



Answer to question:

## PARLIAMENTARY JOINT STANDING COMMITTEE ON MIGRATION

### MIGRATION, PATHWAY TO NATION BUILDING INQUIRY

#### QUESTION:

**CHAIR:** But the UK does not have the same standard for their nurses, does it, in terms of language?

**Mr Thomason:** No.

**CHAIR:** How much lower is the—

**Mr Thomason:** I don't know. **I can find that out and let you know.**

**CHAIR:** It would be interesting to compare, because the UK is a comparable country to us. I think that it would be good if we can. It would be good to know.

#### ANSWER:

[Follow links for greater detail of requirements]

#### UK nursing

The Nursing and Midwifery Council (NMC) is the independent regulator for nurses and midwives in the UK.

- The EL requirements are the same for all who wish to register.
- There are three
- The latest version of the Guidance is dated February 2022
- There are three types of evidence that will satisfy the NMC that a person has the necessary knowledge of English to practise in the UK.
  - The NMC will accept one of these types without needing further evidence.
- The NMC provides a [Guidance on Registration Language Requirements](#) (follow link).
- The Guidance goes into some detail of each type of evidence but at a high level:

#### Evidence type 1

- Recently achieved the required score in the academic version of International English Language Testing System (IELTS), or the Occupational English Test (OET).
  - Must achieve the required scores in reading, writing, listening and speaking.
  - **For IELTS you must achieve at least 7 in reading, listening and speaking, and at least 6.5 in writing.**
  - For OET you must achieve at least a grade B (350 to 440) in reading, listening and speaking, and at least a grade C+ (300 to 340) in writing.

- Whichever test is taken, applicant must have achieved the required scores within the last two years at the point the NMC is considering the application.
- [there are finer details but these are the main elements]

#### Evidence type 2

- Have completed a pre-registration nurse, midwife or nursing associate programme that was taught and examined in English. During that programme applicant must have spent at least half their time interacting with patients, service users, their families and other healthcare professionals, and at least three-quarters of these interactions must have been in English.
  - If completed pre-registration nurse, midwife or nursing associate programme in a country where English is a majority spoken language, applicant will need to demonstrate that the programme meets the requirements for interactions in English by providing evidence that is recent, objective and that NMC can easily verify, such as a transcript from the University or Higher Education Institution where applicant completed their course.
  - If completed pre-registration nurse, midwife or nursing associate programme in a country where English is not a majority spoken language, applicant will need to provide evidence that they were taught in English and that they can interact clinically in English.

#### Evidence type 3

- Applicant has recently practised for one year in a country where English is a majority spoken language.
  - The end of the period of practice applicant is relying on must be within the last two years at the point applicant submitted their complete application.

#### Australia nursing

This registration standard applies to all nurses and midwives applying for initial registration, regardless of whether they qualified in Australia or overseas.

The [Nursing and Midwifery Board of Australia](#) guidance (follow link) requires all applicants for initial registration to demonstrate English language skills to be suitable for registration.

English is your primary language and:

- a. you have attended and satisfactorily completed at least six years of primary and secondary education taught and assessed solely in English in a recognised country, including at least two years between years 7 and 12, and
- b. your tertiary qualification in the relevant professional discipline, which you are relying on to support your eligibility for registration under the National Law was taught and assessed solely in English in a recognised country and:
  - i. in the case of a registered nurse and/ or midwife, you must provide evidence of having successfully completed at least a two (2) years full-time equivalent pre-registration program of study approved by the recognised nursing and/or midwifery regulatory body in a recognised country.

- ii. in the case of an enrolled nurse, you must provide evidence of having successfully completed at least a one year full-time equivalent pre-registration program of study approved by the recognised nursing and/or midwifery regulatory body in a recognised country.
- iii. by the recognised nursing and/or midwifery regulatory body in a recognised country.

OR

Registered nurses and midwives

If you are applying for registration as a registered nurse and/or midwife, you must provide evidence that you have successfully completed at least five (5) years (full-time equivalent) continuous education taught and assessed solely in English, in a recognised country, which includes tertiary qualifications in the relevant professional discipline which you are relying on to support your eligibility for registration under the National Law.

OR

### 3. Enrolled nurses

If you are applying for registration as an enrolled nurse, you must provide evidence that you have successfully completed at least five (5) years (full-time equivalent) continuous education taught and assessed solely in English, in a recognised country, which includes vocational qualifications in the relevant professional discipline which you are relying on to support your eligibility for registration under the National Law.

OR

### 4. You achieve the required minimum scores in one of the following English language tests and meet the requirements for test results specified in this standard:

- a. **the IELTS (academic module) with a minimum overall score of 7 and a minimum score of 7 in each of the four components (listening, reading, writing and speaking).**

#### NOTE:

We will only accept test results:

- i. from one test sitting, or
- ii. a maximum of two test sittings in a six month period only if:
  - you achieve a minimum overall score of 7 in each sitting, and
  - you achieve a minimum score of 7 in each component across the two sittings, and
  - no score in any component of the test is below 6.5
- b. the Occupational English Test with a minimum score of B in each of the four components (listening, reading, writing and speaking).

