

# EXECUTIVE MINUTE

on  
JOINT COMMITTEE OF PUBLIC ACCOUNTS AND AUDIT  
REPORT 428

Review of Auditor-General's Report No. 46 2010-11  
Management of Student Visas

## General comments

The Department of Immigration and Citizenship (DIAC) and the Department of Industry, Innovation, Science, Research and Tertiary Education (DIISRTE) support the JCPAA's recommendation to report back to the Committee in six months from the tabling of the Committee's report, and welcome the opportunity to provide this executive minute.

Since the appearance before the JCPAA in October 2011 by representatives of these departments, reforms of the international education sector have continued apace. Of the 41 Knight Review recommendations as agreed by the government – 20 have been implemented, a further eight are planned to be implemented by early 2013 and work on the remaining 13 is ongoing as they involve future research or ongoing liaison between agencies. Three of the six ANAO recommendations have been completed, and the remaining recommendations were subsumed by the Knight Review.

Implementation of the Baird Review is also well advanced. Implementation of the first stage of amendments to the ESOS Act has been completed, and a second tranche of ESOS Act amendments received Royal Assent on 20 March 2012.

*NB Following the machinery of government changes in December 2011, the Department of Industry, Innovation, Science, Research and Tertiary Education (DIISTRE) was established. DIISTRE has responsibility for aspects of international education that were previously administered by the Department of Education, Employment and Workplace Relations. References to DIISTRE in this minute should be read in this context.*

## **Responses to the recommendation**

### **Recommendation No. 4**

**The Joint Committee of Public Accounts and Audit recommends that the Department of Immigration and Citizenship and the Department of Education, Employment and Workplace Relations report back to the Committee in six months from the tabling of this report on:**

- 1. implementation of recommendations (including those of the ANAO, the Knight Review, and the Baird Review);**
- 2. the rectification of the Non-Compliance Notice issues;**
- 3. the effectiveness of the new work arrangements between the Department of Immigration and Citizenship and the Department of Education, Employment and Workplace Relations; and**
- 4. an update on developments with eVisa arrangements and online products, including autogrant rate statistics.**

### **1. Implementation of recommendations (including those of the ANAO, the Knight Review, and the Baird Review)**

#### **1.1 Implementation of ANAO recommendations**

[Agency name –Department of Immigration and Citizenship]

The ANAO made six recommendations (Attachment A), which were all accepted by the department. As noted in the department's appearance on 12 October 2011, three of the six recommendations made by the ANAO (1, 4 and 5) align with recommendations made by the Knight Review and implementation is well underway. The other three ANAO recommendations (2, 3 and 6) have now been fully implemented.

In response to ANAO recommendation 1 regarding the process for determining Student visa Assessment Levels, the department completed the 2011 review of Student visa Assessment Level (AL) settings according to best practice principles as recommended by the ANAO in its audit report, including treatment of Protection Visa rates, application of small country rules, practices relating to placing countries on notice and documentation of decisions.

The ANAO's recommendation has also been subsumed into the Review of the Student Visa AL Framework, which was a key recommendation (No. 32) arising from the Knight Review. Implementation of this recommendation is covered in more detail in the subsequent section of this executive minute on implementation of the Knight Review recommendations.

With respect to ANAO recommendations 2 and 3 regarding the AL2-4 Student eVisa lodgement facility, the department has completed its internal evaluation (recommendation 2). The 'trial' status of eVisa AL2-4 facility has been resolved and the department will continue to offer eVisa to AL2-4 clients in China, India, Indonesia and Thailand. The evaluation found that there were mixed results in terms of efficiency, client service and integrity by country. Authorised agents who are meeting their performance

requirements under the facility's Deed of Agreement will continue to have access to the eVisa AL2-4 facility. The department continues to audit the performance of authorised AL2-4 agents (recommendation 3).

Recommendation 4 of the ANAO report called for the department to consider whether the automatic cancellation regime was achieving integrity and compliance objectives. Also, cessation of the regime was recommended by the Knight Review (Recommendation 24).

On 22 March 2012, the government introduced the Migration Legislation Amendment (Student Visas) Bill 2012 (the Bill) to Parliament. The Bill proposes to make changes to the *Education Services for Overseas Student Act 2000* (the 'ESOS Act') and the *Migration Act 1958* (the 'Migration Act') to cease the automatic cancellation of student visas. The Bill was passed in the House of Representatives and introduced to the Senate on 10 May 2012.

On 22 March 2012, the Bill was referred to the Senate Legal and Constitutional Affairs Committee for inquiry and report. Submissions to the inquiry closed on 27 April 2012 and the department appeared before the Senate Committee inquiry on 11 May 2012. The Senate Committee is scheduled to report on 18 June 2012.

A regulation change to abolish the mandatory cancellation of student visas is progressing and is proposed to come into effect at the same time as the changes proposed in the Bill to abolish automatic cancellation. This will address recommendation 25 of the Knight Review and recommendation 4 of the ANAO audit report.

The removal of automatic cancellation would not result in breaches of visa conditions being considered any less seriously. The change would enable the department to use the resources previously engaged in administration of the automatic cancellation regime to be re-directed to a more strategic and targeted approach to all student non-compliance under the existing discretionary cancellation regime.

Further information about the reforms is available online.

*New Improvements for Existing Student Visa Holders Fact Sheet*  
[http://www.immi.gov.au/students/\\_pdf/2011-existing-students.pdf](http://www.immi.gov.au/students/_pdf/2011-existing-students.pdf)

*Link to Bill on Parliament of Australia webpage*  
[http://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bId=r4779](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r4779)

Recommendation 4 of the ANAO audit report also called for a review of the operation of the work rights limitation. Recommendations 7 and 28 of the Knight Review also suggested that student work entitlements be amended. On 26 March 2012, changes were made to the Migration Regulations 1994 (the Migration Regulations), to give effect to amended work conditions for student visa holders (addressing Recommendation 28). The work limitation entitlements are now measured as 40 hours per fortnight rather than 20 hours a week.

The change applied to any person holding a student visa on 26 March 2012 and to any person granted a visa on or after 26 March 2012. The change will provide student visa holders with greater flexibility as casual work can often involve a requirement at short notice to work a few extra hours.

