



Future directions for streamlined visa processing

Report and recommendations

June 2015



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Executive summary

International education is one of Australia's five pillars of economic growth. Total export income generated by all international education activities was \$16.3 billion for 2013–14¹. The Australian Government recognises the strong economic and cultural contribution of our international education sector and is committed to supporting its growth by facilitating the visa process for genuine overseas students.

The Department of Immigration and Border Protection plays an important role in supporting the sustainability and competitiveness of Australia's international education sector by facilitating the movement of genuine international students wishing to study in Australia while maintaining strong levels of integrity at Australia's border.

However, the student visa programme is only one of many factors that contribute to the level of demand in Australia's international education sector. These factors include cost and quality of education, the cost of living, positive student experiences, the value of the Australian dollar and career and mobility opportunities. All stakeholders involved in the sector have an important role to play in its growth and sustainability.

Streamlined visa processing (SVP) was initially introduced for Australian universities in March 2012 to support the sustainable growth of the international education sector. Under SVP, students benefit from lower evidentiary requirements, regardless of their country of citizenship, and generally receive simpler and quicker visa processing.

Together with other recent reforms to the student visa programme, SVP has played a role in stimulating growth in the number of international students seeking to study in Australia and has contributed to reduced visa processing times. In addition, SVP has seen a new co-operative approach between education providers and the Department, including mutual information sharing.

While SVP has brought benefits, stakeholder feedback, together with an evaluation of the arrangements, indicates that SVP is not sustainable in its current form in the long term. This is primarily due to concerns relating to the market impacts and regulatory cost of the arrangements, as well as the challenges faced by education providers in effectively managing their responsibilities under SVP.

There is a general consensus among stakeholders that a new framework should be introduced that incorporates the principles and benefits of SVP, while addressing the concerns noted. The Department considers that it is essential that any alternative framework:

- enhances the competitiveness of our visa system and supports the sustainable growth of Australia's international education sector
- supports the integrity of Australia's visa programmes and border
- facilitates the efficient and timely processing of student visa applications
- reduces red tape for student visa applicants and the international education sector
- is able to be easily understood by all involved. This includes prospective international students, education providers, agents and Departmental officers making decisions on visa applications.

¹ <https://internationaleducation.gov.au/research/Research-Snapshots/Documents/Export%20Income%20FY2013-14.pdf>

After taking stakeholder feedback into account and assessing the various models put forward in the consultation process, the Department recommends the adoption of a new combined country and provider immigration risk framework to guide student visa evidentiary requirements. This model will create streamlined visa application opportunities for education providers across all sectors, within a simplified two visa subclass structure.

Recommendations arising from the *Future directions for streamlined visa processing consultations*

1. Implement a new combined country and provider immigration risk framework to guide student visa evidentiary requirements and create streamlined visa application processing opportunities for education providers across all sectors.
2. Continue to actively engage with the international education sector to assist education providers, as appropriate, to effectively target genuine students and temporary entrants.
3. Continue to use the immigration risk outcomes of an education provider's international students as the basis to determine eligibility for streamlined-type processing.
4. Establish an Education Visa Consultative Committee (EVCC) working group to provide input into the implementation of the recommendations of this report.
5. In consultation with the EVCC working group:
 - a) establish appropriate thresholds for all risk denominators, such as the number of active student visa and offshore decisions, that are used to calculate immigration risk ratings
 - b) determine how best to incorporate the rate of protection visa (PV) lodgements into the immigration risk methodology.
6. Remove the requirement for providers to submit a formal opt-in application to access streamlined-type arrangements.
7. Remove formal educational business partner arrangements and instead enable providers to package courses with any other provider offering a preliminary course.
8. Reduce the number of student visa subclasses from eight to two while maintaining the ability to report on visa outcomes by education sector.

Background and purpose of the consultations

The first independent review of the student visa programme was undertaken in 2011 by the Hon Michael Knight AO. Since then, 39 of the 41 recommendations made in the Knight Review have been fully implemented or addressed, including the SVP arrangements, which were implemented for eligible university students in March 2012. The SVP arrangements have since been further extended to include eligible non-university students in March and November 2014.

With the current policy guidelines underpinning SVP due to expire in mid-2016, it is timely to evaluate the arrangements and to explore possible opportunities for enhancement.

In November 2014, the Productivity Commission commenced a research project analysing the incentives for, and barriers to, Australia's exports of international education services in the higher education and vocational education and training sectors, with a specific focus on the student visa programme. The Department worked closely with the Productivity Commission to inform its research paper, released on 30 April 2015 and has considered it as part of the consultation process.

Conduct of the consultations

Discussion paper

A discussion paper titled *Future directions for streamlined visa processing* was sent to EVCC members, including education peak bodies, state and territory governments and relevant Australian Government agencies on 18 November 2014. Formal submissions were invited in response to a broad range of questions posed in the discussion paper concerning the current SVP arrangements and their future direction by 19 December 2014. Thirty-two submissions were received in response to the discussion paper.

Consultation with external and internal stakeholders

The issues raised in the discussion paper were discussed at the EVCC meeting on 12 December 2014. Several EVCC member organisations also met with the Department individually during the initial consultation period.