#### QUESTION:

**CHAIR:** I'd like you to come back with some of that because we are going to be looking at OMARA and have a bit of a chat about this because there were education agents and there were work agents. I have a smallgoods industry in my electorate that I've visited. They've outlined to me the process they have to go through to get people—in this instance from the Philippines. They engage an agent because they can't get anyone locally, which is fine. This particular smallgoods company was a little more astute when it was told by the agent: 'Pay up and we'll source someone for you, but if they fail the health

test'—the health test business—'then they won't be able to come to Australia and you won't get your \$10,000 back.' To me there seems to be something still there that needs to be addressed. If you have anything that can enlighten us or any examples, we would like to know about them because I think we'd like to prosecute this further and get a better understanding of it. As I said, my smallgoods people didn't like that. They thought that was a bit cagey and the whole process was a bit weird. Nevertheless, they had no other choice. I think we need to look at that and put it on the record.

**Mr Thomason: I'm happy to send some information to you.**

**CHAIR:** That applies to other things, not just the smallgoods industry.

**Mr Thomason: That's across the board.**

**ANSWER:** [Insert answer]

### **Examples of fraud circumvented by VETASSESS**

Investigations in Adelaide following a migration agent dob-in

- An allegation was received by VETASSESS that an applicant paid over \$40,000 to her Migration Agents Registration Authority (MARA)-registered migration agent and employer to prepare fraudulent employment documentation.
  - The allegation was passed on to DoHA and (with permission) MARA.
  - Simultaneously, a site visit was conducted by the VETASSESS team at the place of employment in Adelaide. This site visit also addressed similar concerns in another case at the same employer.
  - The site visits established that employment claims made in both cases were unsubstantiated, and the visit report was passed on to the DoHA team.
  - VETASSESS processes for site visits within Australia were enhanced and extended following this investigation.

Marketing Specialist site visit – Melbourne

- Inconsistencies were identified in the documentation submitted for assessment, and online opensource verification raised further queries.
  - A site visit was conducted at the employer's Melbourne office by a member of our Professional assessment team.
  - Role was identified as involving direct sales rather than marketing.

Finance Broker site visit – Perth

- Inconsistencies with a linked case were identified.
  - A VETASSESS Trade assessor conducted a site visit.
  - Actual role established to be well below expected skill level.

Integrity issues with cases from Lebanon and patterns identified

- Potential Shadow Agent (i.e. an organisation covertly acting as a migration agent without disclosing this in the application).

- All cases are from four employers.
- Commonly nominated occupations - Management Consultant, Internal Auditor, Finance Broker, Financial Investment Adviser, Corporate Service Manager.
- Confirmed via interviews with multiple applicants that they do not work for the company.
- Agent was not mentioned in the application form.
- Applicants were unaware that the agent submitted fraudulent documents.

**QUESTION:**

**CHAIR:** It's a hard one but it comes up every time, all the time. Thank you for shedding that light on Canada.

**Dr WEBSTER:** Yes. Thank you!

Mr Thomason : It is an important one, and one which is misunderstood. Canada is held up as a bit of a shining light, but there's a researcher at the University of Melbourne called Leslyanne Hawthorne who's done a lot of work comparing the outcomes for migrants in Australia versus the outcomes for migrants in Canada. There is a significant underclass.

**CHAIR:** We might want to get a hold of that research. Is that something you could assist our secretariat with?

Mr Thomason : Absolutely. I'll pass on Leslyanne's details.

**ANSWER:**

**Outcomes for migrants - Comparisons between Australia and Canada**

Prof Hawthorne's details are below and a paper on this work can be found by following [this link](#). Prof Hawthorne advises she is currently waiting to access 2021 census data for both countries, to prepare several further papers. She is confident skilled migrants' employment outcomes will remain superior in Australia, given entrenched challenges in Canada in relation to foreign qualification recognition.

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Bio Leslyanne Hawthorne (PhD, MA, BA Hons, Dip Ed, Grad Dip Mig Studies) is Professor - International Workforce in the Centre for Health Policy at the University of Melbourne. Her research concerns global skilled migration, spanning policy formation, foreign qualification recognition, labour market integration and retention, and international student flows.

Leslyanne has undertaken a wide range of cross-national and Australian projects in relation to these issues, including in the past decade policy research commissioned by the International Labour Organization, the International Organisation of Migration, the World Health Organization, the European Commission, the Australian, Canadian and New Zealand governments, UNESCO, the US Migration Policy Institute, the Global Forum of Federations, and APEC. In 2005-06 Leslyanne was appointed to an Expert Panel of Three to conduct the most extensive evaluation of Australia's skilled migration program in 20 years, with major policy impacts. She has completed the first in depth comparisons of skilled migration policies and outcomes in Canada and Australia (2004-07) and Australia and New Zealand (2010-12). Most recently she was appointed part of the global team

commissioned to review the European Union's 'Blue Card' skilled migration policy (2015-16), and completed a cycle of studies assessing global health workforce mobility for WHO (2014-17) and ILO (2014). In 2016-19 Lesleyanne is leading a major Australia-Canada study, funded by the Australian Research Council, designed to critically evaluate the efficacy and impacts of the three major skilled migration pathways (permanent compared to temporary compared to study-migration flows), with particular relevance to health. Between 1997 and 2012 Lesleyanne also held a range of Faculty executive roles. From 1997 she was Foundation Director of the Faculty of Medicine, Dentistry and Health Sciences' International Unit, subsequently serving as Associate Dean International to 2012. In 2008-2011 she was appointed Chair of the University of Melbourne Teaching and Learning Quality Assurance Committee, the body charged with oversight of QA processes during the University's most intensive period of academic transformation in 100 years. [follow link to [source here](#)]