



Professor A J Baddeley FAA

School of Mathematics & Statistics,
Nedlands WA 6009, AUSTRALIA.

Telephone: +61 8 6488 3375

Facsimile: +61 8 6488 1028

email: adrian@maths.uwa.edu.au

WWW: <http://maths.uwa.edu.au/~adrian/>

29 January 2010

Committee Secretary
Standing Committee on Industry, Science and Innovation
PO Box 6021
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Secretary,

Personal Submission to Inquiry into Australia's International Research Collaboration

Following is an individual submission to the Inquiry into Australia's International Research Collaboration. This submission is a personal opinion based on direct experience; it does not claim to reflect the position of the University of Western Australia or other institutions.

My submission concerns item 4 in the Inquiry's Terms of Reference: *"The impediments faced by Australian researchers when initiating and participating in international research collaborations and practical measures for addressing these."*

Summary of submission

Australian immigration procedures that are currently applied to international research visitors, pose a major impediment (directly and indirectly) to Australian scientists' efforts at international research collaboration.

Obstacles presented by these immigration procedures include excessive compliance cost, excessive delay, and an intrinsic resistance to outcomes that are scientifically desirable.

These obstacles act as a disincentive to individual scientists to visit Australia; they act as a disincentive to international collaboration; they lessen the ability of Australian scientists to have an international impact; and they damage Australia's reputation as a willing partner in international research collaboration, with potentially severe consequences.

Value of scientific visits

Scientific visits by individual overseas researchers to Australia are highly valuable for several reasons. They are essential in establishing and conducting productive collaboration between Australian researchers and established international researchers. They are vital for the development of researchers in Australia, as they expose Australian early-career researchers to the international scientific context, and allow experienced Australian researchers to keep up to speed with international developments. “Fact-finding” visits by international researchers (especially young researchers) to Australian research teams are an important way of disseminating awareness of Australian research and increasing the international impact and influence of Australian research. A visit by a single international researcher to an Australian research community is the most cost-effective and scientifically effective way for Australia to acquire knowledge developed overseas.

Experience of 419 visa

Most academic and research visitors to Australia are admitted under the visa subclass 419. International scholars visiting Australia under this visa frequently complain that the application process involves egregious compliance costs and excessive delay.

The experiences of two individual visitors are summarised later in this submission.

As a consequence of such experiences, several of my own international research collaborators have told me that they are unlikely or less likely to visit Australia again, specifically because of the red tape involved. Several international researchers, having heard these complaints from other international colleagues, have told me that they will *never* visit Australia. A prospective visitor from the USA to my Department has told us he is now contemplating pulling-out of his trip, specifically because of the red tape.

Moreover, on those happy occasions where a visit from an international researcher has been particularly successful and productive, our attempts to develop a longer-term collaboration tend to encounter even higher levels of obstruction from government. This directly obstructs scientific productivity in Australia, causes unnecessary offence and frustration to our international collaborators, and damages Australia’s reputation as a willing collaborator in international research.

Ironically the damage is greatest for Australians working in the hottest research areas, and in existing research fields where Australia does not already have well-established standing or capability. In these areas there are fewer scientific incentives for an international expert to visit Australia and greater disincentives.

Compliance costs in 419 visa process

For an international researcher invited to visit an Australian university, the compliance costs involved in the 419 visa process include the following.

1. *Determination whether a 419 visa is required.* Alternatives to the 419 visa include a short stay business visa (subclass 977), eVisitor (subclass 651) or tourist visa. Even for short visits (e.g. six weeks) it appears that Human Resources departments in many Universities now insist upon a 419 visa. It is unclear whether this is a result of direct advice from Department of Immigration and Citizenship (DIC) or an over-cautious interpretation by HR officers. In practice some effort and delay is required to obtain a definitive answer.
2. *Preparation of the sponsorship/ nomination letter.* DIC will not accept a visa application until it has received a nomination letter, from the inviting University, that adheres to numerous stipulations. The nomination must be signed by the Vice-Chancellor; give details of the qualifications of visitor; specify details of the proposed research project; and give a detailed explanation of the “benefits to Australia” expected from the visit. Apparently it is the individual DIC case officer who decides whether a nomination is acceptable, and the requirements for acceptability are not precisely known (e.g. due to turnover in university HR departments). The international visitor is perforce involved in this process because of the detailed nature of the information required. The case for “benefits to Australia” is often ghost-written by the international visitor.
3. *Application costs.* The application fee for the 419 visa in Europe is 150 Euros or about \$250 Australian. This would be considered extremely expensive in most European countries. The total cost of making an application can exceed \$500 due to additional costs of obtaining official documents and certified copies, registered postage, travel to the Australian consulate, etc.
4. *Application form compliance.* DIC’s application form 147 is a twenty-six-page document which includes the following requirements:
 - details of qualification and training, and *curriculum vitae* (Q. 29)
 - details of all sojourns longer than 3 months’ duration outside the home country in the last 5 years (Q. 40). There is space for detailing only three sojourns.
 - barcode details and dates of all previous visas (Q. 25)
 - **certified copies of**
 - passport identity pages
 - marriage certificate
 - divorce decrees
 - birth certificates for all accompanying children
 - police clearance
 - evidence of health insurance