A workshop for internal stakeholders on the future directions for SVP and the student visa programme took place on 18 September 2014, with subsequent meetings in late 2014 and early 2015.

SVP and the current student visa programme

Background

Currently, student visa applications are processed either under the SVP arrangements (based on the immigration risk of students associated with a particular education provider) or the Assessment Level (AL) framework (based on the immigration risk applicable to the student's country of citizenship).

Prospective international students who have a Confirmation of Enrolment (CoE) from a participating SVP provider at advanced diploma, bachelor, masters or doctoral degree level, or for a non-award university student exchange or study abroad programme, are assessed under SVP. These students are generally subject to lower evidentiary requirements, similar to those that apply under AL1, regardless of their country of citizenship. All other student visa applicants are processed under the AL framework.

Under SVP, education providers take on greater responsibility for ensuring the students they recruit are genuine. Participating providers must have strategies in place to manage risks associated with the enrolment of international students, including ensuring students have appropriate levels of English language and sufficient funds to support themselves and their dependents in Australia. Participating SVP providers must also continue to meet low immigration risk benchmarks in order to maintain their eligibility.

Figure 1: Current evidentiary requirements under the AL framework and SVP

Visa requirements	AL1	AL2	AL3	SVP
Financial	By declaration	12 Months (approx. \$40k) and declaration for remainder of stay	12 months (approx. \$40k) which must be in the name of the applicant or close relative of applicant and held for three months if money deposit and declaration for remainder of stay	Must satisfy provider but the Department can also request evidence
English	Must satisfy provider		Formal evidence required	Must satisfy provider
Academic	Must satisfy provider		Formal evidence required	Must satisfy provider
<u>The Genuine Temporary Entrant (GTE) requirement</u> <ul style="list-style-type: none">• Underpinned by Ministerial Direction 53• Applies to SVP and AL framework applications				

The AL framework assists in managing risk within the student visa programme by aligning visa requirements to immigration risk, taking into account rates of visa refusal, cancellation and non-compliance.

Each country, across each education sector, is assigned an AL based on the calculated immigration risk posed by students from that country studying in that education sector. There are currently three assessment levels in the student visa programme: AL1 represents the lowest immigration risk and AL3 the highest.

A legislative instrument specifies which AL applies to a student visa applicant based on the applicant's passport country and their main course of study (which determines the student visa subclass for which they must apply). The Migration Regulations 1994 then prescribe what level of English language proficiency, financial requirements and previous study the applicant must provide to the Department, based on the AL. In general, the higher the AL, the greater the evidence required to support an applicant's claims for the grant of a student visa.

Access to the SVP arrangements was initially limited to Australian universities in recognition of the low immigration risk and high quality that prevail across the university sector. As at February 2015, 41 out of the 43 Australian universities are participating in SVP.

The SVP arrangements were extended in March 2014 to 19 eligible non-university higher education providers and in November 2014 to 55 additional eligible providers, including those offering advanced diploma courses.

To be eligible to participate in SVP, education providers must:

- be registered to deliver advanced diploma, bachelor, masters or doctoral degree level courses to international students
- achieve an AL1 or AL2 immigration risk rating in relation to the immigration outcomes of their prospective and actual international students
- be associated with at least 100 active student visa holders
- meet the requirements set out in the guidelines for education provider participation in SVP arrangements (for a copy of the guidelines, see www.immi.gov.au/Business/Pages/education-providers/streamlined-visa-processing-arrangements.aspx).

Education providers that meet the criteria are invited to submit an application to participate in the SVP arrangements. Following approval of their application by the Assistant Minister for Immigration and Border Protection, they are specified in a legislative instrument, together with their nominated educational business partners.

Further detail regarding the methodology used to determine an education provider's immigration risk rating is outlined in section 7, page 42, of the discussion paper at [Appendix B](#).

Reforms affecting the student visa programme

In the years leading up to 2008–09, the number of student visas granted to international students increased significantly over a relatively short period of time. Following this period there was, as referred to in the Knight Review, a 'perfect storm' of events that adversely impacted Australia's international education sector. These events included the Global Financial Crisis, increased competition from other countries, the increasing strength of the Australian dollar, student safety concerns, education provider closures and immigration integrity concerns.

In 2011, the then-government commissioned the independent Knight Review to review the student visa programme to ensure its settings were able to respond to current and future challenges.

In September 2011, the Government announced its response to the Knight Review, including support for Recommendation 32 'that the Department undertake a review of the AL 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'. The Department provided its report, including eight recommendations, in 2013.

The student visa programme has since undergone significant reform. This has included the implementation to date of 39 of the 41 recommendations arising from the Knight Review² and the eight recommendations from the 2013 Assessment Level Framework Review.

² The remaining two recommendations are ongoing interdepartmental projects.