A further change to work limitations was introduced on 26 March 2012. Higher Degree by Research (HDR) subclass 574 visa holders are now able to work unlimited hours, once they commence their Masters or Doctoral course (this addresses Knight Review Recommendation 7).

The implementation of Recommendation 5 of the ANAO report is covered in the subsequent section of this executive minute on the rectification of non-compliance notice issues.

The implementation of Recommendation 6 of the ANAO report is covered in the subsequent section of this executive minute on new arrangements between DIAC and DIISTRE.

## **1.2 Implementation of Knight Review recommendations**

[Agency name –Department of Immigration and Citizenship]

Attachment B provides a list of all Knight Review recommendations by proposed/actual implementation date.

The key reforms include the Genuine Temporary Entrant requirement (GTE), streamlined visa processing for certain prospective students of participating universities, a fundamental review of the student visa Assessment Level (AL) framework, and access to a post-study work visa for certain higher education students.

### Genuine Temporary Entrant requirement (GTE)

The foundation stone of the Knight Review reforms, the GTE requirement, was introduced on 5 November 2011. The GTE criterion explicitly addresses whether the individual circumstances of a student visa applicant indicate that their intention is for a temporary stay in Australia.

The GTE requirement does not make it more difficult for genuine student visa applicants to obtain a visa. It does, however, provide a useful way to help identify those applicants who are using the student visa program for motives other than gaining a quality education. Between 5 November 2011 and 29 March 2012, less than 2.5 per cent of GTE assessments did not meet the requirement.

Another reform introduced on 5 November 2011 arising out of the government's response to the Knight Review included reductions in the financial requirements, by up to around \$36 000 for higher risk Assessment Level (AL) 3 and AL4 student visa applicants. This change was introduced to ease financial pressures for applicants and to assist the non-university sector.

A number of stage two Knight Review changes were implemented in March 2012. The remaining stage two changes are proposed to be implemented later in 2012 and 2013.



### Streamlined visa processing

On 24 March 2012, streamlined visa processing was introduced for prospective students enrolled in Bachelor, Masters or Doctoral degree courses at participating universities. Eligible students, regardless of their country of origin, are assessed as though they are lower risk (similar to the current Assessment Level 1). This recognises that universities, collectively, have a good track record as lower-risk, high-quality providers.

Streamlined visa processing is also available for students who undertake non-university courses as a prerequisite to an eligible university course at a participating university provided that both:

- confirmation of enrolment for all courses in the package (the non-university course/s and the eligible university course) are provided when the student visa application is lodged; and
- the non-university course is provided by an educational business partner nominated by the student's university providing the eligible course.

In order to participate in the streamlined visa processing arrangements, universities had to formally apply. The individual applications from universities participating in the streamlined visa processing arrangements (university plans) have been published on the department's website. See: [www.immi.gov.au/business-services/education-providers/applications-from-universities.htm](http://www.immi.gov.au/business-services/education-providers/applications-from-universities.htm)

The applications include information provided to the department about the strategies in place to ensure that:

- education agents recruit quality students – not simply volume of students;
- students have appropriate levels of English at the commencement of their courses; and
- students have sufficient funds to support themselves and their dependents during their studies.

Of the 42 universities operating in Australia, 41 are participating in the streamlined visa processing arrangements. The list of participating universities and their nominated educational business partners is at Attachment C. By the end of January, April and August each year, eligible universities must advise DIAC in writing of any changes to their educational business partners.

Streamlining does not guarantee that student visa applications will be granted. Applicants still have to satisfy requirements in regard to English language, finances, and have to meet the GTE requirement. However, they do not have the same documentary burdens that currently exist under the higher Assessment Levels, and will generally have their applications processed more quickly.

While it is too early to provide data on streamlined visa processing, early indications are that the vast majority of these applications are being processed within 14 days, in line with existing service standard for AL1 applicants.

### Review of the Student Visa Assessment Level Framework

The Review of the Student Visa Assessment Level (AL) Framework is tasked with recommending reforms to the current Student visa risk management framework that will not only enhance integrity in the Student Visa Program, but will also facilitate the competitiveness of Australia's international education sector. The review receives input from an External Reference Group (ERG), which includes experts in the field of international education and immigration risk. The department will report the review's findings to government in mid-2012.

On completion of the review, government will consider options for the interim implementation of its findings to apply to a small number of high quality training and education providers, ahead of full implementation of the review's findings by 2013.

An Internal Working Group also informs consideration of whether the outcomes of the review are administratively/legally feasible, can reasonably be implemented by 2013, and reflect the department's strategic objectives and priorities.

The department has been undertaking consultations with key external stakeholders as part of the review, including the international education sector (Universities Australia, English Australia, the Australian Council for Private Education and Training (ACPET), TAFE Directors Australia, Australian Government Schools International and the Independent Schools Council of Australia) and other portfolios (Austrade, Department of Industry, Innovation, Science, Research and Tertiary Education (DIISRTE)). A discussion paper was published on the department's website on 31 January and submissions closed 16 March 2012, and are available on the department's website at [www.immi.gov.au/students/knight/submissions-response-alf.htm](http://www.immi.gov.au/students/knight/submissions-response-alf.htm).

The department is currently considering how to best implement the Council of Australian Governments (COAG) Communiqué announcement on 13 April 2012 that 'In relation to the review of the student visa Assessment Level framework, COAG agreed to expedite the implementation of the revised framework for low immigration risk providers so that they are able to have access to streamlined student visa assessments in the second half of 2012.'

### Post study work visa arrangements

To qualify for the post study work visa arrangements it is intended that students must complete a Bachelor level or above course of at least two years duration and achieve 'Competent English' as defined in migration regulations. That is, visa applicants will need to prove that they are genuine students by completing a course at Bachelors level or above.

The new post study work visa arrangements will represent a measured expansion of existing work options for international students who graduate after studying in Australia. There is already an existing temporary Skilled-Graduate visa (subclass 485) which provides a stay for up to 18 months for recent graduates in specific fields. The new post-study work visa arrangements are proposed to be an expansion of these work provisions to reward higher levels of study, particularly research degrees.



