English Australia submission

Future directions for streamlined visa processing

Sent to: The Department of Immigration & Border Protection
           via email student.policy.projects@immi.gov.au

Section 1)   Background

Objective of the evaluation

International education is a key focus of the Australian Government, being one of the five pillars of economic growth and contributing $15 billion of export income to the economy in 2012–13.

The government recognises the strong economic and cultural contribution of our international education sector and is committed to supporting its growth by facilitating the visa process for genuine overseas students.

In addition, it is a key priority of the government to reduce red tape and improve productivity and international competitiveness.

Streamlined visa processing (SVP) arrangements were first introduced in 2012 as a recommendation of the 2011 Strategic Review of the Student Visa Program conducted by Mr Michael Knight AO (the Knight Review). The primary objective of the arrangements is to support the sustainable growth of international student numbers through simpler and faster visa processing while maintaining immigration integrity. It is timely to examine whether these arrangements are meeting their objectives and to explore potential opportunities to further enhance the arrangements.

To this end, the Department of Immigration and Border Protection (DIBP) will undertake a strategic evaluation of the current SVP arrangements. The evaluation is expected to play a key role in informing the possible future direction of the student visa program following the expiry of the current policy guidelines that underpin SVP in mid-2016.

Scope of the evaluation

The evaluation and consultation process will examine the efficacy of the current SVP arrangements and explore potential options for further simplification and deregulation while maintaining high levels of immigration integrity.

The department will undertake a statistical analysis and seek formal submissions from stakeholders, with recommendations expected to be put to government for consideration by the end of 2014–15.

A discussion paper *'Future directions for streamlined visa processing'* was sent to international education peak bodies on **18 November 2014** to seek feedback regarding the streamlined visa processing (SVP) arrangements and their possible future direction.

Written comments on this discussion paper are requested by **19 December 2014**.

Section 2)   Context – English Australia & the ELICOS Sector

The international education industry is complex, encompassing a diverse range of sectors, provider types, program types and students with varying motivations for choosing to study overseas. English Australia will focus this submission on the **ELICOS sector perspective** as other submissions will no doubt offer a range of other perspectives.

English Australia, formerly known as the ELICOS Association, is the national peak body and professional association for the **English Language Intensive Courses for Overseas Students (ELICOS)** industry. English Australia was established in the early 1980s and incorporated in 1990.

English Australia represents over 120 member colleges across Australia. More than 80% of all overseas students who study English in Australia do so with an English Australia member college. English Australia has both public sector (eg attached to a university or TAFE) and independent language centres among its membership.

The ELICOS sector has a 100% international focus as it provides courses only to overseas students.

The ELICOS sector provides an essential 'pathway' role in assisting many international students to develop the English language skills they require to be successful in further studies.

The ELICOS sector also has an important role in delivering English language courses to students without further study goals, but who see improved English language skills as a key contributor to their future success in a world where English language skills <u>and</u> an overseas cross-cultural learning experience are seen to give competitive advantage in an increasingly globally connected world.

The Australian ELICOS sector operates within a highly competitive global industry. It is estimated that over 1,557,000 people travelled to an English speaking country to learn English in 2013 – globally the English language travel industry is worth over US$11.7 billion[1]. *Study Travel Magazine* estimated Australia's global market share in 2013 at 9.5% of English language students and 16.5% of the number of weeks spent studying English. Australia is the 4th most popular destination for English language study after the UK, US and Canada. There is still enormous potential to grow Australia's share of this important market. International education is more than just higher education.

The ELICOS sector is influenced by two key global trends:

▪ as recognised by the United Nations World Tourism Council, growing wealth in former developing countries is leading more young people to enjoy the cultural experiences of travel; and

▪ the desire to become proficient in English for education, business, cultural and leisure purposes will continue to be a priority for young people globally.