The implementation of these reforms has played an important role in stimulating growth in the number of international students seeking to study in Australia. The key reforms include:

- On 5 November 2011, the Government implemented the first set of recommendations arising from the Knight Review, including the Genuine Temporary Entrant (GTE) requirement. This was introduced for all student visa applicants to help reduce immigration risk and maintain the integrity of the student visa programme. The GTE requirement considers whether the applicant's individual circumstances indicate they intend to stay in Australia temporarily and is a key integrity safeguard in the assessment of student visa applications.
- On 24 March 2012, the Government introduced SVP for eligible university students enrolled in a bachelor, masters or doctoral degree, or an eligible exchange programme.
- On 23 March 2013, the Government introduced new post-study work (PSW) arrangements for graduates of an Australian bachelor, masters or doctoral degree who obtained their first student visa after 5 November 2011. The Post-Study Work stream of the Temporary Graduate (subclass 485) visa allows international students who graduate with any higher education degree from an Australian education provider to live, study and work in Australia for up to four years.
- On 22 March 2014, the Government extended SVP to 19 eligible non-university higher education providers and simplified the AL framework by removing AL4 and AL5 and reducing the financial requirement for AL3 student visa applicants from 18 months to 12 months.
- On 26 May 2014, the Government announced that it would further extend SVP to eligible students enrolled in advanced diploma level courses. Following an assessment process, an additional 55 providers were approved to access the SVP arrangements from 23 November 2014.

Evaluation of the current SVP arrangements

1. Impact upon growth

The student visa programme reached its peak in 2008–09 when there were approximately 320,000 visas granted to international students, of which approximately 227,000 were offshore (Figure 2). In the years following 2008–09, international student numbers declined before a number of reforms, including the introduction of SVP and the expanded PSW arrangements supported a return to growth.

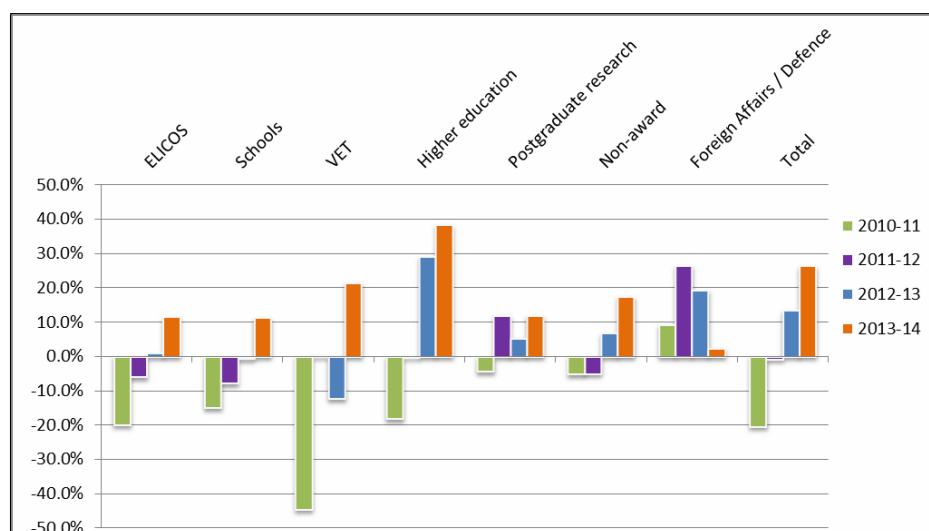
Figure 2: Student visa programme grants and lodgements for clients located offshore 2004–14



Since the implementation of these reforms, the higher education sector has experienced the highest rate of growth with offshore higher education (subclass 573) visa grants increasing by 28.9 and 38.3 per cent respectively during 2012–13 and 2013–14. Sectors other than higher education also experienced growth in offshore markets in 2012–13 and 2013–14, however this has generally been at a lower rate than the higher education sector.

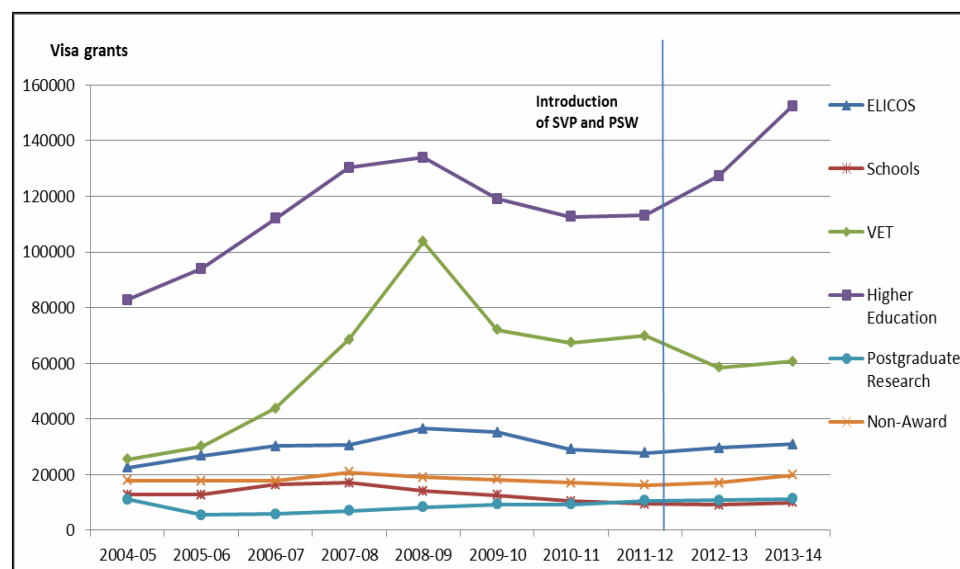
Figure 3 shows growth trends over the last four years, including in 2013–14 when all visa subclasses experienced offshore growth, with most achieving double digit growth. In that year, the vocational education and training (VET) sector experienced 21.5 per cent growth in offshore grants followed by the English Language Intensive Courses for Overseas Students (ELICOS) at 11.5 per cent and schools sector at 11.2 per cent.

