

Impediments to incoming researchers

- 4.1 This chapter examines the role that is played by researchers coming to Australia from overseas, and impediments faced by incoming researchers. The chapter examines the following issues:
- Incoming researcher trends and the benefits of incoming researchers
 - Visa and immigration difficulties
 - Additional costs for incoming researchers.

Trends and benefits

- 4.2 There have been many emerging trends identified in researcher development and mobility throughout the course of the inquiry.
- 4.3 While Australia benefits from sending its researchers overseas to forge links with their colleagues, another method for fostering international research collaboration is to have researchers brought into Australia to collaborate with their counterparts.
- 4.4 Bringing researchers into Australia to collaborate with their counterparts can have several advantages over sending Australians overseas.
- 4.5 It can take advantage of foreign sources of funding with overseas researchers using their grant funding to travel to Australia, which provides a saving for Australia. It can also allow foreign researchers to take advantage of the expertise of Australian researchers and to gain an understanding of Australia, and also showcase Australia as a potential place for an overseas researcher to take their skills as a permanent resident or citizen.

- 4.6 The Committee also heard that foreign researchers may also be drawn to Australia to take advantage of some of its unique features that will enhance their research, such as climate, or to use world class facilities, instruments or equipment only available in Australia.¹
- 4.7 It was also reported that a number of international researchers had chosen after studying or working in Australia to remain in Australia permanently as skilled migrants.²
- 4.8 One witness suggested that bringing researchers into Australia had approximately the same value as sending an Australian researcher overseas to collaborate on a research project.³
- 4.9 Bringing foreign researchers into Australia to tap into their expertise was also examined through the lens of talent recruitment. The University of Adelaide (UoA) noted that Australia would be more able to compete with the rest of the world in recruiting intellectual talent by embracing overseas PhD students to improve Australia's global competitiveness,⁴ a point supported by the Group of Eight.⁵
- 4.10 Recent trends in intake of researchers from overseas were discussed:
- Whereas we used to have a large number of North American and European, particularly German, postgraduate doctoral fellows come to Australian universities, it has almost dried up. Our postdoctoral fellows now come from developing countries. The interaction between the top laboratories in the US, Germany and Britain that we used to have has become more difficult because we are not exchanging our younger people between these laboratories.⁶
- 4.11 Witnesses had observed Australia had lost researchers to other countries, due to better opportunities being available overseas.⁷ The Committee also heard that a trend had emerged in which the number of domestic students undertaking PhDs had been in decline, leading to a situation in which there were more international than local students undertaking PhDs.⁸ As a
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1 ANSTO, *transcript of evidence*, 8 April 2010, p. 67; Deakin University, *submission 19*, p. 4; Universities Australia, *submission 61*, p. 4; IODP, *submission 6*, p. 6.

2 Victoria University, *submission 45*, p. 2; Universities Australia, *submission 61*, p. 5.

3 Professor Fiona Stanley AC, *transcript of evidence*, 13 April 2010, p. 8.

4 UoA, *submission 11*, p. 5.

5 Go8, *submission 40*, p. 2.

6 UoN, *transcript of evidence*, 8 April 2010, p. 5.

7 ANSTO, *transcript of evidence*, 8 April 2010, p. 67.

8 AMSI, *transcript of evidence*, 9 April 2010, p. 42.

result of this trend senior Australian researchers were now seeking to access PhD students from other countries:

... in many science and technology areas it is extremely hard to find domestic students to do PhDs. That is one reason that researchers are driven to get their PhD students from other countries.⁹

4.12 This practice has some clear benefits for senior Australian researchers. It was identified by some as being a way of addressing the trend of talented Australian academics heading overseas, commonly called the “brain drain”.¹⁰

4.13 The Committee heard from several witnesses that incoming foreign researchers played an important role in revitalising their organisations, because as senior staff were approaching retirement age, there were risks that there were few domestic researchers able to replace them.¹¹

4.14 Instead, these organisations saw foreign researchers as a potential salvation, as did many submitters. Bringing researchers in from the Asia-Pacific region has the potential to build relationships and increase the face to face meetings and networking opportunities that are vital in establishing research collaboration.