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[1] Study Travel Magazine *(December 2014)*

It is important for those setting visa policies within the Department of Immigration & Border Protection (DIBP) to have a genuine understanding of the ELICOS sector and its key role in contributing to the development of 'global human capital' and to note the following features of the sector:

- young people are increasingly mobile;

- study, travel and work options are becoming increasingly intertwined as young people are looking to explore different opportunities;

- whilst the youth market makes up a substantial proportion of the ELICOS student cohort, there is a trend to increasing levels of study travel in other stages of life – whilst the 'gap year' is used by young people to gain greater experience and maturity between school and university or between university and employment, increasing numbers of people are taking 'career breaks' between jobs and using this opportunity to develop new skills (including English language skills) that will help them transition to new careers;

- English language skills are increasingly important to enhance career and employability options;

- English language skills are no longer viewed in isolation from other skills – employers are looking for cross-cultural experience, communication skills, confidence and autonomy – all skills that can be gained from overseas travel;

- it is increasingly hard to profile 'genuine' international students (as DIBP tries to do) as motivations are changing constantly;

- English language courses are highly commoditised and students rely heavily on the recommendations of friends and agents in their choice of provider.

The ELICOS sector is a highly competitive sector. The competitiveness within the sector has been recently challenged further by policy initiatives that have divided the sector into different segments with varying levels of competitive advantage, for example by the introduction of Streamlined Visa Processing (SVP) for some ELICOS providers (university based and other nominated pathway providers) but not for others, and by the division of the sector between those regulated by TEQSA and those regulated by ASQA. The Genuine Temporary Entry (GTE) requirement has provided further segmentation that has disadvantaged ELICOS providers delivering primarily stand-alone ELICOS courses.

The Student Visa Program is important to the ELICOS sector. 62% of all ELICOS students in 2013[2] were student visa holders. It is important to note that student visa holders provide the core stability for the sector with an average course length of 16.8 weeks compared to only 4.9 weeks for a visitor visa holder. ELICOS providers are highly dependent on student visa holders to stabilise their student profile and minimise student 'churn'. It is also important to note that whilst 65% of ELICOS student visa holders will pathway through to further study in Australia[3], there is another significant proportion (35%) who are learning English for a variety of other reasons. These students add to the significant numbers of English language students who hold other temporary visas such as visitor visas and working holiday visas and provide resilience to what is an inherently volatile sector.

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[2] Survey of Major Regional Markets for ELICOS Institutions 2013 *(English Australia, May 2014)*
[3] Study Pathways of International Students in Australia (Number 2013/02) *(Department of Education, May 2014)*

Section 3)   English Australia comments

English Australia welcomes the opportunity to provide feedback regarding the streamlined visa processing (SVP) arrangements and their possible future direction.

This submission will reflect an ELICOS sector perspective.

This perspective will not reflect an 'insider's view' of SVP as none of our member colleges are SVP providers although some have access to the benefits (either automatically because they share the same CRICOS provider code as an SVP provider or as a NEBP[4]).

Overview

The primary objective of the streamlined visa processing arrangements, introduced in 2012 as a recommendation of the *2011 Strategic Review of the Student Visa Program* conducted by Michael Knight AO (the Knight Review), is identified in the discussion paper as:

> *'to support the sustainable growth of international student numbers through simpler and faster visa processing while maintaining immigration integrity'.*

However Knight himself stated in the report that:

> *'This Report contains a series of measures targeted to improve the competitiveness of Australia's universities in the global market for international students.'*

SVP was introduced specifically to support universities and the model that was developed with this goal in mind was never a sustainable model that could work for the international education industry as a whole over the long-term.

In terms of whether it has been successful for universities:

- Is it simpler? English Australia would answer no.
- Is it faster? Not necessarily, as the education provider adds their own steps to the process to replace those formally undertaken by DIBP.
- Does it maintain immigration integrity? The jury is also out on this one, with no real evidence to demonstrate this outcome one way or the other.

The discussion paper states that the evaluation and review process will examine the efficacy of the current SVP arrangements and explore potential options for further simplification and deregulation while maintaining high levels of immigration integrity.

It is English Australia's view that it is not feasible for streamlined visa processing in its current form to be 'rolled out' to other providers.

SVP was developed and introduced at a particular time to respond to a particular context and had a specific purpose. It has achieved its original aim of supporting universities back to growth – but it has resulted in a distortion of the market, with growth only happening in higher education.