Figure 3: Percentage growth in student visa grants for clients located offshore 2010–14



Over a 10-year period, the total number of student visa grants (offshore and onshore combined) has remained relatively steady for all sectors, except for the VET and higher education sectors. The VET sector experienced very high levels of growth in the years leading up to 2008–09 while the higher education sector has experienced significant growth over recent programme years.

Figure 4: Total student visa grants by sector 2004–14



While it is clear that the higher education sector is currently experiencing the highest rate of growth, it is difficult to accurately determine how much of this growth is a result of SVP, as compared to other reforms such as the expanded PSW arrangements. It is also important to note that student visa trends are affected by a number of external factors including global economic conditions, cost of living in Australia, perceived quality of Australian education, competition from other destination countries and the value of the Australian dollar. However, it is reasonable to conclude that SVP has had at least some positive impact in stimulating growth in the higher education sector.

2. Student visa grant rates

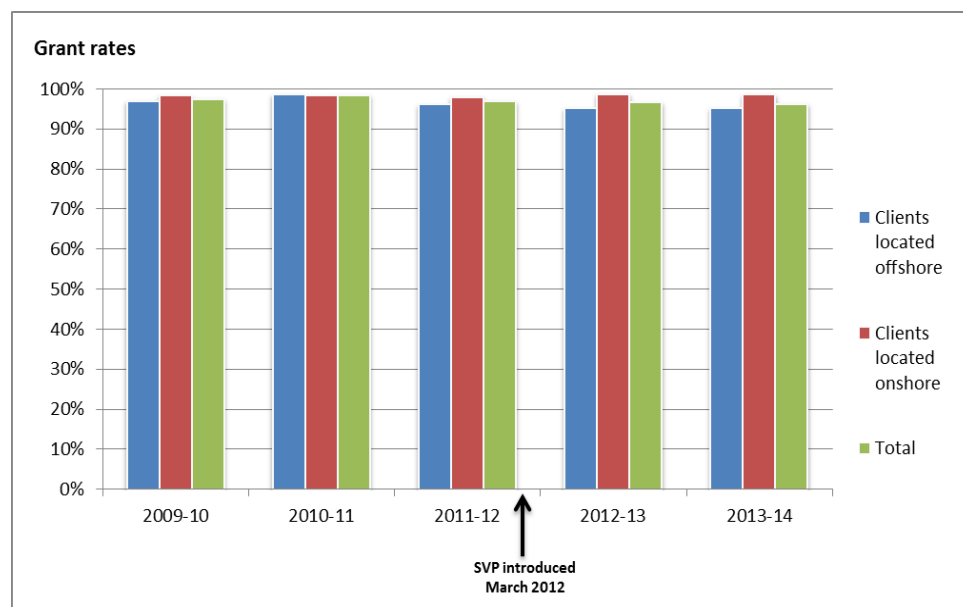
As anticipated, SVP eligible students have higher visa grant rates than non-SVP students. Students assessed under SVP had an offshore grant rate that was on average approximately 10 percentage points higher during both 2012–13 and 2013–14 when compared to non-SVP students. This trend is as expected as SVP providers must meet low immigration risk benchmarks in order to participate in SVP and will filter out non-genuine applicants, prior to visa lodgement, as part of the implementation of their SVP responsibilities.

Figure 5: Grant rates for SVP eligible and non-eligible students (all sectors)

Client Location	Type of student	2012–13	2013–14	2014–15 to Dec 14
Offshore	SVP students	96.1%	96.1%	94.4%
	Non-SVP students	85.3%	85.4%	85.1%
Onshore	SVP students	99.0%	98.6%	98.4%
	Non-SVP students	94.1%	94.4%	92.5%
Total	SVP students	97.1%	96.8%	95.5%
	Non-SVP students	89.8%	89.6%	88.5%

While SVP students have higher visa grant rates, it is arguable whether SVP has had a significant positive impact on student visa grant rates, particularly for university students. Figure 6 indicates that there has been no significant change in visa grant rates for university students as a result of SVP. Over the course of the last five programme years, overall visa grant rates for university students have remained consistently high at between 96 to 98 per cent.

Figure 6: Student visa grant rates for universities participating in SVP (by client location)



3. Processing times

Overall visa processing times for student visas have decreased since the implementation of the Knight Review recommendations. Of the student visa primary applications decided in a particular year, 75 per cent were processed within the number of calendar days shown in figure 7. Processing times (75th percentile) for student visas peaked in 2008–09 at 54 days and have generally been decreasing since then. In 2013–14, student visa processing time was 33 days, the second lowest in the last six years.