4.15 The World Vegetable Centre based in Taipei, noted the value for Australia and for the region in having the next generation of scientists sourced from both a domestic and foreign intake:

Declining horticultural enrolments by Australian nationals in Australian universities mean that the next generation of scientists to work in Australian departments of agriculture and universities are more likely to come from overseas. Strengthening research collaboration now can help ensure that future graduates of overseas universities have the skills, background and expertise that is most likely to be of value to Australia in the future.¹²

4.16 The Committee was advised that even if overseas PhDs did not stay in Australia after their graduation they would become people of influence in

9 Deakin University, *transcript of evidence*, 9 April 2010, p. 21.

10 Monash University, *submission 59*, p. 13; COSA *transcript of evidence*, 8 April 2010, p. 74.

11 COSA, *transcript of evidence*, 8 April 2010, p. 73; ACIAR, *transcript of evidence*, 24 February 2010, p. 5.

12 World Vegetable Centre, *submission 4*, p. 3.

their countries of origin with strong links to Australia.¹³ One witness noted that overseas PhDs contributed a net benefit to Australia:

I think any PhD students that we get here do tend to be of net benefit to Australia, regardless of whether they stay or go back. They have connections. There has been research done on this. It is really an important part of our relationship. I think what we and most other universities are trying to do is bring our research training recruitment much more in line with where our research strengths are and to develop that in a broader kind of relationship.¹⁴

4.17 These potential benefits were also explored by the NTEU:

... when students – whether they be undergraduate, postgraduate or higher degree research students – come to study in Australia they have got that connection. When they go back to their home countries, I think it is important to try and maintain those links. Those sorts of links are really useful, I think, and actually support the whole agenda in terms of increasing the level of research collaboration which I think will happen as the numbers of international students increase over the years.¹⁵

4.18 Professor Fiona Stanley AC advised that she had successfully brought researchers in from overseas to work on projects, and though many had returned to their countries of origin they still played a positive role for Australia-based research:

I have had considerable success in recruiting people here to Western Australia to four to five years of their careers. They have been headhunted – bugger it! – back to the UK or Canada for chairs. But that is good because we get at least four or five years of them when they are most productive and then they have gone back and they continue to be ambassadors. So to have visiting people come here is a hugely important aspect of all of this, not just for us to go there, because that cements the relationships.¹⁶

4.19 The Committee also heard that Australian research strengths and the offering of scholarships¹⁷ had attracted overseas researchers to Australia to work. Witnesses from Dairy Australia noted that a Chair at Monash

13 JCU, *submission 8*, p. 3.

14 UoM, *transcript of evidence*, 9 April 2010, p. 22.

15 NTEU, *transcript of evidence*, 9 April 2010, p. 79.

16 Professor Fiona Stanley AC, *transcript of evidence*, 13 April 2010, p. 8.

17 ACIAR, *transcript of evidence*, 24 February 2010, p. 22.

University supported by Dairy Australia had been filled by an academic from Auckland University in New Zealand. The witnesses added:

When you attract a chair, you attract their students and some of their team as well, so you get that transfer of a team.¹⁸

Committee comment

- 4.20 The Committee notes the benefits that incoming researchers have had to the development of Australian scientists and research, and believes that if Australian researchers are unable to travel overseas to learn from gifted researchers, that research organisations should aim to bring experts in from overseas, even for short periods of time, to maximise the exposure of young researchers to world class scientists and to take advantage of their expertise.
- 4.21 Australia is clearly home to several world class scientific facilities, and these facilities are a great incentive for foreign researchers. These facilities give Australia a comparative advantage in fields like nuclear science and astronomy, and facilitate researcher mobility and the exposure of young researchers to global science.
- 4.22 Maximising the exposure to foreign researchers has clearly had benefits to Australian research. While evidence indicates that Australia is receiving less researchers from Europe, it now appears to be bringing in more researchers from the Asia-Pacific region. While this has both advantages and disadvantages, it marks Australia as a potential regional research hub.
- 4.23 While Australia has historically seen its best academic talent move to the United States and Europe, it has quite often been able to replenish those stocks with young up and coming researchers. However, the sciences have seen less PhD candidates in recent years, and with an ageing research workforce, Australian research organisations and universities have been compelled to look at recruiting researchers from overseas.
- 4.24 Aside from addressing personnel shortages, bringing in PhD candidates from overseas has clear advantages for Australia if domestic students are unable or unwilling to fill available places. Accepting international PhD students can open up opportunities for research collaboration back in the researcher's country of origin, or at the very least improve networks between research institutions. Quite often, talented researchers have elected to remain in Australia as permanent residents, keeping their expertise in Australia.