### 1.3 Implementation of Baird Review recommendations

[Agency name – Department of Industry, Innovation, Science, Research and Tertiary Education]

#### First phase of the government's response to the Baird Review of the Education Services for Overseas Students (ESOS) Act 2000 (the ESOS Act)

The first phase of amendments to the *ESOS Act* received Royal Assent on 8 April 2011 and implemented recommendations to:

- further strengthen the registration process and ongoing monitoring through risk management approaches and greater scrutiny of business sustainability;
- strengthen enforcement by introducing financial penalties to a broader range of non-compliance and publishing information about regulatory activities; and
- improve student access to robust complaints handling mechanisms.

This first phase of amendments strengthened requirements for greater scrutiny of financial viability and risk management on entry, and provided for risk-based conditions on registration. The amendments included changes to the *Ombudsman Act 1976*, to make the Commonwealth Ombudsman the external complaints body for overseas students enrolled with private providers.

#### Second phase of the government's response to the Baird Review of the ESOS Act

The government is now implementing the second phase of the Baird Review. A second tranche of ESOS Act amendments received Royal Assent on 20 March 2012. This package of Bills included:

- the Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Bill 2011;
- the Education Services for Overseas Students (Registration Charges) Amendment (Tuition Protection Service) Bill 2011; and
- the Education Services for Overseas Students (TPS Levies) Bill 2011.

The amendments include:

- A new Tuition Protection Service (TPS), that will establish a single layered mechanism to place or refund overseas students when a provider cannot meet its service or refund obligations. The TPS will replace the current two-step process (Tuition Assurance Scheme and ESOS Assurance Fund arrangements), involving private tuition assurance schemes, to provide a faster, more flexible service, which offers greater choice for students and improved accountability to government.
- A number of complementary initiatives including:
  - Limiting to no more than 50 per cent, the total course fees a provider can collect from a student in advance and additional protections on initial pre-paid fees until a student has arrived in Australia and commenced their studies. (100 per cent may be paid in advance for short courses that fall within one study period of 24 weeks or less). Providers cannot require a student to pay any further fees until two weeks before the start of the second study period.
  - Requiring private providers to keep initial prepaid fees in a designated account until a student commences studies.

- Strengthening record-keeping requirements related to student academic progress and contact details.
- Establishing a national registration system that allows the registration of providers operating across jurisdictions.

Other changes supporting the Baird Review recommendations include:

- simplifying restrictions on student transfers; and
- improving student access to information that supports informed choice.

The recent changes to the ESOS legislative framework, coupled with two new national regulators – the Australian Skills Quality Authority (ASQA) and the Tertiary Education Quality and Standards Agency (TEQSA), will ensure a strong focus on quality assurance and a robust regulatory environment within which the international education sector can move forward with confidence over the coming years.

#### Communications strategy

The Department of Industry, Innovation, Science, Research and Tertiary Education has implemented a comprehensive strategy to communicate the ESOS legislative framework changes to all stakeholders in order to support a smooth transition to the new arrangements on 1 July 2012. The strategy features a consultative committee, provider information sessions in all major capital cities and frequently asked questions information available on the [www.aei.gov.au](http://www.aei.gov.au) website.

The TPS Implementation Consultative Committee was formed to provide a strategic forum for ongoing communication between the government and international education peak bodies. The primary function of this committee will be to consider relevant legislative instruments and regulations to support the implementation of the amendments to the ESOS Act which take effect from 1 July 2012.

The department is also hosting provider information sessions in major capital cities across Australia during April and May 2012. The sessions are open to all education providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) and provide an opportunity to learn about the changes to the ESOS Act that will commence from 1 July 2012 and the steps they need to take to prepare.

## **2. The rectification of the Non-Compliance Notice issues**

[Agency name –Department of Immigration and Citizenship]

On 10 December 2011 DIAC system changes were successfully implemented to address **Knight Review Recommendation 23 and ANAO Recommendation 5**. These both called for the cessation of Student Course Variations (SCVs) turning into Non-Compliance Notices (NCNs) and creating a bar on further applications.

Changes were made in DIAC systems so that while all SCVs are still received from the Provider Registration and International Student Management System (PRISMS), from 10 December 2011, only two continued to convert to NCNs in DIAC systems. These are NCNs for breaches of academic progress or attendance requirements (SCV codes 8 and 10). These will continue until the Migration Legislation Amendment (Student Visas) Bill 2012 (the



Bill) to abolish automatic cancellation provisions is passed by Parliament and changes implemented. The Bill was passed in the House of Representatives and introduced to the Senate on 10 May 2012. Under current arrangements (i.e. until the Bill is passed and the Act changes commence), NCNs relating to SCV codes 8 and 10 are manually finalised when a student visa holder attends a DIAC office with a notice issued by the education provider under section 20 of the ESOS Act. If the student visa holder does not contact DIAC within 28 days the visa is automatically cancelled.

The changes to be made under the proposed amendments will mean that codes 8 and 10 do not turn into NCNs. This will enable the department's student integrity officers to employ a more targeted and risk based approach to student non-compliance, rather than an automatic cancellation being triggered.

On 10 December 2011 a batch process finalised 269,853 NCNs that had overloaded the system. Many of these NCNs simply reflected minor changes to a student's study circumstances rather than serious risks. The NCN backlog is now fully resolved.

#### Mechanisms to Prioritise Non-Compliance Events

The ANAO identified that the large number of NCNs on departmental systems potentially obscured serious cases of student non-compliance. The department recognises that the risk of student non-compliance is not in itself addressed by the removal of NCNs from DIAC's systems. Rather, the removal of NCNs enables DIAC to achieve a more strategic use of resources and avoid processing delays caused by the need to administratively finalise outstanding NCNs of ambiguous integrity value. With the replacement of NCNs by SCVs, data will continue to appear in DIAC systems as client information.

NCNs act as a bar to the lodgement of a Student visa application online. The removal of NCNs will ensure a distinct improvement in client service, enabling greater use of e-visa channels by clients. The resolution of the NCN backlog has already led to improved take up rates for eVisa onshore applications during the student visa lodgement peak (March 2012).