Figure 7: Primary visa application processing times (75th percentile) in calendar days and by subclass

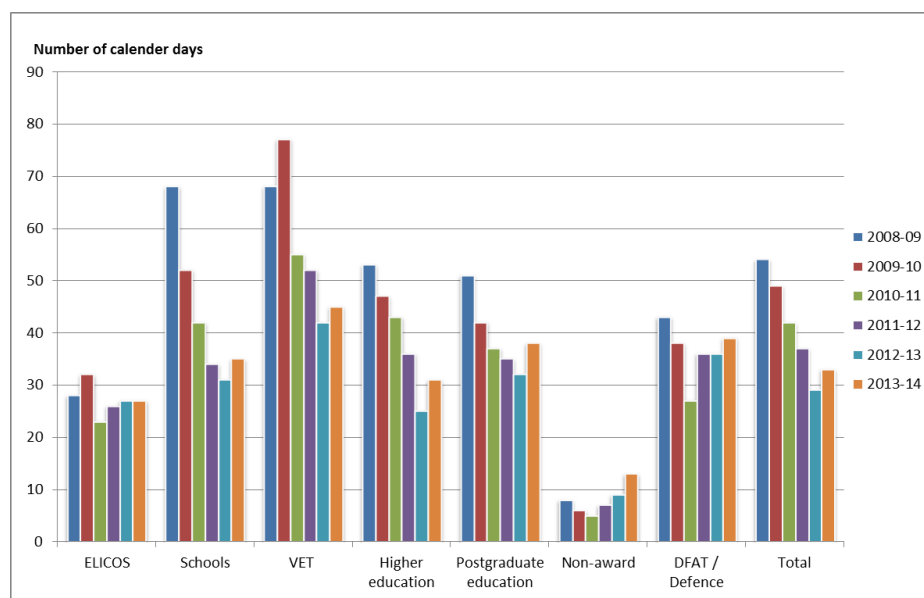
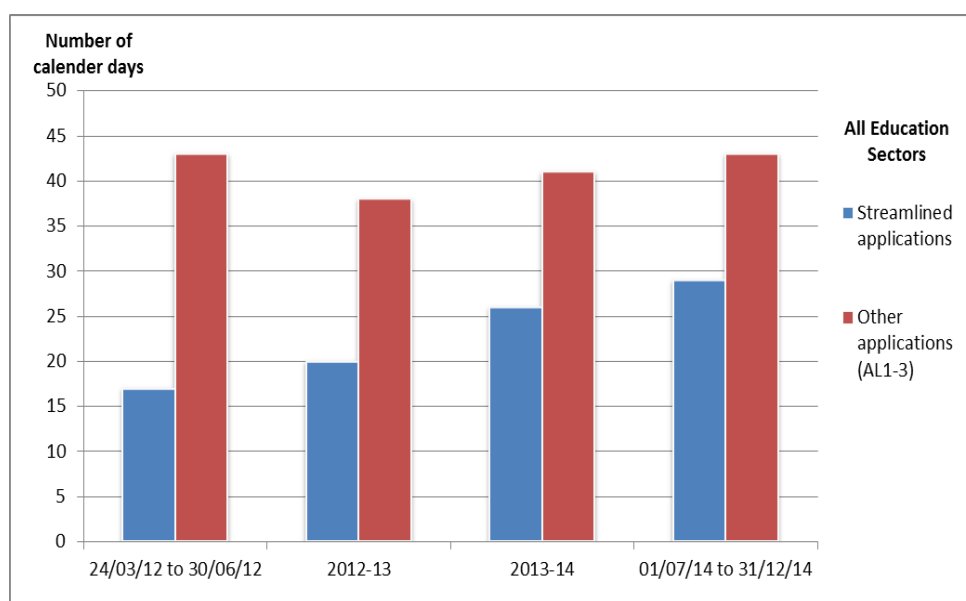


Figure 8 indicates that student visa processing times are lower for SVP students when compared with students applying under the AL framework. Under SVP, participating education providers take on greater responsibility for ensuring that the students they recruit are genuine and in return, generally, those students receive simpler and quicker visa processing.

However, processing times have been increasing for SVP students since 2012–13. Processing times depend on a number of factors, including the location of the applicant (onshore or offshore), level of processing rigour required and the completeness of the supporting documents provided by the applicant. There could be a number of reasons for the increase in processing times for SVP students over recent programme years, including high rates of growth in traditionally higher risk markets and an increasing proportion of the overall caseload being processed under SVP.

Figure 8: Processing times for the 75th percentile of visa applications (all sectors, SVP vs non-SVP applications)



4. Integrity outcomes

At this stage, it is too early to fully determine whether SVP has had a positive or negative impact on the integrity of the student visa programme. This is because a large number of students granted a visa under SVP are still completing their studies and remain on their initial student visa granted under the arrangements.