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[4] Nominated Educational Business Partner

Fig 1. **Student visas granted offshore – by subclass**
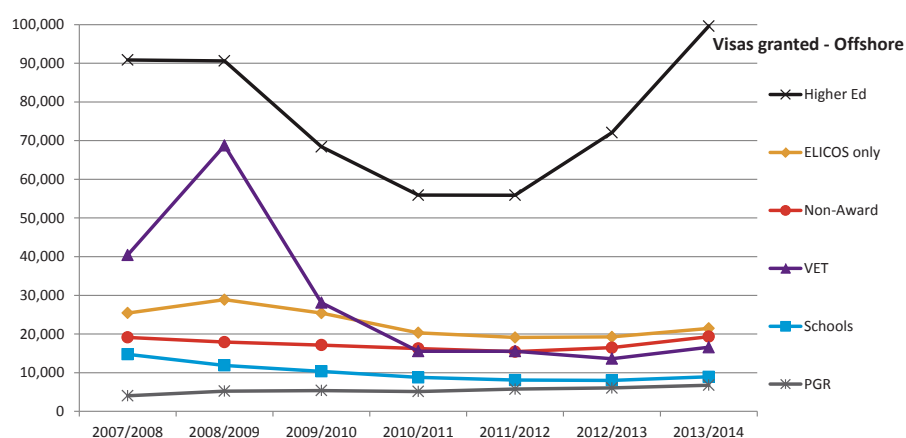
The current model cannot be rolled out for a number of reasons. In fact the current process of incremental roll-out has only served to demonstrate the market distortion that this process has created.

It is now time to create a new model of streamlined visa processing with a different aim, one of providing a framework that will support the competitiveness of the international education industry across all sectors of its operation.

Some may argue that the VET sector has been the most negatively impact by the introduction of SVP. English Australia would argue that in fact SVP has damaged the ELICOS sector the most.

SVP was originally only open to universities, however it immediately gave significant market advantage to ELICOS providers embedded within or associated with universities. This has totally distorted the ELICOS market. Non-SVP ELICOS providers are now excluded from recruiting 33% of the student visa ELICOS cohort because of SVP and they cannot access SVP for stand-alone ELICOS students in their own right as access to SVP has been limited to particular qualifications that certainly don't include non-award ELICOS and under the current model of roll-out probably never would.

The international education industry needs a student visa program that will support all sectors and that takes a holistic view of an Australian education system, the competitiveness of which is underpinned by the interconnectedness of the sectors and the articulation pathways between sectors.

The discussion paper also refers to the genuine temporary entrant (GTE) requirement which is identified as:

> *'a key integrity safeguard in the assessment of student visa applications………The GTE requirement provides a useful way to identify those applicants who are using the student visa programme for motives other than gaining a quality education.'*

One of English Australia's biggest concerns regarding the application of GTE is that judgements are being made in relation to what 'a quality education' looks like, which are based on traditional, some may say old-fashioned) higher education focused views of education and career development that do not reflect current global trends and developments. ELICOS, in particular, is penalised because student motivations do not align with the motivations associated with traditional education pathways. A 'genuine' student for ELICOS looks very different to a 'genuine' student for higher education. The ELICOS sector does not focus on recruiting only students with a suitable academic background. The ELICOS sector has a significant component where recruitment strategies revolve around diversity and volume – and this is not a risk to the integrity of the student visa program just the nature of the sector.

Part 1 – Evaluation of SVP arrangements

1) The benefits of SVP

a) What do you consider to be the major benefit of the SVP arrangements? For example, is the major benefit simpler and faster visa processing, or are potential reputational benefits more important?

The main advantage for education providers with direct access to SVP is the fact that agents view SVP as virtually guaranteeing that a visa will be issued and this is driving significant growth in student numbers.

The main advantage for ELICOS providers whose courses are packaged with an SVP provider (either automatically because they share the same CRICOS provider code or as a NEBP) is that they have (sometimes exclusive) access to the ELICOS pathway packages for that provider, which has also driven significant growth in student numbers.

Ultimately business success through competitive advantage is the major benefit for an SVP provider.

b) Do you consider that the current SVP arrangements effectively facilitate the visa process for genuine students? Why or why not?

No.

Prior to SVP there was a single national process for student visa applications – consistent for all students from the same country regardless of their education provider. Under SVP each provider establishes their own procedures (specific to their institution) making the process of applying to more than one institution more challenging for students and/or agents.

2) Education provider responsibilities under SVP

a) To what extent do participating SVP providers need to put in place additional resources to manage their responsibilities under the arrangements? Are you able to quantify this?

English Australia is not able to comment on this question as member colleges are not eligible for SVP. Anecdotal evidence indicates that the additional workload entails significant additional resources.

b) Do you consider that any additional investment required to participate in SVP is outweighed by the benefits of participating in the arrangements? Why or why not?

No.