- letter from bank
- evidence of income

5. *International Travel and/or Surrender of Passport.* In countries where the Australian consulate does not handle 419 visa applications, it is necessary to send the passport to another country. For example an applicant from Switzerland must send the passport to Berlin, either by registered post or by travelling in person. The passport will be retained by the Australian consulate for processing, so that *applicants surrender their passports in a foreign country* and would in some cases be unable to travel for weeks or months while the passport is in Australian hands.

Additionally there is a separate extensive form **1163i** for verification of health status.

Delay in 419 visa process

Compliance with the 419 visa process also imposes substantial delays:

- *Nomination letter:* the preparation of the nomination/ sponsorship letter by the University HR department involves consultation with DIC, the inviting academic department, and the visitor. This can involve long delays due to the extent and detail of information required, the necessity for top-level approval and signature, and uncertainty about DIC requirements. DIC will not begin to process a 419 visa application until a nomination letter of the approved kind has been received.
- *Visa application:* Preparation of the visa application requires drafting of considerable documentation, sourcing of official documents, and preparation of certified copies of documents. This process can take weeks or months depending on delays in the response of authorities.
- *Visa process:* The processing of a 419 visa application can apparently take up to three months.
- *Delay in organising travel:* DIC stipulates that travel arrangements should not be booked until a decision on the visa application is made. Unless extremely expensive tickets are purchased, this implies that the visa needs to be approved at least three months before travel.

The entire process requires approximately 12 months in total.

There appear to be numerous opportunities for reducing waste in this process. For example, with regard to the nomination letter, Australia effectively asks every international research visitor to write a paragraph explaining why his or her visit would be in Australia's national interest. One may ask rhetorically: Is this paragraph actually scrutinised by officers of DIC? Are they qualified to assess such detailed scientific information? Has any applicant ever been denied entry to Australia because their explanation of national interest was unsatisfactory?

Experience of a distinguished visitor

Distinguished German professor **A**, invited to visit Australia for a six-week lecture tour, was advised by the inviting University to apply for a 419 visa. He described the visa application process as “painstaking” and was affronted that it was felt necessary to provide a *curriculum vitae* and certified copies of numerous documents, as well as detailed information on his scientific training, his proposed activity in Australia, and the benefits of this visit for Australia’s national interest. The visa application fee of 150 Euros was considered excessive (the word used was “robbery”). The process was frustratingly slow, and would have obliged Professor A to book air travel at the last minute had he not taken a gamble and booked in advance. During his stay in Australia the visa was not checked at any time, so that a tourist or business visa might well have been sufficient. In an email to me, Professor A confided:

“It is quite possible that these experiences will make it less likely that I will come to Australia again. You know that I like your country. Unfortunately, it seems to be one of the most bureaucratic countries in the western world.”

Experience of a postdoctoral visitor

Promising young Swiss researcher **B** had recently graduated with a doctorate under a leading professor. He was awarded a Swiss National Science Foundation postdoctoral fellowship which provides a stipend, living costs and travel costs to visit and collaborate with any research group in the world for 12 months, with a possibility of extension in highly successful cases. Dr B chose to spend his postdoc with me at the University of Western Australia. The treatment of this young researcher, fully funded by another country, was frankly deplorable and unnecessary.

Dr B’s experience of the visa application process for a 12-month visit was arduous but similar to that of Professor A described above. After six months we judged that Dr B’s postdoctoral visit was going extremely well. I offered to provide partial salary support of \$35,000 for a further twelve months if Dr B would collaborate with me on an Australian Research Council funded project where his expertise would be invaluable. Dr B also applied to the Swiss NSF and was awarded a 6-month extension of his postdoc stipend. Together this provided enough income for a somewhat frugal 12-month extension of the postdoc. At this point Dr B applied to DIC for a supplementary visa. Because the new arrangement involved remuneration from Australian sources, which is formally excluded by the 419 visa, Dr B was now required to submit to a medical exam and a chest X-ray (additional cost \$300), to provide certified extracts from police records in Switzerland and Australia, supply certified copies of identity documents, and fill in a total of about thirty pages of forms. Information required included essentially every visit to a doctor ever made by Dr B, every job he had had since high school including the address of the employer, details of every stay of any duration in any foreign country in the last 10 years, and background information about Dr B’s parents that even they did not know about each other.