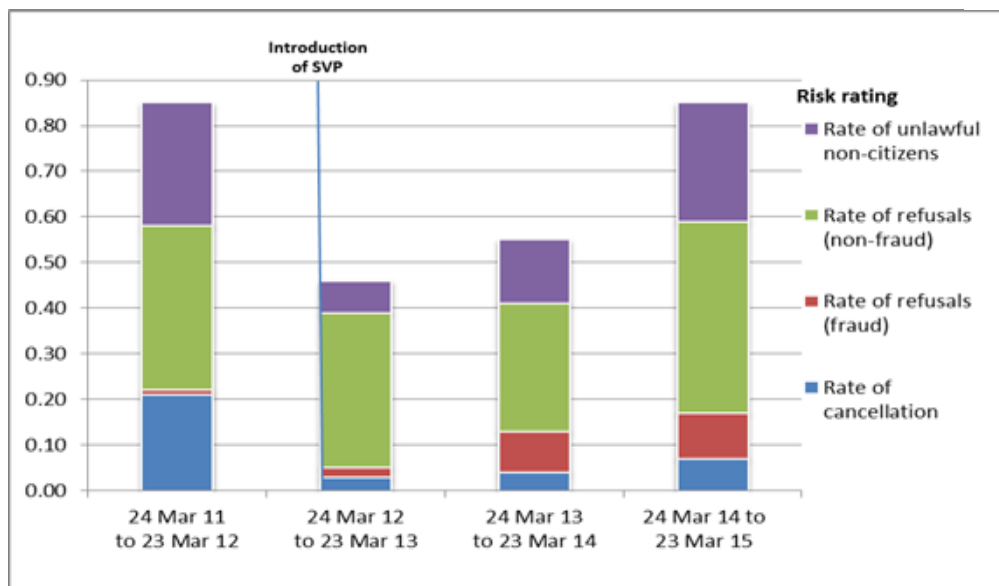
Figure 9 shows the integrity outcomes for university students processed under SVP and benchmarks these against pre-SVP outcomes based on the risk rating methodology currently used for SVP and the AL framework. In this context, a risk rating of below 1.0 is considered as low immigration risk while a risk rating above 2.7 is considered as higher immigration risk. To calculate the risk rating, outcomes relating to offshore visa refusals (both fraud and non-fraud), rates of cancellation and rates of students becoming unlawful non-citizens are considered and weighted according to established benchmarks.

The comparison in Figure 9 indicates that, on face value, the immigration risk rating for university students initially improved following the introduction of SVP. However, it takes time for what are commonly known as ‘trailing risks’, for example students becoming unlawful, to become evident.

This is particularly relevant to the post-SVP data as this data only includes students granted a visa under SVP, whereas the pre-SVP data covers a longer time period. This factor explains why the risk rating has increased each year following implementation, to a level that is currently on a par with pre-SVP outcomes and remains within low immigration risk benchmarks.

The analysis in Figure 9 also indicates that the Department's detection of fraud has increased for university SVP students over the last two years. This factor could be indicative of non-genuine students purposely targeting certain SVP providers or of more effective fraud detection procedures.

Figure 9: Integrity outcomes for students (university sector)



Course hopping

The issue of 'course hopping', where students arrive under SVP and then change to a non-SVP course (typically at a lower qualification level) shortly after arrival in Australia, has been of particular concern to stakeholders in the international education sector. The issue was raised in the context of the Knight Review and is an area that the Department continues to monitor closely and address through its discretionary and targeted visa cancellation regime.

Course hopping is of concern as it may be indicative of students providing misleading information to the Department and their education provider in order to circumvent the intentions of the SVP arrangements. In certain circumstances, course hopping may also be indicative of students using the student visa programme to obtain a work or residency outcome rather than a study outcome.

Figure 10 shows enrolment trends for students changing from a higher education course to a VET course over an eight-year period. The purpose of this trend analysis is to determine whether there has been a marked increase in students changing to a lower level course of study following the introduction of SVP.

The data from Figure 10 indicates that the practice of course hopping is not a new trend, with the highest number of movements from higher education to VET being evident in 2008. However, the data indicates that following a decline in the number of movements between 2008 and 2012, there has been a numerical increase in the practice since the commencement of SVP. This increase must however be placed in context with the commensurate increase in the number of higher education sector visa grants and students over this period.