Any framework that is intended to support all types of providers regardless of their size and profile, cannot entail an excessive level of resourcing that would exclude a significant number of providers from accessing the opportunity. The level of resourcing required should not be anti-competitive in its impact of excluding smaller businesses from participation and favouring large government funded universities and other organisations. Any model of SVP must be fairly accessible to all providers. The framework (and the associated resourcing) must also be appropriate to the type of students the sector is recruiting.

c) *Do you consider that education providers are able to effectively manage their responsibilities under SVP, for example ensuring that recruited students are genuine and have sufficient funds to study in Australia?*

No.

Education providers are not immigration officers and should not be expected to play this role. Providers have the expertise to evaluate whether an applicant has the necessary academic background to undertake a particular course of study.

English Australia believes that the assessment of financial capacity should be undertaken by DIBP where expertise is developed with a single organisation rather than across disparate providers.

In terms of genuineness, a provider would find it just as difficult as DIBP to assess an applicant's genuineness under the current definition. English Australia believes that Australia would reduce the risk of attracting non-genuine students if students had open access to the provider of their choice and didn't have to 'shape' their story to increase their chance of getting their visa application approved.

d) *Do you consider that participating in SVP makes education providers a target for non-genuine students? If so, to what extent do you believe this is occurring and how effectively are providers able to manage these challenges?*

This is not a 'yes' or 'no' question.

SVP does not necessarily *attract* non-genuine students – rather it *creates* non-genuine students.

There is strong anecdotal evidence that students are encouraged to apply through SVP to get their visa so that they can then apply to the real course/provider of choice once they arrive onshore. Some of these students may be non-genuine in the sense that their primary intention is to access the work rights associated with a student visa and they will end up enrolling with the cheapest provider they can find just to stay in the country as long as possible. Many of these students, however, are genuine students. They were just afraid that their visa application would be rejected if they applied for a different course/provider.

It is virtually impossible for education providers to identify whether students are genuine or not and the sustained level of course-hopping that continues to take place within packaged English language courses, before the student even reaches the SVP provider to commence their primary course is evidence of the difficulties providers face in managing this challenge..

3) Market impacts

a) *Do you believe that SVP has created any market advantages or inequalities in your sector? If so, what has the impact of this been?*

Yes.

SVP was originally only open to universities, however it immediately gave significant market advantage to ELICOS providers embedded within or associated with universities. This has totally distorted the ELICOS market.

The ELICOS sector is highly segmented, by visa type, by course type and by source markets. The resilience of providers across the sector is underpinned by each provider being able to recruit a true diversity of student mix although the mix itself will differ from provider to provider.

Prior to SVP, ELICOS providers across Australia had access to the broadest diversity of students from a range of source countries for both primary programs of study, General English and English for Academic Purposes programs, as well as other smaller programs. Universities used to accept pathway students from a large number of ELICOS providers, without their English language course necessarily being packaged offshore prior to arrival. The Department of Education[5] reports that one-third (33%) of international students who completed ELICOS in 2012 moved immediately to higher education. Non-SVP ELICOS providers are now excluded from recruiting 33% of the student visa ELICOS cohort because of SVP.

Not only has the ELICOS sector been divided into SVP and non-SVP and unfair market advantage created, the sector as a whole has been impacted by the conservative approach that universities have taken to managing their recruitment via a narrower, more risk-averse pipeline. Research published by the Department of Education[6] shows that the proportion of students enrolling directly into Higher education from offshore without undertaking an onshore ELICOS pathway has declined significantly since the introduction of SVP.