18 Dairy Australia, *transcript of evidence*, 9 April 2010, p. 69.

Visas and immigration difficulties

- 4.25 One area that was clearly identified by many witnesses and submitters¹⁹ as an area in which the Australian government could increase support for research collaboration at little cost was to revise a bureaucratic²⁰ or 'rigid and difficult'²¹ visa system.²²
- 4.26 The Committee heard many examples of onerous visa requirements or extended delays in processing for experienced researchers or high quality PhD candidates from a range of countries, which had posed a major impediment to international research collaboration.²³
- 4.27 Witnesses advised that the visa application process often took a long time. A witness advised the Committee that his organisation operated on the assumption that the process would take approximately 12 months.²⁴
- 4.28 Visa applicants were rejected from a variety of countries of origin, some considered high risk for overstaying, and others considered low risk. These countries of origin included Germany,²⁵ Argentina,²⁶ Canada,²⁷ Pakistan²⁸ and China²⁹ sometimes without any explanation. An unexplained rejection of a visa application was reported to have caused significant embarrassment when an eminent researcher was refused entry to Australia.³⁰
- 4.29 The Committee was told of a situation in which an eminent Chinese researcher was only able to get a visa after direct lobbying at the Australian embassy by an Australian researcher who happened to be in China at the time:

... I was attending a workshop in Beijing at one time and we had a famous member of the Chinese Academy of Sciences who wanted to come to Australia for six months to visit ANU and the

19 QUT, *submission*, p. 3; USYD, *submission*, p. 5.

20 RMIT University, *submission 31*, p. 4.

21 Victoria University, *transcript of evidence*, 9 April 2010, p. 6.

22 UoM, *transcript of evidence*, 9 April 2010, p. 3; QUT, *submission 15*, p. 3; Victoria University, *submission 45*, p. 4; UoM, *submission 51*, p. 7.

23 Professor Adrian Baddeley, *submission 21*, p. 1.

24 Professor Adrian Baddeley, *transcript of evidence*, 13 April 2010, p. 19.

25 ANSTO, *transcript of evidence*, 8 April 2010, p. 59.

26 Dr Mehmet Cakir, *transcript of evidence*, 13 April 2010, p. 42.

27 AMSI, *transcript of evidence*, 9 April 2010, p. 42.

28 AMSI, *transcript of evidence*, 9 April 2010, p. 42.

29 Professor Adrian Baddeley, *transcript of evidence*, 13 April 2010, p. 18.

30 ANSTO, *transcript of evidence*, 8 April 2010, p. 57.

University of New South Wales, where I was located at the time. While we were having a workshop there he got a letter from the Australian embassy saying his application had been rejected. Because I happened to be there, I rang the Australian embassy and they told me 'Oh no, we reject everybody from China who wants to stay more than three months.' I said 'You probably don't know who this person is but he is a very eminent scientist who has done a lot of work in Australia and wants to continue working with Australians.' So I followed it up with them and we got it through, but I think it is probably because I was there and I was able to ring up people. I did not see his application so I do not know what was in it, but it shocked me that he just got a straight no because he wanted to stay more than three months and he was Chinese.³¹

4.30 Visa problems caused trouble for the vast majority of witnesses, both in universities and in other areas of research and for both short³² and long term visas.

4.31 The University of New South Wales reported that they had established a bilateral relationship with a university in China that had been adversely impacted by the current visa system:

Visa requirements for Australian and Chinese academics and students for short stays in China and Australia (up to 6 months), respectively, are very onerous and have directly affected the core partnerships associated with the recently established UNSW Confucius Institute in partnership with Shanghai Jiao Tong University in China.³³

4.32 Delays in processing researcher visa applications by the Department of Immigration and Citizenship had, in one case, forced a witness from AMSI to use a migration agent to accelerate the process:

I have had a lot of postdoctoral research associates come from overseas and at some stage we had two options: we could go through the usual channels at the university, and then it would take longer but if we paid extra then there was some sort of consultant who manoeuvred the way or something like that.³⁴