Figure 10: Students moving from a higher education course to a VET course

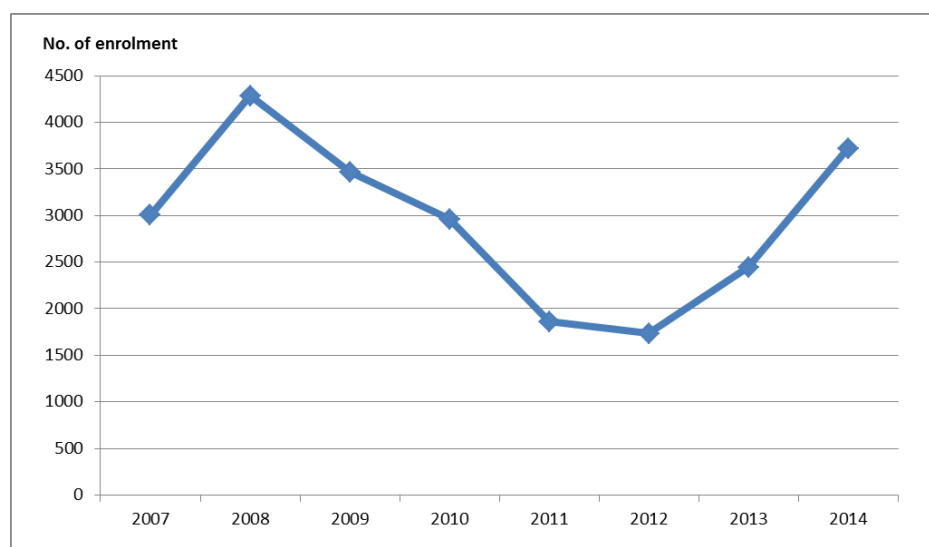


Figure 11 shows the rate of students moving from higher education to VET enrolments against the total number of higher education sector visa holders in Australia at the time. The rate of movement largely follows the numerical trend, with a decrease evident following 2008 before the rate starts to increase again following the implementation of SVP in 2012.

In considering this trend, it is important to note that movement from one education sector to another, or indeed between SVP and non-SVP providers, is not necessarily indicative of mala fide intentions as there may be a number of legitimate reasons why a student would choose to change their study plan. Nonetheless, it does appear that SVP has had some impact upon the initial and post-arrival enrolment choices of some students.

Figure 11: Number of movements from higher education to VET against total number of higher education visa holders³

	2008	2009	2010	2011	2012	2013	2014
Number of movements from higher ed to VET	4,283	3,469	2,959	1,862	1,735	2,445	3,720
Number of subclass 573 (higher ed) visa holders in Australia⁴	177,941	198,556	199,917	180,108	169,355	174,929	203,187
Rate of movement from higher ed to VET	2.4%	1.7%	1.5%	1.0%	1.0%	1.4%	1.8%

5. Cost of arrangements to industry

To participate in the SVP arrangements, education providers assume additional responsibilities relating to the management of the immigration risk of their international students. Eligible providers must submit an opt-in application to the Department outlining the strategies they will put in place to effectively recruit and manage the immigration risk of their international students.

³ Movements include both SVP and non-SVP transfers from the higher education sector to the VET sector

⁴ As at 30 June each year

While some stakeholders indicated that this was a fair trade-off for the benefits of the arrangements, all agreed that the SVP arrangements resulted in additional work for the education provider. Time consuming responsibilities nominated by stakeholders in their submissions included:

- management of forms and documents for SVP applicants
- initial assessment and training of education agents
- assessment and verification of student documents
- assessing the genuineness of applicants.

The 2014 survey of SVP providers identified similar results, with the most time-consuming responsibility nominated by survey respondents being the assessment of international student applications, followed by:

- the management of education agents
- the monitoring and evaluation of risk outcomes
- the management of SVP students following arrival in Australia
- the management of nominated educational business partners.

Survey results showed that 57.9 per cent of SVP providers interview more than 75 per cent of their prospective students from higher immigration risk AL3 countries to establish that their students genuinely wish to study in Australia, have the funds to do so and that they intend to return home after finishing their studies (see [Appendix C](#)). Many providers also request and assess evidence of a student's funds, English language ability and academic record, with these documents often verified by the provider.

The 2014 survey results were used to inform the calculation of the annual cost to providers of administering the SVP arrangements. Based on the response to the survey, this cost is estimated to be approximately \$249,300 per provider or \$28.67m in total for the 115 providers currently participating in the SVP arrangements.

6. Market impacts

Stakeholders identified the primary benefit of SVP as faster and simpler student visa processing which they believe has helped make Australian education more internationally competitive. Feedback included:

- the arrangements had assisted in creating the perception that Australian education is high quality
- Australia welcomes international students
- SVP had facilitated a greater focus among education providers on quality students, not volume of students.

Stakeholders also noted improvements in student progression rates and indicated that SVP was a catalyst for providers to take effective action to mitigate immigration risk and ensure their commencing students were genuine.

Similarly, survey results showed that faster visa processing of students was ranked the major benefit of participating in SVP by 39 per cent of respondents, followed by: simpler visa requirements for students than the AL framework (24 per cent), improved reputation (16 per cent) and marketing advantage over non-SVP competitors (16 per cent).

However, stakeholders indicated that these benefits have only been realised by SVP providers. Stakeholders in sectors that do not have access to SVP indicated that they have not received these benefits and have therefore been disadvantaged by not having access to SVP.

There was general agreement among stakeholders that, despite its benefits, SVP has created market distortion and inequalities due to the reputational and operational advantages gained by SVP providers. Some stakeholders believe that SVP has divided the sector into 'SVP' and 'non-SVP' providers, creating an inaccurate market perception that courses offered by SVP providers are of superior quality.

In addition, stakeholders reported that among some students and education agents there appears to be the erroneous perception that SVP represents Australian Government approval of a course or a provider rather than the provider's achievement of a lower immigration risk rating. There was also the view that the current student visa programme, whereby providers have different application requirements, was confusing for students and added unnecessary complexity to the visa application process.