Although SCVs provide useful information regarding non-compliance, DIAC recognises that they do not provide the complete picture in relation to non-compliance. Knight Review recommendation 24 suggested using information from PRISMS as an input into a more targeted and strategic analysis of non-compliance. In preparation for the cessation of automatic cancellation and the implementation of discretionary cancellation, the Student Integrity (SI) network is developing a new operating framework and strategic work plan to ensure a consistent approach to targeting and treating risk. Both will be implemented by the time automatic cancellation ceases.

The work plan will outline a strategy to maintain the current number of cancellation considerations, however the considerations will relate to higher risk cohorts than under the current regime. The plan will address a range of risks, with a focus on more serious non-compliance such as long-term non-enrolled student visa holders, as well as focus on the breaches that currently trigger automatic cancellation (i.e. non-attendance and non-progress). This will send a much stronger integrity message to all the users of the student visa program and reinforce the need for students and stakeholders to maintain genuine behaviours within the student visa regime. This approach will strengthen community and stakeholder confidence in the student visa program.

There are a number of mechanisms by which the Student Integrity (SI) Network is working towards a more targeted and strategic analysis of non-compliance as per recommendation 24 of the Knight Review:

- In cooperation with DIISRTE, the department is working to develop reports and improvements to systems to assist in identifying breaches associated with the student visa program that represent the highest risk. This will represent a significant improvement on the previous regime, whereby a large percentage of DIAC's student integrity resources were taken up managing the cases of clients who attended DIAC offices in response to receiving a notice under s20 of the ESOS Act.
- In preparation for the cessation of automatic cancellation, the Student Integrity network have established a national coordination team to provide oversight of national integrity projects, ensure consistency of approach across the network, and provide input into integrity analysis and the development of risk profiles based on information from a variety of sources.
- Following the removal of automatic cancellation, a proportion of resources will be directed towards the targeted consideration of cancellation of high-risk cohorts within the student visa program on a discretionary basis, providing for fairer, more transparent, merits-based decision making, whilst retaining a strong focus on the integrity of the Student Visa program. The network has recently completed a number of operations aimed at refining DIAC's processes for targeting and addressing non-compliance in a coordinated way. These have informed the development of departmental reporting capabilities to assist in the identification of higher risk student cohorts, enabling the department to better focus its resources.
- The department is also increasing stakeholder engagement, including through joint audit activity with DIISRTE and state and national regulators. This will form a key component of the new operating framework which will include a risk matrix and strategic work plan to ensure a consistent approach across the departmental network.

### **3. The effectiveness of the new work arrangements between the Department of Immigration and Citizenship and the Department of Education, Employment and Workplace Relations**

[Agency names –Department of Immigration and Citizenship, and Department of Industry, Innovation, Science, Research and Tertiary Education]

The DIAC-DIISRTE Strategic Student Visa Policy Group continues to provide a key mechanism to coordinate activity between the two departments. The group provides a forum for strategic policy coordination regarding the interaction of the student visa program and the international education sector regulatory framework. The group provides a key process for information sharing and has been valuable in progressing a coordinated approach to the implementation of Knight Review in particular.

DIISRTE representatives also participate in the Education Visa Consultative Committee (EVCC), which provides a forum to engage with key stakeholders regarding student visas. The EVCC is chaired by the Department of Immigration and Citizenship and includes key Australian government agencies with an interest in student visas, peak bodies representing the international education sector, state and territory governments, and unions.

#### **4. An update on developments with eVisa arrangements and online products, including autogrant rate statistics.**

[Agency name –Department of Immigration and Citizenship]

##### Developments with eVisa and online products

The department's objective remains to maximise access to facilities to lodge visa applications online for all clients. Access to the department's online lodgement systems (eg. eVisa) has been carefully managed to ensure that the integrity of Australia's visa programs is maintained.

There is uniform, universal access to online lodgement for visa application services for temporary and permanent skilled migrants to Australia, including the electronic 457 Business (Long Stay) and General Skilled Migration visas.

Access to online lodgement for Student visas is based on a country's Assessment Level (AL). If countries obtain AL1, they will continue to be provided with access to online lodgement. Rather than expanding the agent centric AL2-4 eVisa arrangements, the department's objective is to facilitate online lodgement and electronic processing of applications globally for all clients. As noted during the department's appearance before the JCPAA in October, this is the department's preferred strategy to deliver services more efficiently and effectively.

##### Autogrant

Autogrant describes the process where a visa is automatically processed and granted without human intervention. It is intended that visas are only autogrant where the criteria for grant are straightforward and objective and do not require assessment of any subjective or discretionary criteria. For Student visas, autogrant is currently only available for AL1 applicants. As shown in table 1, the autogrant rate for student visas has remained relatively stable for a number of years. For the 2011-12 program year to 31 March 2012, the autogrant rate for Student eVisa applicants was 21.3 per cent, a slight decrease compared to the 2010-11 program year where it was 24.8 per cent.

Program Year	total AL1 student grants	total AL1 student autogrants	autogrants as a percentage of total grants %
2008-09	106 460	17 722	16.64
2009-10	108 401	18 462	17.03
2010-11	64 070	15 890	24.80
2011-12 to 31/03/2012	45 962	9 771	21.30

Table 1: Autogrant rate for Student eVisa applicants

### Take-up rate

As noted during the department's appearance before the JCPAA in October, for clients from low risk AL1 countries the take-up rate of electronic visa application facilities (i.e. the usage rate) is high, and has steadily increased in recent years (see table 2).

Financial Year	eVisa take-up rate offshore (%)	eVisa take-up rate onshore (%)
2009-10	79.0	61.2
2010-11	78.1	67.5
2011-12 to 31/03/2012	78.5	70.1

Table 2: eVisa take-up rate for low risk (AL1) countries

In countries where the agent-centric AL2-4 eVisa arrangements exist, the take-up rate is highest in China and Indonesia and lowest in Thailand and India. The number of agents authorised to access the facility in Thailand and India has been reduced in recent years through the department's ongoing performance auditing, and this correlates with the lower take-up rate in these countries (see table 3).