31 ANSTO, *transcript of evidence*, 8 April 2010, p. 59.

32 RMIT University, *transcript of evidence*, 9 April 2010, p. 23.

33 UNSW, *submission 28*, p. 5.

34 AMSI, *transcript of evidence*, 9 April 2010, p. 42.

4.33 The application process was also questioned:

[The invitee] is then in the position of having to write a paragraph or a page about why his visit to Australia will benefit Australia and I think that is unnecessary. I do not understand why it is necessary to even have that question asked. I am not sure that anyone actually evaluates the answer to that question or is qualified to evaluate the answer to that question, and it is really not part of the essential core of the immigration process. I think that could easily be eliminated or modified without relaxing Australia's broader security issues.³⁵

4.34 The Committee was also told of an unusual case where Department of Foreign Affairs and Trade officials questioned a host institution regarding a proposed visit by a researcher from India. The host institution, the Centre for Antimatter-Matter Studies, was under the impression that, after the discussions and questions, any issues had been resolved. CAMS was surprised to subsequently find that the visa for the visiting researcher was refused.³⁶

4.35 CAMS added:

It's extremely embarrassing. As I said, we have a bilateral research program with India that is administered through the Academy of Science ... I found it most unusual at the time.³⁷

4.36 CAMS was concerned that any future proposed visit by that researcher would be in doubt, with a refusal existing on that person's record.³⁸

4.37 CAMS also provided an example of a researcher that had experienced a significant delay in obtaining a visa:

We have had a lot of delays recently, I might add, particularly from one of my colleagues from the US. He had to cool his heels for a week in New Zealand because the visa did not come through in five weeks ... It is embarrassing. He was treated, in my view – I should be careful – poorly. Yes, he was treated poorly. It does not do our image as international science collaborators or as a country any good.³⁹

35 Professor Adrian Baddeley, *transcript of evidence*, 13 April 2010, p. 18.

36 CAMS, *transcript of evidence*, 2 June 2010, pp. 14-15.

37 CAMS, *transcript of evidence*, 2 June 2010, p. 16.

38 CAMS, *transcript of evidence*, 2 June 2010, p. 16.

39 CAMS, *transcript of evidence*, 2 June 2010, p. 17.

- 4.38 Evidence was also presented that some promising international students were unable to take up PhD scholarships due to visa difficulties:

It is not just the visa, it is also the visa requirement for evidence of a very large amount of money now. Since most of our PhD students are coming in on scholarships that are funded by the universities – and that is a very limited amount of money – it really makes it almost impossible for some students to take those up.⁴⁰

- 4.39 The role Australia plays as a leader in research in the Asia-Pacific and the diplomatic and aid benefits that can flow from collaboration have also been potentially damaged by problems with visas. The Committee heard that difficulty obtaining visas had impacted on a researcher from Papua New Guinea attending a conference in a third country:

We have a very strong relationship with the Institute of Medical Research in Papua New Guinea, and some of the visa arrangements there have been absolutely pathetic. We have just had an experience with one of the top PhD students from that institute, an indigenous Papua New Guinean. We wanted him to go to a conference in Italy on pneumococcal disease, which all of our people were presenting at, and he had to come via Australia. Australia would not give him a visa in time to get him to Italy, so he did not go to the meeting ... The fact is that he would not have become an illegal immigrant. He has been on a student visa. Now he is a postdoc. It was unacceptable.⁴¹

- 4.40 Many witnesses that discussed visa difficulties indicated that decisions by the Department of Immigration and Citizenship to reject visa applications from applicants at the PhD candidate level or higher were disappointing. The witnesses were upset that applications from dependable academics, who were coming to Australia only to work on research projects and were no risk of overstaying had their applications rejected.⁴²
- 4.41 Witnesses noted that there was a difference between PhD candidates and students studying at other levels, noting that Universities were discerning

40 Deakin University, *transcript of evidence*, 9 April 2010, p. 23.

41 Professor Fiona Stanley AC, *transcript of evidence*, 13 April 2010, p. 9.

42 Professor Fiona Stanley AC, *transcript of evidence*, 13 April 2010, p. 9; Deakin University, *transcript of evidence*, 9 April 2010, p. 23.

in offering PhD places to all students⁴³, and they had to have research proposals approved before they were offered a place.⁴⁴