The Chief Medical Officer of the Commonwealth had to approve Dr B's (very basic and common) prescription medicine, delaying the visa application by an additional six weeks, in spite of the detailed confirmation letter provided from the Swiss GP.

After the application was processed, the DIC case officer instructed that the stipend from Australian sources would be limited to a maximum of \$19,000 based on the standard PhD student allowance in Australia. The case officer appeared not to understand the difference between a PhD student and a postdoctoral researcher. After lengthy discussion the case officer consented to raise the stipend limit to \$25,000. I retained the impression that case officers have considerable freedom to determine arbitrary constraints on research activity, without even a basic understanding of the industry they are regulating.

These restrictions caused Dr B unnecessary hardship in his personal circumstances, and limited the extent of our research collaboration and our scientific output. Dr B wrote:

"I perceived the attitude of the Department of Immigration and the higher University administration towards visiting researchers to Australia from overseas as inhospitable and filled with distrust. I appreciate that this comes rather from the overwhelming burden for the individual employee to fit my case (and many other ones too!) into one of the predefined visa categories and satisfying all the rules and regulations that 'the system' dictates, than from any malicious intent, but the unpleasant feeling for me as a visitor remains the same. I will make any future decision about visiting Australia in the light of whether it will be worth going through all the bureaucratic requirements, and this will make further stays definitely less likely.

I feel particularly hard done by because, in spite of all the very detailed information I had to reveal about myself and my family, the most obvious and common sense information the Department of Immigration already had about me was not taken into account: I had already lived in Australia for a whole year when I applied for the second visa, and I had spent over AU \$40,000 brought over from Switzerland in the Australian economy (which I was largely able to prove at that time). It seems rather unfriendly to make me undergo a medical exam to discover any severe diseases that most probably I would have caught in Australia (or else already passed on in Australia during my first year), and to allow only a completely inadequate amount of expenses considering my age, education and standard of living."

Conclusion and recommendations

Visa policy and processes covering research visits to Australia by international researchers impose egregious compliance costs and unacceptable delays. These have a direct impact on the capacity of Australian researchers to initiate, undertake and extend collaboration with international researchers. They damage Australia's reputation as a willing research collaborator, and limit the international impact of Australian research.

Following are some possible solutions.

1. The Department of Immigration and Citizenship should collaborate with peak bodies in research (such as the Australian Academy of Science) and the Australian Research Council, to improve policy and procedures affecting research visitors.
2. A new subclass of visa could be created specifically for researchers visiting Australia for research exchange and collaboration with a University or Government research institution (e.g. those recognised by the Australian Research Council).
 - Eligibility for the new visa should cover all research visits ranging from short-term lecture tours, through three-month collaborative visits, to two-year postdoctoral visits.
 - Remuneration should be permitted under the new visa. Modest remuneration is an important means of encouraging international researchers to visit Australia and encouraging their employers to release them.
 - In extending a short-term research visit to a longer collaborative stay, additional obstacles and compliance costs should be kept to a minimum.
3. Primary responsibility for verifying the *academic qualifications* of a research visitor should be placed on the University, not on the Department of Immigration. Universities have the extensive experience and institutional knowledge required for verifying the academic qualifications of job applicants. Senior University officers should be trusted to attest, over their signatures, that an applicant is well-qualified as an academic visitor.
4. The process by which an institution nominates or sponsors a research visitor could be streamlined as follows:
 - It should be acceptable to complete the nomination form *during* the visa application process, rather than requiring that it be completed beforehand.
 - The written explanation of benefits to Australia could be replaced by a list of multiple-choice statements (e.g. "leading expert in field", "early-career research collaborator", "technology transfer", "ARC funded research project"). Criteria for validity of these statements should be clearly defined on the DIC website. Responsibility for verification of these criteria could be placed on the nominating University, whose authorised officer would sign the nomination form. (A similar process is adopted by Medicare Australia for prescriptions requiring authority from Medicare).

- Certified copies of academic qualifications and a *curriculum vitae* should not normally be required. Instead the nominating University would attest that the applicant is qualified.
5. Intrusive and unnecessary questions of a personal nature (e.g. about relationships and parentage) should be avoided for short-term research visitors.
 6. Immigration case officers who handle academic visitors should be retrained to have greater understanding and appreciation of the academic world. At a minimum, they should understand the difference between a postgraduate student and a postdoctoral researcher; they should appreciate the international context and the benefits to Australia of international research visits and collaboration; and they should show basic courtesy toward international researchers.

Australia is competing on an international stage for billions of dollars of investment in the form of international scientific projects such as the Square Kilometre Array radio-telescope. The potential economic and technological benefits of such investment would appear to greatly outweigh the potential risks involved in reducing the red tape for research visitors to Australia.

I hope this submission will be useful to the Committee and I wish them success in their deliberations.

Yours sincerely,

A J Baddeley PhD FAA
Professor of Statistics