Fig 2.   **Sector enrolled in before commencing Higher Ed**
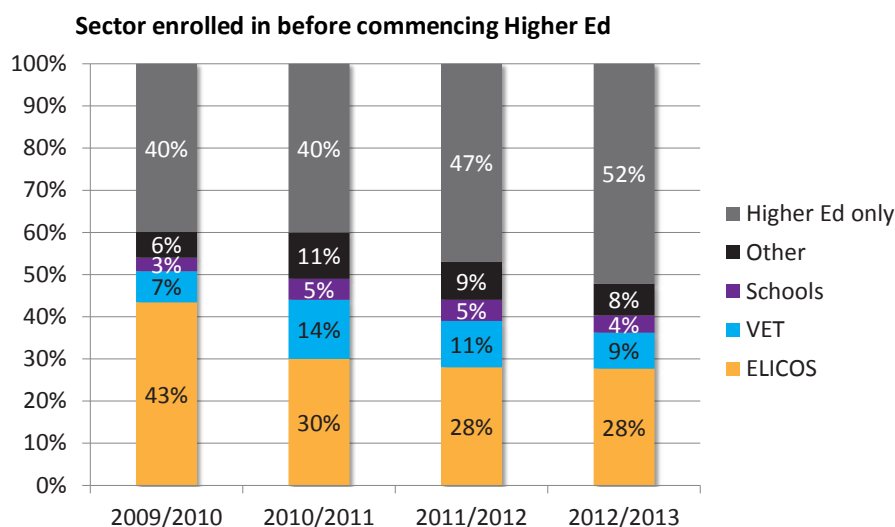
ELICOS providers who do not have the same CRICOS provider code as a university or have not been nominated as an ELICOS pathway partner by a university have been excluded from a whole segment of ELICOS sector provision ie. English for Academic Purposes.

This is a key unintended consequence of the introduction of SVP for universities. SVP as it currently stands does not allow ELICOS providers to apply for SVP status, however by default some have been included because of their relationship with a university. In effect universities have been able to dictate which English language providers get access to SVP – and channel all their packaged students to their own ELICOS centre. Agents and student view SVP as a government 'stamp of quality' and can only get an SVP visa if they choose an ELICOS course with an SVP provider.

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[5] Study Pathways of International Students in Australia (Number 2013/02) *(Department of Education, May 2014)*
[6] Study Pathways of International Students in Australia

b) *Under SVP, each participating education provider sets its own financial and English language requirements. Do you consider that this creates any challenges when promoting Australian education more broadly?*

Not necessarily.

Providers operate in different locations which may have a very different cost of living. Providers should be able to provide accurate information to students regarding the cost of living and the impact of that on the amount of funding they are required to demonstrate.

Different courses also have different requirements in terms of the level of English required to participate successfully in that course of study. Providers should be able to reflect these variations in the marketing materials and in their admissions processes.

This does not mean that there should not be a single, consistent national process that can encompass local variations.

c) *Currently, the SVP arrangements cater for certain specified courses and only a small proportion of all registered education providers are eligible to participate in the arrangements. Do you consider that this is sustainable in the long term? Why or why not?*

No.

This narrow focus on particular courses and providers is totally artificial and distorts the market. It creates unfair market advantage and encourages negative student and agent behaviour.

4) Other comments

a) *Please provide any other comments you may have on the current SVP arrangements.*

There are a number of flaws with the current SVP model:
- it was originally only open to universities, however immediately gave significant unfair advantage to ELICOS colleges associated with universities;
- it has been (slowly) expanded by provider type and course type rather than allowing access to all providers regardless of sector but based on risk;
- it has distorted the market, channelling students into higher education pathways and certain provider types rather than other sectors;
- it has transferred both the workload and the burden of risk from DIBP to the education provider;
- it has made SVP providers highly risk averse, narrowing their choice of education pathway partners, agent partners, and source markets;
- it has made Australia less competitive as agents and student have to now meet the individual application requirements of each SVP provider rather than a single national application process.

Part 2 – Future directions for SVP

5) Further expansion of streamlined-type arrangements

a) Do you consider that streamlined-type arrangements should be further expanded to education providers in other education sectors or for other course types? If so, which sectors or course types? Why?

No. Expanding streamlined arrangements in their current form is not a realistic option (see response to 5b). However a different model of streamlined arrangements should be accessible to all providers, regardless of sector or the course type, if they meet defined eligibility requirements.

b) What do you consider would be the major risks if streamlined-type arrangements were extended more broadly?

Further expansion as a continuation of existing practice is not a realistic option. This kind of piecemeal approach would just further distort the market and create more significant market advantage across the industry. It would have the potential to cause college closures and seriously damage the industry. Expanding the current model would also exclude smaller providers and discourage a range of providers from considering internationalisation as a strategy altogether.

c) Do you consider that the benefits associated with SVP would decrease, particularly for existing SVP providers, if the arrangements were extended more broadly? Why or why not?

Not necessarily, if a broad view of the benefits is taken.

6) Possible alternative models

a) Should the department continue to assign and assess the immigration risk outcomes of education providers through an external risk framework? Why or why not?

Yes.