- 4.42 A witness from Monash University compared bringing in overseas researchers to hiring highly skilled workers coming to Australia to do a particular job.⁴⁵
- 4.43 Another witness agreed that officials from the Department of Immigration and Citizenship should look more favourably on applications from highly qualified academics and PhD candidates:
- ... we should assume that they are going to be beneficial in the main. That makes commonsense. The majority of the scientific community would like to see almost immediate granting of visas where the nature of the visit is quite clear and there are not expected to be any unusual problems.⁴⁶
- 4.44 Visa difficulties did not just prevent researchers from coming to Australia. The Committee heard that some eminent researchers and academics had refused to come back to Australia after experiencing so many difficulties in getting to Australia in the first instance.⁴⁷
- 4.45 Victoria University noted there was already a visa category for PhD and visiting scholars, but noted the rigid processes and long processing times were the primary impediments to bringing researchers in on this visa class.⁴⁸
- 4.46 Another witness noted that in the past, when they had been seeking to bring academics in for short-term visits that they would just use tourist visas, but over the past few years, there had been an increase in use of the 419 (Visiting Academic) visa subclass.⁴⁹
- 4.47 The cost of applying for 419 visa was discussed, and a witness considered the approximately \$250 cost expensive, as there were often additional costs incurred to obtain certified copies of documents, registered postage and travel to the Australian consulate.⁵⁰
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43 Professor Adrian Baddeley, *transcript of evidence*, 13 April 2010, p. 23.

44 Monash University, *transcript of evidence*, 9 April 2010, p. 24; UoM, *transcript of evidence*, 9 April 2010, p. 24; Victoria University, *transcript of evidence*, 9 April 2010, p. 24.

45 Deakin University, *transcript of evidence*, 9 April 2010, p. 25.

46 Professor Adrian Baddeley, *transcript of evidence*, 13 April 2010, p. 19.

47 Professor Adrian Baddeley, *transcript of evidence*, 13 April 2010, p. 17.

48 Victoria University, *transcript of evidence*, 9 April 2010, p. 25.

49 Professor Adrian Baddeley, *transcript of evidence*, 13 April 2010, p. 19.

50 Professor Adrian Baddeley, *submission*, p. 3.

4.48 By way of contrast, the Committee asked several witnesses about their experiences travelling abroad asking about visa processing times. Professor Adrian Baddeley reported:

For a visit of less than six months I have usually turned up at the airport without any paperwork and been admitted to the UK, the Netherlands, the United States, Canada and so forth. For some other countries I have been a bit more circumspect to make sure that I have got some kind of documentation ... it would be rare for me to take more than a month to get everything together.⁵¹

4.49 Having been asked whether he had experienced similar visa frustrations when heading overseas, Dr Mehmet Cakir replied:

Actually, no, I must admit. The countries that I have visited, no. The only visa that I had to get from here was the one when I was going to China a few months ago. Otherwise, every other country that I went to, if there was a visa, I got it on the border. It was just quick, yes; no problem.⁵²

4.50 The Department of Immigration and Citizenship (DIAC) gave evidence to the inquiry. DIAC found it regrettable that immigration processes were an impediment to research:

We are really sorry that some academics have experienced delays and that they see immigration procedures as a major impediment to international research collaboration. Of course, that was never our intention. We do have our role in terms of implementing government policy to have an orderly managed migration program and to protect our community from all sorts of risks – health, character and all of that. But we would not want to impose any more red tape than is absolutely necessary.⁵³

4.51 DIAC explained recent changes in visa sub-class requirements:

Recent changes have applied from 14 September 2009 under the worker protection framework. New sponsorship requirements were introduced to a range of 400 visas to align with the 457 changes. That included changes to the visiting academic subclass 419 visa to apply the sponsorship requirements. The reason for applying the sponsorship requirements to the 419 visiting academic visa was that there was a review in 2002 that was

51 Professor Adrian Baddeley, *transcript of evidence*, 13 April 2010, p. 19.

52 Dr Mehmet Cakir, *transcript of evidence*, 13 April 2010, p. 42.

53 DIAC, *transcript of evidence*, 24 May 2010, p. 31.

commissioned by the then government and then Minister Philip Ruddock, which asked an external reference group – a very prominent external group – to recommend changes to a range of small boutique visas, such as those in the 450 series, including the visiting academic visa. That 2002 review recommended that subclass 419 should not be exempt from sponsorship requirements that should generally be required across the visa categories in that 400 series. The reason for that was that we needed a standardised approach across all temporary work visas to reduce the complexity found in having differentials for different visas. As you know, we have 149 visa subclasses. We needed to apply consistent rules to introduce some simplification and to reduce the client confusion and administrative inefficiency.⁵⁴

