



Review of the Student Visa Program

Submission from ISANA: International Education Association

ISANA's principal focus is on the provision of services to international students. From this perspective, **Terms of Reference (ToR) 1** is our key area of interest because we believe that the lack of a highly integrated approach to administration of the student visa program means that the established settings and processes have patent weaknesses and inefficiencies. These weaknesses and inefficiencies detract from the quality, integrity and competitiveness of the international education sector, as well as detracting from the overall international student experience in Australia.

ToRs 2, 3 and 4 are also of interest because they contribute in a direct way to the quality of experience of all student visa holders.

ISANA's position is based on a desire for genuine students to be able to: apply for, accept, commence and undertake study, and graduate with an Australian educational qualification, all with minimum impediment.

ToR 1 - Effective Partnership framework

At the peak of the Indian student crisis, it was evident that there was a lack of integration in the Commonwealth Government's response and a lack of understanding and vision in creating a robust environment for students to be enrolled in onshore Australian education. This was paralleled by a fragmented response from the education sectors and providers themselves. At its worst, the result was staged, confused and desperate.

ISANA believes that an effective industry and government partnership framework is a vital step in establishing sound principles for the management of international students. Cooperation and consistency among these key stakeholders can only enhance the student experience and assist ISANA members to provide quality advice to international students. There is a strong need for better infrastructure planning and student welfare, which will assist Australia to be seen as a study destination of choice.

The desire for an effective industry and government partnership framework was endorsed by all representative peak bodies at the Government Industry Stakeholder

Consultation (GISC) in March, 2010 and continues to be a desired outcome across the international education sector for the benefit of all stakeholders.

ISANA is well aware that the standards of student services across education sectors and providers varies significantly due to relatively loose legislative control over service standards and a range of management views about what represents minimum acceptable standards.

Issues for Discussion

DIAC Officer Discretion

ISANA supports greater discretion for DIAC officers but does not support the wholesale discretion used by US Immigration officers who are able to make unilateral decisions. The kind of greater discretion that ISANA would support would be adjustments for cases that clearly do not match expected norms and for which there are compelling evidence.

If greater discretion for DIAC officers is supported, ISANA recommends clearer feedback on the reasons for visa refusal, which is currently often 'vague', and a readily usable and transparent system of appeal and/or review available to applicants who have evidence of misuse of the discretionary judgement of a DIAC officer.

ISANA also endorses similar discretion for onshore DIAC officers, responsible for assessing student cases that have been reported by their education provider under their obligations in the ESOS Act.

Visa application charges

ISANA believes that students on temporary resident visas should be supported with settlement resources in the same way as for permanent migrants and refugees. The funding of these resources should be indexed to the number of student visas issued by committing a portion of each visa charge for that purpose. Such a system would give greater justification to Australia's current relatively high visa application charges, and ensure that funds keep pace with visa holders.

ISANA's preferred model for this is based on the 'international student hubs' suggested by the Baird Review which ISANA has already recommended to the ESOS Amendment Bill. These hubs would offer information, advice, programs and services, as well as being a way to collect data on current international student issues through contacts made by students themselves.

ISANA believes that physical hubs should be located in areas with dense populations of international students, along with online and social media resources for all

international students to access, and in particular for students in more remote locations.

A particular concern is poor, inadequate or even dangerous accommodation conditions for international students who know very little about their rights. ISANA believes that hubs may be an important resource in gathering information about these conditions and to be able to alert relevant agencies and create more effective support mechanisms for these students.

The hub system would also complement the Community Engagement Strategy recently announced and highlighted in Chapter 2 of the International Students Strategy for Australia (ISSA) by implementing a range of community engagement programs.

Work entitlements

ISANA is generally happy with the principle of a work entitlement of 20 hours per week during teaching sessions. However, there are two specifications which need adjustment.

1. There is currently inconsistency regarding the work entitlements for dependant family members, depending on the level of study of the primary student visa holder. ISANA believes that all student dependants should have the same unrestricted work entitlements as dependants of students who have already “commenced a course towards a masters or doctorate degree” (see http://www.immi.gov.au/students/students/working_while_studying/conditions.htm).
2. Postgraduate research degree students (sub-class 574) do not have the same kinds of study patterns or opportunity to work out of session as coursework degree students. The current work entitlement arrangements do not fairly provide for this. ISANA endorses that postgraduate research degree students be able to work at a continuous average rate of 30 hours per week, assessable every six months. Therefore, these students would have a limit of 780 hours of work over a six month period, assessable on 30 June and 31 December of each year.

Work after graduation

ISANA believes that Australia should offer the same duration of work after graduation as our competitor countries offer. Therefore, we would support a uniform change to the sub-class 485 visa from 18 months to two years.

The current 18-month visa duration often limits the opportunities for international graduates to gain meaningful employment as potential employers are reluctant to make a short-term investment. ISANA believes that this improved opportunity of a 2-year visa duration should be supported by a campaign to local employers to promote the benefits of employing international student graduates.

Living Costs and Financial Requirements

ISANA supports a system considered at the DIAC forum on financial modelling held in June 2010 whereby students would not have free access to their funds. Instead they would have a metered access with tranches accessible from approved funds on a periodical basis. This would support a responsible and sustained approach to budgeting.

This should be accompanied by a system which features a tough approach to early signs of financial or personal distress; along with a generous approach to students within one teaching session of completing their award. These students should only be required to demonstrate that they have the pro rata funds required, not 12 months.

English Language Proficiency

ISANA recognises that learning English is much easier in an English-speaking community. Therefore, incentives should be increased for students to do their ELICOS study in Australia, and for a longer time if needed.

Many students commence study courses with inadequate English proficiency, and struggle with their English throughout their course. This has the effect of adding a heavy burden to their studies, and it may delay their course completion and/or compromise their performance.

ISANA believes the emphasis on English Language Proficiency should be an agreed competence level as already exists, rather than a maximum duration of ELICOS study. It recognises that students sometimes take further study in ELICOS because it is an easy option to delay their departure from Australia but feels that this problem would not be effectively solved by capping the duration of studies in ELICOS.

Minimum Age

ISANA recognises that there are specific risks to under-18 students, but does not believe setting a minimum age is necessarily the best solution. The effectiveness of mandatory welfare and accommodation arrangements needs to be reviewed.

DIAC provides the following summary of the current arrangements
(<http://www.immi.gov.au/students/students/571-1/eligibility-student-18.htm#b>)

Accommodation and welfare arrangements

If you are under 18 years of age, you must have acceptable arrangements for your accommodation, support and general welfare for the duration of your student visa or until you turn 18 (whichever happens first).

You must show that you will either:

- live in Australia with your parent or legal custodian
- live in Australia with a relative over 21 years of age who is nominated by your parent or legal custodian
- live in Australia under a welfare arrangement that has been approved by your education provider.”

This means that a parent can depart Australia without the child who has had his/her visa granted on the basis of residential parental care. This is clearly not acceptable.

It also allows either the parents or relative over 21 to provide inadequate care of the child simply on the basis of relationship, even if they remain in Australia. Regrettably, this is also an unacceptable risk.

Many education providers (particularly those with relatively few under-18s) are reluctant to set up approved welfare arrangements, leaving the risks associated with the first two options as the only alternatives available. This provides a very difficult situation of the education provider who, while having no legal obligation to monitor and support this student, often feels a moral obligation to do so.

The New Zealand approach requires the accommodation to be independently approved by the education provider, which is one option that would address the risks stated above.

At the very least, ISANA believes that a much tighter approach to approving accommodation arrangements is required and the role of education providers should be thoroughly considered.

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