Such a process is invaluable in giving education providers the access to data that they need to be able to understand their own areas of vulnerability when it comes to immigration risk and to put in place strategies to minimise those risks. English Australia believes that all education providers should have access to this data. This would have far-reaching benefits across the whole industry.

b) Do you consider that there would be value in further considering combining country and provider immigration risk outcomes to devise a single student visa processing framework?

Yes.

There are real advantages to returning to a single student visa processing framework, particularly when you take the perspective of a student or an agent considering applying for study in Australia. The resulting risk framework would contribute to incentivising providers to be more accountable for the students they recruit. Access to streamlined visa processing would be based on a provider's actual performance rather than by an arbitrary delineation by course type or provider type.

c) Are there other measures, outside of provider and country immigration risk outcomes, that you consider would be more effective in determining a student's financial and English language evidence requirements?

The suggestion identified in the discussion paper regarding the potential use of average country income levels to waive financial requirements is worthy of consideration.

d) Are there any other alternative models that you consider would more effectively facilitate the visa process for genuine students?

English Australia would like to see a risk framework developed that also includes factors related to the education provider's track record in delivering quality educational outcomes. Using access to streamlined visa processing to also incentivise providers to focus on student outcomes would have the potential to drive real improvement in educational standards across the industry. In New Zealand, for example, Immigration New Zealand will no longer grant visas to students seeking to enrol at providers in Category 4, the lowest status granted by the New Zealand Qualifications Authority (NZQA)[7].

7) Methodology to calculate immigration risk

a) The rate of student visa applicants applying for protection visas (PV) is a key program integrity measure, however it is not currently included when assessing the immigration risk outcomes of an education provider's students. Do you consider that the assessment of an education provider's immigration risk outcomes may be compromised by not incorporating PV statistics? Why or why not?

English Australia believes that PVs should be part of the risk assessment process, but not included in any formulaic approach to determining risk as this factor has significantly distorted such formulas when used in the past.

b) Are there other immigration risks that you would like to see included in the risk framework that are not currently taken into account?

No.

c) Are there any other types of risk that you would like to see considered when determining eligibility for streamlined-type processing? If so, why do you consider these to be important?

[see response to 6 d) above]

d) Do you consider the 100 'active student visa' requirement to be an appropriate threshold for determining an education provider's eligibility to participate in SVP? If not, how would you change this threshold while still maintaining statistical confidence in an education provider's immigration risk outcomes?

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[7] http://www.immigration.govt.nz/migrant/general/generalinformation/news/internationalstudentchanges.htm

English Australia acknowledges the importance of having sufficient data regarding a provider's student cohort to maintain statistical confidence, however would like to see consideration given to alternative mechanisms that could be used to mitigate the risks of giving access to SVP to small providers who do not meet this benchmark. Inclusion of a providers risk assessment with regard to a track record in delivering quality student outcomes as suggested in 6 d) above might be one alternative that would allow for a waiver of the minimum student requirement for providers that meet a certain profile.

e) *Do you have any additional comments on the SVP assessment process?*

No

8) Opt-in application process

a) *Do you consider that formal opt-in applications for providers are necessary or are there alternative ways that access to streamlined arrangements could be managed, particularly if SVP is expanded further?*

If SVP is open to all CRICOS registered providers that meet a defined risk profile as discussed above, then there would be an urgent need to streamline the application process – both from a provider perspective and a DIBP perspective in terms of managing the workload.

b) *How do you consider that the SVP opt-in application process could be simplified?*

The current process was designed to meet the typical internationalisation strategy and profile of a university or provider of formal education qualifications. It is very clear when looking at the current requirements that many of them are totally inappropriate to the ELICOS sector and that this could be greatly simplified specifically for ELICOS providers.

Examples are provided as follows:

3. The percentage of overseas students to domestic students at the Education Provider in the past 5 years and expected over the period of the Education Provider Plan, and in the higher education courses most popular with overseas students.

ELICOS providers do not have domestic students.

4. Strategies to ensure that education agents recruit quality students – not just volumes of students.

ELICOS providers of necessity have a focus on volume as well as quality, as teaching international students is their core business. What makes a 'quality' ELICOS student is very different to what makes a 'quality' higher education student. Financial incentives for agents within the ELICOS sector are the norm rather than the exception.

5. Processes and policies to evaluate enrolment applications from prospective students.

Applications for ELICOS are very simple as there are no minimum academic requirements as there are for formal qualifications.