- 4.52 DIAC admitted that, as with any changes, there had been teething problems in the first couple of months since implementation. DIAC explained further:

I think that when we change the way we process visas there is always an appearance of there being a problem, because it takes people a while to get used to a new process. In fact, the average processing times for the nomination and the visa are not substantially longer. The ones cited in the submissions are the outliers. What has been reported is people whose visas are taking an extremely long time. Whereas there are a lot of visas processed that are delivered within service standards – that is, less than three months.⁵⁵

- 4.53 In the light of recent visa changes, DIAC discussed the roles of the applicant and sponsor:

With the recent changes introducing the sponsorship requirements and under the workers protection legislation we do not think we have added any more compliance steps for the visa applicant. What we have done is shift some of the compliance and administration effort from the applicant to the universities and education facilities and their human resources sections. Some of the questions we previously asked are now in the nomination sponsorship stage, and that is clearly the responsibility of the universities and their human resources sections. The effort

54 DIAC, *transcript of evidence*, 24 May 2010, p. 31.

55 DIAC, *transcript of evidence*, 24 May 2010, p. 32.

required by the applicant in answering the questions on the form has now been reduced.⁵⁶

- 4.54 DIAC further explained the role for host institutions, and discussed a new information campaign:

We are hearing concerns raised by the universities because I do not think their human resource sections are using the visa pathways as they should and on occasion they do not have all the information. Over the next few weeks we will be engaging with Universities Australia on an information and education awareness raising campaign. We will be also be working closely with Universities Australia to look at what we can do within the current legislative arrangements to simplify the process for the benefit of low-risk education institutions and low-risk applicants.⁵⁷

- 4.55 How recently this education awareness initiative was established was not discussed.

- 4.56 DIAC suggested that visa applicants were choosing the wrong sub-class of visa for their visit:

When I read some of the concerns that were raised and some of the examples that were mentioned, clearly those examples point to the fact that they were using wrong visa pathway.⁵⁸

- 4.57 In discussions concerning quicker visa processing for hosts with proven track records of sponsoring people in and out of the country successfully, DIAC stated:

We will do that as part of our risk-management framework. That is what we are doing with the 457 visa. We will have low-risk sponsors with much more streamlined requirements. The same will happen across the 400 visa series – low-risk sponsors who have an established track record in complying with the obligations will have a much more streamlined process. That is exactly the way forward from now on and that is what we are going to do in consultation with Universities Australia.⁵⁹

- 4.58 DIAC explained that the visa nomination, rather than the application, requires the documentation of what the benefit to Australia will be as a result of a particular person's visit. When asked whether the department

56 DIAC, *transcript of evidence*, 24 May 2010, p. 35.

57 DIAC, *transcript of evidence*, 24 May 2010, p. 36.

58 DIAC, *transcript of evidence*, 24 May 2010, p. 32.

59 DIAC, *transcript of evidence*, 24 May 2010, p. 36.

has qualified people able to assess the scientific benefit to Australia, DIAC stated that they do not have staff with specific training in research and academics.⁶⁰

4.59 DIAC further explained the need for such questions:

I think the benefit to Australia is a standard question that applies across the visa categories. It is part of the overall integrity framework. We require the sponsors and applicants to explain in what way it will benefit Australia if we grant the visa. It is part of the overall decision-making process. It is one of the many questions that we put to sponsors and applicants.

I understand the concerns but, as I said, it is part of the overall risk-management framework and the decision-making process. Members would be surprised how many integrity issues we have come across by asking all sorts of questions that on the face of it might not sound reasonable, but these questions and the responses provide a trigger for further investigation and the overall risk management.⁶¹

Committee comment

4.60 The Committee was disappointed to hear that promising PhD students were unable to take up scholarships due to an inability to obtain a visa. Further, the Committee heard of cases where academics with a higher level of qualification were unable to enter the country to take up positions due to having their visa applications rejected.