Citizenship Country	2009-10	2010-11	2011-12 to 31/03/12
India	70.3	22.9	17.6
People's Republic of China	74.5	73.6	75.0
Thailand	38.7	13.2	15.7
Indonesia	34.4	32.0	42.9

Table 3: Offshore eVisa percentage take-up rates for Student AL2-4 eVisa countries

Martin Bowles  
Acting Secretary  
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**Recommendations of Auditor-General's  
Performance Audit Report No. 46 2010-11  
Management of Student Visas**

**ANAO recommendation 1:** *To improve DIAC's management of risk in the student visa program, and to better align student visa requirements and immigration risk, the ANAO recommends that DIAC undertake a review of its process for determining country and education sector assessment levels for student visa applications.*

**ANAO Recommendation 2:** *To confirm that the eVisa Lodgement Facility for students is meeting its objectives and the needs of the student visa program, the ANAO recommends that DIAC evaluate the Facility with a view to:*

- *incorporating the findings in planning for the further development of eLodgement and eVisa; and*
- *formally resolving the status of the eVisa 'trial' for higher risk countries.*

**ANAO Recommendation 3:** *To effectively manage the performance of eVisa agents registered under the eVisa facility for higher risk countries, the ANAO recommends that DIAC maintain a program of audits and evaluation of eVisa agent compliance with the terms of the facility's Deed of Agreement.*

**ANAO Recommendation 4:** *To improve the effective application of the mandatory conditions attached to student visas, the ANAO recommends that DIAC review:*

- *whether the student visa cancellation regime applying to the visa conditions for student course attendance and progress is achieving DIAC's integrity and compliance objectives; and*
- *the operation of the student work rights limitation in relation to evidentiary requirements, decision-maker discretion and compliance resources.*

**ANAO recommendation 5:** *To better manage the flow of Non-Compliance Notices, and to assist in the better targeting of DIAC's compliance resources, the ANAO recommends that DIAC review the:*

- *Necessity for each type of Student Course Variation to be reported by DEEWR to DIAC; and*
- *Appropriateness of each type of Student Course Variation converting automatically to a Non-Compliance Notice.*

**ANAO recommendation 6:** *To improve collaboration arrangements, the ANAO recommends that DIAC establish, in conjunction with DEEWR, an appropriately high-level forum to:*

- *develop an agreed strategic approach to the interaction of the Student Visa Program and international education; and*
- *establish priorities for cooperative activity between the Departments relating to overseas students.*

**Knight Review of the Student Visa Program—Recommendations with  
Proposed/actual Implementation Date**

Number	Recommendation	Proposed/actual Implementation Date
1	That a new element be introduced into the eligibility criteria for a student visa. That new criterion will be to assess whether the applicant is a <b>genuine temporary entrant</b> . This new criterion should be the first to be considered in assessing any application for a student visa.	Completed – 5 November 2011
2	A successful applicant must be both a genuine temporary entrant <b>and</b> a genuine student.	Completed – 5 November 2011
3.1	That all students in the categories set out below, irrespective of their country of origin – but subject to the provisions in 3.5, 3.6 and 3.7 should be treated as though they are all Assessment Level 1.	Completed – 24 March 2012
3.2	This treatment should apply to the following university student applicants: <ul style="list-style-type: none"> <li>• Bachelor Degree</li> <li>• 2 plus 2 (or 3 plus 1) arrangements with partner universities</li> <li>• Masters Degree by Coursework.</li> </ul>	Completed – 24 March 2012
3.3	The special treatment <b>should not apply</b> to: <ul style="list-style-type: none"> <li>• short courses</li> <li>• Associate Degree</li> <li>• Graduate diploma</li> <li>• Graduate certificate</li> <li>• Diploma and Advanced Diploma</li> <li>• non-award courses (except as provided for in Recommendation 18)</li> <li>• the non-university courses at the six universities which are dual sector (VET and university).</li> </ul>	Completed – 24 March 2012
3.4	The benefits should <b>also apply</b> to courses which are explicitly packaged with an eligible university course at the time when the offer of university enrolment is made. This might include English language (ELICOS) and/or foundation or pathway courses in circumstances where non-compliance by the student at any part of the package would be regarded as non-compliance with the university enrolment.	Completed – 24 March 2012

3.5	The government should continue to require appropriate health checks, health insurance, character (predominantly criminal record/connections) and security checks.	Process currently in place
3.6	The underlying DIAC powers in regard to every individual student application should continue to exist.	Process currently in place
3.7	The government should also reserve the right to exclude certain high risk groups from the streamlined approach for university applicants. For example, the government might want to carefully assess all applicants from a persecuted minority group in a particular country. Applicants from such a group might have a huge incentive to apply for protection visas as soon as they reach Australia. The Australian government may or may not wish to take such people on humanitarian grounds but that should be a separate decision and should not get mixed up with the process of granting visas for university students.	Completed – 24 March 2012
4.1*	All graduates of an Australian university Bachelor degree, who have spent at least two academic years studying that degree in Australia, and who have complied with their visa conditions, should receive two years work rights.	Early 2013
4.2*	All graduates of an Australian university Masters by course work degree, who have studied that degree in Australia, and who have complied with their visa conditions, should receive two years work rights on successful completion of their course.	Early 2013
4.3*	This should apply irrespective of the nature of the course (for example whether it be Arts or Engineering) and not be tied to working in any particular occupation.	Early 2013

4.4*	<p>The mechanism for taking up these work rights should be administratively very simple with the following components:</p> <ul style="list-style-type: none"> <li>the university must notify that the course has been successfully completed. (This will be earlier than the formal graduation which could be many months after the course has been completed),</li> <li>DIAC should not undertake any detailed, time consuming, assessment of the applicant,</li> <li>the scheme must be one which can be marketed by the universities to prospective student as almost guaranteeing post study work rights.</li> </ul>	Early 2013
5	That all Higher Degree by Research (HDR) students – visa subclass 574 - be treated as though they are all Assessment Level 1 applicants.	Completed – 24 March 2012
6	That where any English language or other preparatory course is required by the HDR provider then the whole package still be treated as Assessment Level 1.	Completed – 24 March 2012
7	That all Higher Degree by Research students be given unlimited work rights.	Completed – 26 March 2012
8*	Masters by Research graduates should receive three years post-study work rights and PhD graduates four years.	Early 2013
9	That the visa arrangements for Higher Degree by Research students be such that an extension for up to six months after submission of their thesis is available if needed during the interactive marking process.	Completed – 5 November 2011
10	That, provided the integrity measures relating to the revised criteria for a student visa are implemented (as set out in Recommendation 1), the threshold English language test requirements for stand alone ELICOS students be removed.	Completed – 5 November 2011
11	That the English language requirements for school students in Assessment Level 4 be the same as those applying for Assessment Level 1 through to Assessment Level 3 and the associated waiver scheme abolished.	Completed – 24 March 2012
12	The maximum period of time a school student visa holder can study English be 50 weeks across all assessment levels.	Completed – 24 March 2012



