



Australian Government

Strategic Review of the Student Visa Program 2011 - Recommendations

The Foundation Stone

Recommendation 1

That a new element be introduced into the eligibility criteria for a student visa. That new criterion will be to assess whether the applicant is a **genuine temporary entrant**. This new criterion should be the first to be considered in assessing any application for a student visa.

Recommendation 2

A successful applicant must be both a genuine temporary entrant **and** a genuine student.

The Universities

Recommendation 3 – streamlined visa processing for universities

- 3.1 That all students in the categories set out below, irrespective of their country of origin – but subject to the provisions in 3.5, 3.6 and 3.7 should be treated as though they are all Assessment Level 1.
- 3.2 This treatment should apply to the following university student applicants:
 - Bachelor Degree
 - 2 plus 2 (or 3 plus 1) arrangements with partner universities
 - Masters Degree by coursework.
- 3.3 The special treatment **should not apply** to:
 - short courses
 - Associate Degree
 - Graduate diploma
 - Graduate certificate
 - Diploma and Advanced Diploma
 - non-award courses (except as provided for in Recommendation 18)
 - the non-university courses at the six universities which are dual sector (VET and university).
- 3.4 The benefits should **also apply** to courses which are explicitly packaged with an eligible university course at the time when the offer of university enrolment is made. This might include English language (ELICOS) and/or foundation or pathway courses in circumstances where non compliance by the student at any part of the package would be regarded as non-compliance with the university enrolment.

- 3.5 The government should continue to require appropriate health checks, health insurance, character (predominantly criminal record/connections) and security checks.
- 3.6 The underlying Department of Immigration and Citizenship (DIAC) powers in regard to every individual student application should continue to exist.
- 3.7 The government should also reserve the right to exclude certain high risk groups from the streamlined approach for university applicants. For example, the government might want to carefully assess all applicants from a persecuted minority group in a particular country. Applicants from such a group might have a huge incentive to apply for protection visas as soon as they reach Australia. The Australian Government may or may not wish to take such people on humanitarian grounds but that should be a separate decision and should not get mixed up with the process of granting visas for university students.

Recommendation 4 Post Study Work Rights

- 4.1 All graduates of an Australian university Bachelor degree, who have spent at least two academic years studying that degree in Australia, and who have complied with their visa conditions, should receive two years work rights.
- 4.2 All graduates of an Australian university Masters by Coursework degree, who have studied that degree in Australia, and who have complied with their visa conditions, should receive two years work rights on successful completion of their course.
- 4.3 This should apply irrespective of the nature of the course (for example whether it be Arts or Engineering) and not be tied to working in any particular occupation.
- 4.4 The mechanism for taking up these work rights should be administratively very simple with the following components:
 - the university must notify that the course has been successfully completed. (This will be earlier than the formal graduation which could be many months after the course has been completed);
 - DIAC should not undertake any detailed, time consuming, assessment of the applicant;
 - the scheme must be one which can be marketed by the universities to prospective students as almost guaranteeing post study work rights.

Higher Degrees by Research

Recommendation 5

That all Higher Degree by Research (HDR) students – visa subclass 574 - be treated as though they are all Assessment Level 1 applicants.

Recommendation 6

That where any English language or other preparatory course is required by the Higher Degree by Research provider then the whole package still be treated as Assessment Level 1.

Recommendation 7

That all Higher Degree by Research students be given unlimited work rights.

Recommendation 8

Masters by Research graduates should receive three years post-study work rights and PhD graduates four years.

Recommendation 9

That the visa arrangements for Higher Degree by Research students be such that an extension for up to six months after submission of their thesis is available if needed during the interactive marking process.

English Language**Recommendation 10**

That, provided the integrity measures relating to the revised criteria for a student visa are implemented (as set out in Recommendation 1), the threshold English language test requirements for stand alone ELICOS students be removed.

Schools**Recommendation 11**

That the English language requirements for school students in Assessment Level 4 be the same as those applying for Assessment Level 1 through to Assessment Level 3 and the associated waiver scheme abolished.

Recommendation 12

That the maximum period of time a school student visa holder can study English be 50 weeks across all assessment levels.

Recommendation 13

That the current restrictions on student guardians of a maximum of three months of study be maintained but unlimited part-time study rights for ELICOS study only be allowed.

Recommendation 14

That pre-paid homestay fees be included in financial assessments on the same basis as pre-paid boarding fees.

AusAID and Defence**Recommendation 15**

That as a matter of some urgency AusAID, DIAC, Department of Health and Ageing (DOHA) and other relevant Australian government agencies develop an integrated policy in relation to the award of scholarships and how visa arrangements for awardees are to be managed. In particular they should address the situation of potential awardees who have a disability or HIV.

