



**Submission to:** Senate Legal and Constitutional Affairs Legislation Committee  
**Response to:** *Immigration (Education) Amendment (Expanding Access to English Tuition) Bill 2020*

IHEA supports the proposed amendments contained in the *Immigration (Education) Amendment (Expanding Access to English Tuition) Bill 2020* and welcomes the opportunity to submit comments about them.

The four amendments made in the Bill seek to:

- Remove the 510 hour limit on eligibility for English tuition;
- Increase the upper limit of eligibility to the level of Vocational English;
- Remove the time limits for registering, commencing and completing English tuition; and
- Allow for English tuition to be accessed outside Australia by certain visa holders, giving them the opportunity to improve their English skills in preparation for migration to Australia.

All of these changes will make improvement the Adult Migrant English Program (AMEP) and IHEA supports their intent. The *Evaluation of the Adult Migrant English Program New Business Model* undertaken for the Department of Home Affairs by Social Compass made recommendations for changes to the program that align with the intended outcomes of these changes.<sup>1</sup>

The link between English language proficiency and employability has been well noted by many studies and much research. Employability is key for migrants' success in their new home, and providing and expanding assistance for the attainment of English proficiency, particularly to a level suitable for the attainment of employment, is crucial for giving adult migrants to Australia the start they need.

### ***Removing the 510 hour limit on eligibility for English tuition***

Providers involved in delivering the AMEP are committed to achieving positive outcomes for the students they teach. Students learn at different rates and have different circumstances and entry levels from which they begin their English language studies and so to place an arbitrary limit on the lessons that they should be able to receive in order to achieve the same outcomes will discriminate against some program participants. Removing the limit on the number of hours also allows for simpler implementation of the second change—to increase the level of English proficiency that this attained through the funded AMEP program.

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<sup>1</sup> M. Tynan, et al., *Evaluation of the Adult Migrant English Program New Business Model*, Social Compass, August 2019.

### ***Increasing the upper limit of eligibility to the level of Vocational English***

As economic development occurs and higher-level English skills are required for effective participation in the Australian economy, as fewer “low skilled” jobs are available, programs designed to increase employability and social cohesion need to reflect that change. Increasing the level of English proficiency that can be attained through the AMEP to “vocational English” responds to the impact of this economic reality. Functional English may assist migrants to engage in society more freely, but increasing employability of migrants requires higher levels of English. The term “vocational English” expresses this difference and is more appropriate for the outcomes being sought for participants in the program.

### ***Removing the time limits for registering, commencing and completing English tuition***

Removing the timing restrictions on registering, commencing and completing the English tuition funded by this program also better responds to the diversity of circumstances of adult migrants coming to Australia that impact on their participation in the AMEP. As with the hours of tuition, the varying context for migrants in the program means that arbitrary timeframes and time limits on participation may discriminate against some migrants. It is more appropriate to respond to the needs of individual students and allow them time to progress through the AMEP to achieve the objectives of the program and the learners.

Monitoring of the program and provider reporting mechanisms ensure that the funding is not exploited. These mechanisms are appropriate for this purpose rather than arbitrary controls on the hours of learning or timeframes being funded for each student.

### ***Allowing for English tuition to be accessed outside Australia by certain visa holders, giving them the opportunity to improve their English skills in preparation for migration to Australia***

Geography should not necessarily be a barrier to entry to the program either. Allowing migrants to participate in the program prior to their arrival in Australia for certain visa holders seems appropriate in the context of achieving the outcomes of the AMEP. The Bill also ensures that there is some control and an ability to respond to changing circumstances around this aspect of the policy by providing the power to the Minister to determine visa class eligibility through a legislative instrument, and this also seems appropriate.

### ***General Comments***

Noting the *Evaluation of the Adult Migrant English Program New Business Model* and its recommendations, as well as previous reviews of the AMEP and its effectiveness,<sup>2</sup> IHEA encourages the government to continue to explore ways to further improve the Adult Migrant English Program and access to it. In order to achieve the best results from the \$1 Billion investment in this program, ongoing review of the efficiency and adjustment of the policy settings of the program is appropriate and justified.

IHEA welcomes the improvements to the AMEP that will result from the amendments to the *Immigration (Education) Act 1971* contained in this Bill.

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<sup>2</sup> Australian Government, Department of Immigration and Citizenship, Review of the Adult Migrant English Program, Discussion Paper July 2008

### **Independent Higher Education Australia**

**IHEA is a peak body for Australia's registered and accredited independent higher education providers (including independent universities) with campuses across Australia.**

**The majority of Australian independent providers are IHEA members and educate students in a range of disciplines including Law, Agricultural Science, Architecture, Business, Accounting, Tourism and Hospitality, Education, and Health Sciences, Theology, Creative Arts, Information Technology and Social Science. IHEA members are higher education institutions with both for-profit and not-for-profit models and educate domestic and international students in undergraduate and postgraduate programs.**

**The Australian independent higher education sector comprises more than 145,000 students and 120 institutions, with independent providers variously accredited to offer courses across the full AQF range (Diplomas to Doctorates).**

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**IHEA's primary goal is promoting equity, choice and diversity for all Australian higher education students.**