13	That the current restrictions on student guardians of a maximum of three months of study be maintained but unlimited part-time study rights for ELICOS study only be allowed.	Completed – 24 March 2012
14	That pre-paid homestay fees be included in financial assessments on the same basis as pre-paid boarding fees.	Completed – 5 November 2011
15	That as a matter of some urgency AusAID, DIAC, DOHA and other relevant Australian government agencies develop an integrated policy in relation to the award of scholarships and how visa arrangements for awardees are to be managed. In particular they should address the situation of potential awardees who have a disability or HIV.	Ongoing
16	That PhD students entering under the subclass 576 visa have access to the same extension provisions recommended for Higher Degree by Research students in Recommendation 9, provided AusAID is prepared to fund their extended period.	Completed - 20 April 2012. AusAID will consider on a case-by-case basis.
17	That DIAC and DEEWR meet with State education authorities to work out what can be done to avoid the situation where a visa for a child dependent cannot be granted until proof of enrolment is present and state education authorities will not grant such proof until proof of visa grant is made. Any agreed remedy should apply across all student visa subclasses.	Ongoing
18	That students coming for semester or year long non-award courses at an Australian university as part of their home universities degree and/or as part of an agreed student exchange between universities be given access to streamlined processing as outlined in Recommendation 3.	Completed – 24 March 2012
19	That DIAC undertake specific research targeted at integrity and compliance issues into student visa outcomes, including both primary and secondary applicants, to inform policy development.	Ongoing
20	That DIAC be appropriately funded to further develop research capability across the program.	Ongoing

21	That DIAC, to the extent permitted by legislation, co-operate with its counterparts across all levels of government to facilitate information sharing, to inform evidence based decision making.	Ongoing
22	In the event that the research over the next 12 months reveals systemic abuse of dependant (secondary applicant) visas, that the government seriously consider mirroring the recent UK policy and restrict visas to Masters and above courses unless the primary applicant is sponsored by a government.	Ongoing
23	Current arrangements whereby SCVs automatically become NCNs should cease. SCV information should continue to be conveyed to DIAC who should use it as an input into a more targeted and strategic analysis of non-compliance.	Completed – 10 December 2011
24	Automatic cancellation of student visas should be abolished and replaced by a system in which information conveyed by SCVs is used as an input into a more targeted and strategic analysis of non-compliance.	Mid 2012
25	The mandatory cancellation requirement for unsatisfactory attendance, unsatisfactory progress and working in excess of the hours allowed should be removed, giving DIAC officers the discretion to determine cancellation in particular cases on their merits.	Mid 2012
26	DIAC should concentrate its compliance and integrity resources in relation to student visas on the highest risk areas.	Ongoing
27	DIAC should not only respond to information generated by PRISMS but also be proactive in detecting the sorts of breaches (for example sham marriages and exceeding permissible work hours) which are not reported in PRISMS.	Ongoing
28	That student work entitlements be measured as 40 hours per fortnight instead of 20 hours per week.	Completed – 26 March 2012
29	That the necessary legislative changes be made to require the name of any agent involved to be entered into the student's data into PRISMS.	First half of 2012

30	That DEEWR take steps to encourage providers to voluntarily enter agent data into PRISMS in the interim before the ESOS Act is changed to make this mandatory.	Completed – 5 April 2012
31	That DEEWR and DIAC establish a single student identifier to track international students through their studies in Australia.	Ongoing
32	That DIAC undertake a review of the Assessment Level framework, with a mind to either abolishing the system entirely or modifying the framework to make it relevant to current and future challenges facing the student visa program. This review should be managed by DIAC but should include reference to an external panel or reference group.	Mid 2012
33	That DIAC upgrade its liaison at overseas posts with migration and education agents in relation to the student visa program, including regular meetings to keep agents abreast of any changes in rules and procedures.	Ongoing
34	That Austrade be asked to prepare a more detailed outlook document that provides effective business planning intelligence demonstrating the opportunities, for offshore provision of vocational education.	Ongoing
35	That the highest quality Australian VET providers including TAFEs, be encouraged to explore offshore market opportunities.	Ongoing
36	That the Australian government, through programs such as the Export Market Development Grants Scheme and other forms of assistance, support high quality Australian vocational education providers in expanding their offshore training services.	Ongoing
37	That DIAC constitute an Education Visa Advisory Group as a primary means of regular two way communication between stakeholders in the international education sector and DIAC.	Meetings held on 26 October 2011 and 22 February 2012.
38	That the policy regarding Pre-Visa Assessment (PVA) be discontinued.	Completed – 5 November 2011
39	That student visas be allowed to be granted in advance of four months before the commencement of the relevant course. Where necessary visas should specify a date before which the holder cannot enter Australia.	Completed – 24 March 2012

40	That DIAC regularly reviews the current living cost amount, and based on the CPI or other measure amend the amount, as required.	Mid 2012
41	That DIAC review the exclusion criteria and policy which relate to student visa non-compliance.	Ongoing

\* On 30 November 2011, the government announced that in addition to university graduates, the proposed new post-study work arrangements would be extended to Bachelor, Masters by coursework, Masters by research and PhD degree graduates from other education providers accredited to offer degree level programs in Australia. The government also announced that graduates must complete their qualifications as a result of meeting the Australian study requirement which requires at least two academic years' study in Australia.

### **Additional measure**

While not a recommendation of the Knight Review, on 5 November 2011, the government implemented an additional measure to help the international education sector, in particular, the vocational education and training sector. The financial requirements for Assessment Level 3 and Assessment Level 4 student visa applicants were reduced as follows:

- evidence of funds for Assessment Level 4 applicants to be reduced from 36 to 24 months and their savings history to be reduced from six to three months
- evidence of funds for Assessment Level 3 applicants to be reduced from 24 to 18 months.