Recommendation 16

That PhD students entering under the subclass 576 visa have access to the same extension provisions recommended for Higher Degree by Research students in Recommendation 9, provided AusAID is prepared to fund their extended period.

Recommendation 17

That DIAC and Department of Education, Employment and Workplace Relations (DEEWR) meet with State education authorities to work out what can be done to avoid the situation where a visa for a child dependent cannot be granted until proof of enrolment is present and state education authorities will not grant such proof until proof of visa grant is made. Any agreed remedy should apply across all student visa subclasses.

Non-award**Recommendation 18**

That students coming for semester or year long non-award courses at an Australian university as part of their home universities degree and/or as part of an agreed student exchange between universities be given access to streamlined processing as outlined in Recommendation 3.

Integrity Measures**Recommendation 19**

That DIAC undertake specific research targeted at integrity and compliance issues into student visa outcomes, including both primary and secondary applicants, to inform policy development.

Recommendation 20

That DIAC be appropriately funded to further develop research capability across the program.

Recommendation 21

That DIAC, to the extent permitted by legislation, co-operate with its counterparts across all levels of government to facilitate information sharing, to inform evidence based decision making.

Recommendation 22

In the event that the research over the next 12 months reveals systemic abuse of dependant (secondary applicant) visas, that the government seriously consider mirroring the recent UK policy and restrict dependant visas to Masters and above courses unless the primary applicant is sponsored by a government.

Recommendation 23

Current arrangements whereby Student Course Variations (SCVs) automatically become Non-Compliance Notices (NCNs) should cease. SCV information should continue to be conveyed to DIAC who should use it as an input into a more targeted and strategic analysis of non-compliance.

Recommendation 24

Automatic cancellation of student visas should be abolished and replaced by a system in which information conveyed by SCVs is used as an input into a more targeted and strategic analysis of non-compliance.

Recommendation 25

The mandatory cancellation requirement for unsatisfactory attendance, unsatisfactory progress and working in excess of the hours allowed should be removed, giving DIAC officers the discretion to determine cancellation in particular cases on their merits.

Recommendation 26

DIAC should concentrate its compliance and integrity resources in relation to student visas on the highest risk areas.

Recommendation 27

DIAC should not only respond to information generated by PRISMS but also be proactive in detecting the sorts of breaches (for example sham marriages and exceeding permissible work hours) which are not reported in PRISMS.

Recommendation 28

That student work entitlements be measured as 40 hours per fortnight instead of 20 hours per week

Recommendation 29

That the necessary legislative changes be made to require the name of any agent involved to be entered into the student's data into PRISMS.

Recommendation 30

That DEEWR take steps to encourage providers to voluntarily enter agent data into PRISMS in the interim before the ESOS Act is changed to make this mandatory.

Recommendation 31

That DEEWR and DIAC establish a single student identifier to track international students through their studies in Australia.

Assessment Levels**Recommendation 32**

That DIAC undertake a review of the assessment level framework, with a mind to either abolishing the system entirely or modifying the framework to make it relevant to current and future challenges facing the student visa program. This review should be managed by DIAC but should include reference to an external panel or reference group.

Agents**Recommendation 33**

That DIAC upgrade its liaison at overseas posts with migration and education agents in relation to the student visa program, including regular meetings to keep agents abreast of any changes in rules and procedures.

Transnational Education

Recommendation 34

That Austrade be asked to prepare a more detailed outlook document that provides effective business planning intelligence demonstrating the opportunities, for offshore provision of vocational education.

Recommendation 35

That the highest quality Australian VET providers including TAFEs, be encouraged to explore offshore market opportunities.

Recommendation 36

That the Australian Government, through programs such as the Export Market Development Grants Scheme and other forms of assistance, support high quality Australian vocational education providers in expanding their offshore training services.

A New Consultative Mechanism

Recommendation 37

That DIAC constitute an Education Visa Advisory Group as a primary means of regular two way communication between stakeholders in the international education sector and DIAC.

Other Matters

Recommendation 38

That the policy regarding Pre-Visa Assessment (PVA) be discontinued.

Recommendation 39

That student visas be allowed to be granted in advance of four months before the commencement of the relevant course. Where necessary visas should specify a date before which the holder cannot enter Australia.

Recommendation 40

That DIAC regularly reviews the current living cost amount, and based on the CPI or other measure amend the amount, as required.

Recommendation 41

That DIAC review the exclusion criteria and policy which relate to student visa non-compliance.