7. Strategies in place to ensure that students have appropriate levels of English language proficiency at the commencement of their courses.

> This is not relevant to ELICOS providers. There are no minimum requirements and if students arrive with a different level to that indicated pre-arrival, they are just moved to a different class.

8. Strategies in place to ensure that students continue to develop their English language proficiency during their studies.

> This is not relevant to ELICOS providers – for obvious reasons.

9) Business partners

a) *Are the current business partner arrangements effective or do you consider that it should be possible for SVP providers to package with any provider they have an arrangement with (without needing to formally nominate them as SVP business partners)? Why or why not?*

If a new model of SVP is developed which gives access to providers across the industry including providers of pathway programs, then English Australia believes that all providers should be able to apply for SVP on their own merits and that a provider's performance under SVP should be evaluated based on the period of time that a student is enrolled with them and not with a partner provider where they may have little control. This would restore flexibility to pathway options that will re-establish one of Australia's key competitive strengths that was lost when SVP was introduced.

10) Deregulating the student visa program

a) *Do you consider that the eight student visa sub-classes should be reduced? If yes, how would you propose to streamline?*

No. English Australia believes that the current framework works well with these separate sub-classes.

b) *Are there any other requirements within the student visa framework that you believe should be considered for possible deregulation?*

English Australia believes that there would be value in using the current ESOS review process being undertaken by the Department of Education as an opportunity to conduct a more comprehensive review of the reporting requirements currently imposed on education providers. This would have a focus on ensuring that the requirements are proportionate to need and meaningful in terms of them having value to both departments.

Section 4)   Other issues

Peak bodies were invited to consider any other issues that were not addressed by the discussion paper.

ELICOS – course registration

English Australia believes that a number of integrity issues are currently being caused by the way that ELICOS courses are registered on CRICOS and the influence this has on the visa sub-class that the student applies for (and the conditions associated with that subclass of visa. For example some certificate English courses can currently be registered as VET and have no attendance requirements, yet DIBP definitions of ELICOS allow students enrolling in these courses to apply for an Independent ELICOS visa (570).

English Australia would encourage DIBP to work closely with the Department of Education and the regulators (ASQA and TEQSA) to ensure that there is alignment across how courses are registered and the sub-class of visa they are associated with.

Statistical evaluation

The discussion paper states that DIBP will undertake a statistical evaluation of the SVP arrangements and that this is expected to include an analysis of student visa application and student enrolment trends, including a comparison of outcomes between SVP and non-SVP providers.

English Australia strongly urges DIBP to work with the Department of Education to include an analysis of these trends for ELICOS enrolments that are packaged under SVP compared with ELICOS enrolments that are not packaged under SVP.

Restrictions on packaged English

Under the current rules, regardless of the AL of their country, if a student applies for an Independent ELICOS visa, there are no restrictions on the minimum level of English required and a maximum study period is set at 50 weeks.

The rules for an AL1 or AL2 student who is packaging English with study in any other sector are the same.

However there are restrictions applied as follows to an AL3 student who is packaging English with study in:

- higher education   minimum IELTS 5.0   maximum course 30 weeks
- VET   minimum IELTS 4.5   maximum course 30 weeks
- non-award   minimum IELTS 4.5   maximum course 30 weeks

English Australia would like to see consideration given to allowing students from AL3 countries the ability to access packaged English language programs at a lower level of commencement and with a higher maximum course length. This would have the potential to contribute greater stability to the business models for the sector and make Australia more competitive internationally.

Enforcement

In 10 b) above, English Australia referred to the need to review the current reporting requirements imposed on providers.

Current arrangements provide no incentive for providers to support the integrity of the student visa program. Low quality providers fail to report any students for lack of attendance or progress and no-one cares. High quality providers meet their obligations to report students for breaching the attendance and progress requirements and nothing happens in response. Enforcement remains a considerable area of concern. Colleges report persistent lack of enforcement which discourages providers from reporting breaches.

English Australia recommends that appropriate resources be applied to a level of enforcement action that will restore confidence to the industry and disincentivise negative behaviour by students, agents and providers.

ENGLISH AUSTRALIA CONTACT
Sue Blundell
Executive Director

(02) 9264 4700 | 0402 232 503
sueblundell@englishaustralia.com.au

PO Box 1437, Darlinghurst NSW 1300
Level 3, 162 Goulburn Street, Surry Hills NSW 2010

[submission authorised by the Board of English Australia]