**Commonwealth of Australia**

*Migration Regulations 1994*

**ELIGIBLE EDUCATION PROVIDERS AND EDUCATIONAL BUSINESS  
PARTNERS**

(CLAUSES 573.112, 574.112 AND 575.112)

I, *CHRIS BOWEN*, Minister for Immigration and Citizenship, acting under clauses 573.112, 574.112 and 575.112 of Schedule 2 of the *Migration Regulations 1994* ('the Regulations'):

1. SPECIFY for the purpose of subclauses 573.112(a), 574.112(a) and 575.112(a) the education providers listed in column 1 of Schedule A to this Instrument as an eligible education provider; AND
2. SPECIFY for the purposes of subclauses 573.112(b) and 574.112(b) the education providers listed in column 2 of Schedule A to this Instrument as educational business partners of the education provider mentioned in column 1.

This Instrument number IMMI 12/014 commences on 24 March 2012, immediately after the commencement of *Migration Legislation Amendment Regulation 2012 (No. 1)*.

Dated

21/03/12 2012

Minister for Immigration and Citizenship

- NOTE 1: Clause 573.112 of the Regulations provides that the Minister may, by instrument in writing, specify an education provider as an eligible education provider and specify one or more other education providers as educational business partners of the education provider already mentioned.
- NOTE 2: Clause 574.112 of the Regulations provides that the Minister may, by instrument in writing, specify an education provider as an eligible education provider and specify one or more other education providers as educational business partners of the education provider already mentioned.
- NOTE 3: Clause 575.112 of the Regulations provides that the Minister may, by instrument in writing, specify an education provider as an eligible education.]

## SCHEDULE A

<b>Column A – Eligible Education Provider</b>	<b>Column B – Educational Business Partners</b>	<b>CRICOS Code</b>
Australian Catholic University	Southbank Institute of TAFE	03020E
	TAFE NSW Technical and Further Education Commission	00591E
	Box Hill Institute of TAFE	02411J
Australian National University	ANU Enterprise Pty Ltd, trading as ANU College	01129G
Bond University	Martin College	01755D, 01682E
Carnegie Mellon University	Intensive English Language Institute	02916F
	South Australian College of English	00094M
Charles Darwin University	Macquarie Education Group Australia	02657J
	Navitas English Pty Ltd	02783C
	Australian Technical Management College	00103D
Charles Sturt University	Canberra Institute of Technology	00001K
	Holmesglen Institute of TAFE	00012G
	Study Group Australia Pty Limited	03079G
	Study Group Australia Pty Limited	01682E
	TAFE NSW Higher Education, St Leonards	00591E
	TAFE NSW Higher Education, Wagga Wagga	00591E
	TAFE NSW Higher Education, Port Macquarie	00591E
Central Queensland University	Academia International trading as Academia International & Academia Australia	02634E
	Young Rabbit Pty Ltd, trading as Australian Pacific College Pty Ltd	01331F
	Bridge Business College Pty Ltd	01107C
	The Trustee for Browns English Language School Trust, trading as Browns English Language School, Maxim Institute of Education	02663M
	Group Colleges Australia Pty Ltd, trading as Central College, Metro English College, Universal International Colleges, UIC Sydney	02571D
	Discover English Pty Ltd, trading as Discover English	03262J
	Harvest Education Technical College	03243A
	Holmes Commercial Colleges (Melbourne) Ltd, trading as Holmes English Language Centre	02639M, 00898G,
	Holmes Institute Pty Ltd, trading as Holmes Institute	00067C
	Imagine Education Australia	02695C
	KAPS Institute of Management Pty Ltd, trading as Fusion English	02855C
	The Centre of Academic Excellence Pty Ltd, trading as Kent Institute of Business & Technology	00161E

Column A – Eligible Education Provider	Column B – Educational Business Partners	CRICOS Code
	Caprock International Pty Ltd, trading as Lloyds International College	01942A
	Study Group Australia Pty Ltd, trading as Martin College, Embassy CES Language Training, Australian Institute of Applied Sciences, Taylors Unilink	01755D, 01682E
	Ozford Business College Pty Ltd, trading as Ozford College of Business Ozford English Language Centre Pty Ltd, trading as Ozford English Language Centre	02573B, 02501G
	Australia Moreton Education Group Pty Ltd, trading as Queensland Academy of Technology	02746G
	Sarina Russo Schools Australia Pty Ltd, trading as Sarina Russp Schools Australia; Unipath Colleges Australia	00607B
	Shaftston House College Ltd, trading as Shafston International College	01542F
	Southbank Institute of Technology	03020E
	Australian Vocational Institute Group Pty Ltd, trading as Strathfield College, Sydney Jacaranda College	02736K
	Lan-Grove Office Training Centre Pty Ltd, trading as The Sydney Business & Travel Academy; Sydney English Language Academy	00181A
	Viva College Pty Ltd, trading as Viva International College of English	02528G
Curtin University of Technology	Curtin College (College of Business and Technology)	02042G
	Canning College	00463B
	Tuart College	00465M
	Education and Training International	00020G, 01723A
	Perth International College of English (PAXMIL Education Holdings Pty Ltd)	02368G
	Phoenix Academy (Keyseq Pty Ltd)	00066D
	Navitas English (Navitas English Services Pty Ltd)	00289M
Deakin University	Melbourne Institute of Business and Technology Pty Ltd	01590J
	Holmesglen Institute	00012G
	Chisholm Institute	00881F
	Sunraysia Institute of TAFE	01985A
	Gordon Institute of TAFE	00011G
	Box Hill Institute of TAFE	02411J
Edith Cowan University	Education and Training International	00020G
	Perth Institute of Business and Technology	01312J

