Student Visa Category for Post/Location	2. Combined with DEEWR Level of Risk assigned to providers	3. Outcome - level of evidence/scrutiny required for student visa applications
High	High	High + close monitoring
	Medium	High + period of monitoring to determine a change in rating to medium or low
	Low	
Medium	High	High + close monitoring
	Medium	Medium + period of monitoring to determine a change in rating to low
	Low	
Low	High	High + close monitoring
	Medium	Low + period of monitoring to determine a change in rating to low
	Low	Low