4.61 The Committee was alarmed to hear that research organisations had so much trouble bringing researchers in from overseas due to problems with visas. That research collaboration opportunities have been lost due to bureaucracy and delay is extremely regrettable and the Committee hopes that these instances will be lessened and eventually eradicated.

4.62 The Committee heard substantial evidence that universities had had trouble bringing researchers in on 419 class visas. The Committee was indeed surprised to learn from the Department of Immigration and Citizenship that many universities have been using the wrong visa subclass and should have been using the 457 visa instead.

60 DIAC, *transcript of evidence*, 24 May 2010, p. 37.

61 DIAC, *transcript of evidence*, 24 May 2010, p. 37.

- 4.63 While the Committee is heartened to learn that the Department of Immigration and Citizenship anticipates applications under the 457 visa class should be processed faster, it is extremely disappointed that the Department did nothing to address the misconception many universities were under that the 419 visa was the only one applicable for their use. Accordingly, the Committee recommends that the Department of Immigration and Citizenship make formal contact with the human resources sections of all relevant universities and research institutions explaining the most appropriate visa that should be used for visiting researchers.

Recommendation 2

The Committee recommends that the Department of Immigration and Citizenship make formal contact with the human resources sections of all relevant universities and research institutions explaining the most appropriate visa that should be used for visiting researchers.

- 4.64 The Committee also remains concerned that visa application processes take far too long. Opportunities for collaboration have been lost due to the long lead time on visa application processes. That some research organisations operate on the assumption that a visa application will take 12 months until final approval indicates that there are significant concerns in the academic community about processing times. Closer relationships and more communication between research bodies and the Department of Immigration and Citizenship would improve processing times and the confidence of academia in the Department's processes. Further, it would mean more opportunities for problems with applications to be addressed.
- 4.65 Accordingly, the Committee recommends that the Department of Immigration and Citizenship remain in close contact with the human resource departments of universities and research institutions that are responsible for visa applications, reporting to these bodies monthly on the progress of active visa applications.

Recommendation 3

The Committee recommends that the Department of Immigration and Citizenship remain in close contact with the human resource departments of universities and research institutions that are responsible for visa applications, reporting to these bodies monthly on the progress of active visa applications.

- 4.66 Universities and research institutes undertake serious vetting of the academic qualifications of applicants, and ensure that applicants have approved research proposals before being offered a place.
- 4.67 Academics identified as having useful contributions to make by universities are unlikely to overstay their visas, as they are trusted members of the scientific community with clear ties in their countries of origin.
- 4.68 The Committee has drawn the perception from the evidence that visa applicants from certain countries considered to be “high risk” have had their applications rejected solely due to the length of the visa and the nationality of the applicant. That this perception even exists amongst witnesses and submitters is unacceptable. As Australia becomes more of a hub for research collaboration in the Asia-Pacific, more researchers will continue to come from non-European, and more “high-risk” sources. The Department of Immigration and Citizenship must do more to address this perception and to consider visa applications on their merits, making special note of the sponsoring organisation and the risk assessments already performed by the academic body sponsoring the application.
- 4.69 The Committee heard evidence on the application process. It was advised that visa applications required the applicant (or sponsor, depending on who was filling out the application) to inform the Department of Immigration and Citizenship on how the researcher’s visit would benefit Australia.
- 4.70 The Department of Immigration and Citizenship was asked whether any departmental staff were qualified to assess the merits of these applications, and the Committee was informed that this was not the case. As there are no Immigration staff qualified to assess the merits of the statements on visa applications, the Committee believes this portion of the application to be of little use to either Department of Immigration and Citizenship or the applicant.

- 4.71 The Committee was surprised and somewhat puzzled that Department of Foreign Affairs and Trade officials had also been involved in scrutinising particular applications. The Committee is of the opinion that the role of this department in assessing migration visa applications should be clarified.
- 4.72 Accordingly, the Committee recommends that the Department of Immigration and Citizenship streamline the visa application process for visiting researchers by replacing the section that requires applicants to detail the benefits to Australia of their planned visit with a simplified section consisting of check boxes containing common reasons for academic visits.

Recommendation 4

The Committee recommends that the Department of Immigration and Citizenship streamline the visa application process for visiting researchers by replacing the section that requires applicants to detail the benefits to Australia of their planned visit with a simplified section consisting of check boxes containing common reasons for academic visits.