<b>Column A – Eligible Education Provider</b>	<b>Column B – Educational Business Partners</b>	<b>CRICOS Code</b>
Flinders University	Japanese College of Adelaide Pty Ltd trading as English College of Adelaide	00989E
	Educational Enterprises Australia Pty Ltd, trading as Eynesbury College Academy of English	00561M
	Community for Global Communication Inc, trading as; Intensive English Language Institute)	02916F
	South Australia College of English Pty Ltd	00094M
Griffith University	Queensland Institute of Business and Technology Pty Ltd	01737F
James Cook University	Sarina Russo Schools Australia Pty Ltd (trading as Sarina Russo Schools Australia and Unipath Colleges Australia	00607B
	Springfield Campus Pty Ltd (trading as Union Institute of Language, JCU Pathway College)	02529F
	Barrier Reef Institute of TAFE	02001E
	Tropical North Queensland Institute of TAFE	02012B
La Trobe University	Think: Colleges Pty Ltd trading as William Blue College of Hospitality Management	00246M
	Navitas English Services Pty Ltd, trading as Navitas English	00289M
Macquarie University	Centre for Macquarie English (CME)	02942D
	Ability Education	01530K, 03112A
	Australian International College of English (AICE)	02834G
	Browns College	02663M
	Greenwich College	02672K
	UTS: Insearch	00859D
	Kaplan Aspect Sydney	02362N
	Milton College	00905C
	Sydney English Language Centre	00051M
	Navitas English Services	00289M
	Universal English College (UEC)	00053J
	Australian Pacific College	01331F
	Top Education	02491D
SIBT	05176G	
Monash University	Monash College Pty Ltd, Clayton	01857J
Murdoch University	Murdoch College	00429D
	Murdoch Institute of Technology	03127E
	Phoenix Academy	00066D
Queensland University of Technology	Brisbane North Institute of TAFE	02444M
	Metropolitan South Institute of TAFE	02007K
	Gold Coast Institute of TAFE	03037G
	Southbank Institute of Technology	03020E
	John Paul College	00500B
RMIT University	RMIT Training Pty Ltd, trading as RMIT English Worldwide)	01912G
Southern Cross University	TAFE NSW: Technical and Further Education	00591E

Column A – Eligible Education Provider	Column B – Educational Business Partners	CRICOS Code
	Commission	
	Gold Coast Institute of TAFE	03037G
	ABC Study Group P/L, trading as Australian International College of English	02834G
	ELS Universal English College (The Hotel School English Language Provider)	00053J
Swinburne University of Technology	N/A	N/A
The University of Adelaide	Kaplan Business School Pty Ltd, trading as Bradford College	02426B
	Educational Enterprises Australia Pty Ltd, trading as Eynesbury College	00561M
The University of Melbourne	Trinity College	00709G
	Hawthorn English Language Centre	021931G
The University of New England	Infotech Professionals Pty Ltd, trading as International Institute of Business & Information Technology, IIBIT Academy of English	01917B
	University of New England, trading as English Language Centre, University of New England Language Centre (UNE)	01397K
The University of New South Wales	UNSW Global and UNSW Institute of Languages	01020K
	The University of New South Wales	00098G
The University of Newcastle	Technical and Further Education Commission (TAFE NSW – The Hunter)	00591E
	Newcastle International College Pty Ltd (NIC)	03293B
The University of Notre Dame Australia	N/A	N/A
The University of Queensland	Institute of Continuing & TESOL Education, The University of Queensland (ICTE-UQ)	00091C
	International Education Services Ltd (UQ)	01697J
The University of Sydney	University of Sydney, Centre for English Teaching	01019C
The University of Western Australia	Canning College	00463B
	Tuart College	00465M
	Study Group Australia Pty Ltd (SGA), trading as Taylors College	01963G
	Comprehensive Education Centre Pty Ltd, trading as Murdoch College	00429D
	Alexander Language School	00057E
University of Ballarat	AMI Education	02439G
	Australian Technical & Management College (ATMC)	03013D
	Melbourne Institute of Technology (MIT)	01545C
	Smart Futures Group, trading as The William Light Institute (WLI)	02235J
	Melbourne Institute of Technology (MIT)	02439G
	International Institute of Business & Information	01917B

Column A – Eligible Education Provider	Column B – Educational Business Partners	CRICOS Code
	Technology (IIBIT)	
University of Canberra	Academy of Interactive Entertainment Ltd, NSW	03108G
	Academy of Interactive Entertainment Ltd, VIC	02619D
	Academy of Interactive Entertainment Ltd, ACT	02406F
	AMI Education Pty Ltd	02439G
	ANU Enterprise Pty Ltd	01129G
	Australian Business Academy Pty Ltd	01752G
	Australian College of Applied Psychology Pty Ltd, VIC	02829E
	Australian College of Applied Psychology Pty Ltd, NSW	01328A
	Australian College of Applied Psychology Pty Ltd, QLD	02565B
	Canberra Institute of Technology	00001K
	Macquarie Education Group Australia Pty Ltd	02657J
	TAFE NSW: Technical and Further Education Commission	00591E
	University of Canberra College Pty Ltd	01893E
	Victoria University	00124K
University of South Australia	South Australian Institute of Business and Technology Pty Ltd	02193C
	Educational Enterprises Australia Pty Ltd, trading as Eynesbury	00561M
	Navitas English, NSW	00289M
	Navitas English, NT	02783C
	Navitas English, QLD	00711B
	Navitas English, WA	02252G
University of Southern Queensland	N/A	N/A
University of Tasmania	Department of Education and Training, trading as Government Education and Training International Tasmania (Tasmanian Polytechnic)	03041M
University of Technology Sydney	INSEARCH Limited	00859D
University of the Sunshine Coast	Sunshine Coast Institute of TAFE	02004B
University of Western Sydney	TAFE NSW – Technical and Further Education Commission	00591E
	UWS College Pty Ltd, Westmead	02851G
	UWS College Pty Ltd, Quakers Hill	02851G
University of Wollongong	ITC Education Limited t/a UOW College	02723D
	ELS Universal English College	00053J
Victoria University	Education Centre of Australia Pty Ltd, trading as The English Language School in Sydney (EL SIS)	02644C
	Zenith Business Academy Pty Ltd	02997M
University College London	South Australian Institute of Business and	02193C



<b>Column A – Eligible Education Provider</b>	<b>Column B – Educational Business Partners</b>	<b>CRICOS Code</b>
	Technology Pty Ltd (SAIBT / CELUSA)	