Additional costs for incoming researchers

- 4.73 Overseas researchers working in Australia also are subject to additional costs that are generally not supported by research grants or the sponsoring research institution, with witnesses identifying a need to not only facilitate the transfer of researchers to Australia, but to also ensure they are not subject to excessive additional costs.⁶²
- 4.74 Witnesses and submitters noted several financial barriers to bringing researchers in from overseas, including health insurance,⁶³ school fees, and non-resident tax rates.
- 4.75 Researchers who choose to bring their families out to Australia with them are met with expenses for school fees, even if they choose to enrol their

62 ACU, *transcript of evidence*, 8 April 2010, p. 4.

63 ANSTO, *transcript of evidence*, 8 April 2010, p. 60.

children in public schools.⁶⁴ Imposing sizeable school fees on visiting researchers can act as a disincentive, especially if the researcher has several children.⁶⁵

- 4.76 This extra expense has the potential to reduce Australia's competitiveness as a destination for overseas researchers:

[School fees] can be quite substantial. They are about \$5,000 a year for a primary school in New South Wales, for example, and this can be quite off-putting for somebody considering coming to Australia versus some other part of the world where that is not a serious constraint to them.⁶⁶

- 4.77 In its submission, James Cook University noted that New Zealand had eliminated fees for research students, and encouraged Australia to do the same.

Australian universities should be further assisted to attract the highest calibre international research students. Such students are operating in a genuinely global market for the enrolment; it does not serve Australia well to discourage them through high costs.⁶⁷

- 4.78 Some research institutions covered the education expenses of the children of their overseas researchers:

One of the appointees we have made from Austria – and this is the first I have become aware of this – has two primary school age children, and suddenly we are up for \$10,000 in fees for the children. I am paying that out of our budget, so that is a cost I do not really welcome being added to us.⁶⁸

- 4.79 Another issue identified as an impediment to visiting researchers was non-resident tax rates. High non-resident tax rates can clearly act as a disincentive for researchers to visit Australia. While tax rates were reduced when the visiting researchers secured tax file numbers, they still paid higher taxes than their domestic counterparts. The disincentive was particularly true for younger researchers, who didn't earn the same salaries as their more senior counterparts:

It is actually very difficult for young international scientists and researchers to come to Australia. It is difficult because of our

64 AINSE, *submission*, p. 6; UoN, *submission*, p. 5.

65 ACU, *transcript of evidence*, 8 April 2010, p. 16.

66 ANSTO, *transcript of evidence*, 8 April 2010, p. 57.

67 JCU, *submission 8*, p. 4.

68 ANSTO, *transcript of evidence*, 8 April 2010, p. 60.

taxation system. When they come here they pay a higher tax rate than Australians because of their non-resident status. And until they get a tax file number it can be extremely high. But even then, after getting a tax file number, it is still a much higher tax rate than their Australian counterparts pay. These are people with young families. They are in their early 30s. They are not on high salaries.⁶⁹

4.80 Combining the issues of taxation and school fees, a witness added:

It just seems to me that, if the person is here and paying taxes, they should be eligible for the benefits that other Australians who pay taxes get.⁷⁰

Committee comment

4.81 The additional costs faced by visiting researchers also serve as a clear disincentive to research collaboration. Even once a researcher has secured a tax file number they still pay a higher rate of tax placing more strain on young researchers who earn less than their senior counterparts. The Committee understands the rationale behind higher tax rates for non-residents but considers it unfair for taxpayers, Australian residents or not, to be unable to access free public education for their children.

4.82 Recognising that taxpayers in the Australian tax system have the right to access free public education for their children, the Committee recommends that the federal Minister for Education formulate a proposal for consideration through COAG recommending that visiting researchers that have an Australian tax file number and are contracted to work on research projects for more than six months be eligible to receive public education for all school age children.

Recommendation 5

The Committee recommends that the federal Minister for Education formulate a proposal for consideration through COAG recommending that visiting researchers that have an Australian tax file number and are contracted to work on research projects for more than six months be eligible to receive public education for all school age children.

69 UoN, *transcript of evidence*, 8 April 2010, p. 5.

70 AINSE, *transcript of evidence*, 8 April 2010, p. 61.