The SVP arrangements, which cater for certain specified courses and where only a small proportion of all registered education providers are eligible to participate, were considered by most stakeholders to be unsustainable in the long term in their current form.

Many stakeholders pointed out that market impacts were exacerbated by the public listing of SVP providers in a legislative instrument so that they could be easily identified by students, education agents and other providers, thus reinforcing the division of the sector into 'SVP' and 'non-SVP' providers. In addition, it was noted that if a SVP provider were to be removed from the legislative instrument due to failure to meet the ongoing assessment criteria, this could have a negative impact on the reputation of both the provider and on the international education sector as a whole in Australia.

Statistical analysis of market impacts

As previously noted, given the scope of reform within the student visa programme over recent years it is difficult to attribute particular trends solely to SVP as compared to other programme changes.

The analysis in Figure 12 provides a reasonable control group to gauge the impact of SVP within the market. Figure 12 compares visa grant trends between the 19 non-university higher education sector providers that commenced in SVP in March 2014 and the non-university higher education providers that offered SVP eligible courses but were not approved to access SVP at this time.

The data shows that the SVP eligible providers experienced a slightly higher rate of offshore growth (36.7 per cent compared to 31.7 per cent) in the first nine months following commencement in SVP when compared to the non-SVP eligible group. It also shows that the non-SVP eligible group increased their number of onshore grants over this period while the SVP eligible group decreased their number of onshore visa grants.

The trends outlined in Figure 12 may provide some insight into the impact of SVP upon the market, however it is difficult to reach any solid conclusions as the SVP eligible group has only been in SVP for a short period of time and it is likely that it would take time for any market impacts to fully flow through.

Figure 12: Student visa grants associated with non-university higher education providers

	Client Location	1 Apr to 31 Dec 2013	1 Apr to 31 Dec 2014	Growth rate (2014)
19 approved SVP non-university providers	Offshore	4044	5529	36.7%
	Onshore	3211	3142	-2.2%
	Grand Total	7255	8671	19.5%
Other non-university higher education providers	Offshore	3244	4271	31.7%
	Onshore	6004	6839	13.9%
	Total	9248	11110	20.1%

Determining the market impact of SVP upon the educational business partners of SVP providers is equally complex. This is partly due to the fact that participating SVP providers are able to update their nominated business partners every four months and that a business partner may be formally listed as a business partner of one or numerous SVP providers. The list of nominated SVP business partners therefore regularly changes, as does the scope of involvement in the arrangements for certain business partners.

Analysis conducted by Austrade in 2014⁵ indicates that SVP business partners in the VET sector have generally followed similar enrolment growth trends to VET sector providers that were not associated with a SVP provider. However, an analysis of enrolment data for SVP business partners in the ELICOS sector indicates that ELICOS providers that are SVP business partners have experienced a higher rate of growth than ELICOS providers that are not associated with a SVP provider. This would indicate that, at least for the ELICOS market, an ability to access SVP has had an impact on the market.

7. Challenges in meeting SVP responsibilities

Under SVP, participating education providers take on greater responsibility for ensuring that the students they recruit are genuine, are able to fund their studies and living expenses in Australia and have appropriate levels of English language. However, some SVP providers noted that there are challenges associated with meeting their SVP responsibilities.

In the survey of SVP providers, approximately 60 per cent of universities and 45.1 per cent of all respondents indicated that the number of non-genuine students seeking enrolment with their institution had increased since commencing in SVP. Just over a quarter of respondents indicated that they reject more than 50 per cent of potential students from AL3 countries such as India, China and Vietnam on the grounds of non-genuine intentions, while a further 46.8 per cent of respondents rejected between 11 and 50 per cent of potential students on genuineness grounds.

Some stakeholders expressed concern about their ability to establish student genuineness based on the resources available to them and about the consequential negative impact on their risk rating should they not be able to do so effectively.

Departmental analysis is consistent with the feedback provided by SVP providers and indicates that, in some markets, SVP providers have been targeted by non-genuine applicants and agents. Where these concerns emerge, the Department works closely and proactively with the provider concerned to address risk.

⁵ <http://www.austrade.gov.au/education/news/reports/mip-education-insight#.VOu5Ov4cQ5g>

Providers welcomed the Department's role in assisting them to effectively recruit genuine students and indicated they would like this relationship to continue. The Department acknowledges that SVP has seen a new co-operative approach between education providers and the Department, including mutual information sharing, and that this has been extremely beneficial.

Future directions for SVP

Further expansion of streamlined-type arrangements

Stakeholders generally acknowledged that extending the SVP arrangements in their current form to education providers in other sectors or for other course types would be unsustainable, minimising benefits for providers and most likely leading to a loss of immigration integrity. Many stakeholders were concerned that a further extension of the current arrangements would increase the number of non-genuine applicants seeking to study in Australia and increase the possibility of providers having their SVP status withdrawn, potentially jeopardising Australia's reputation as a provider of quality education and negatively affecting the market.

Stakeholders instead generally favoured modifying the arrangements to give low risk Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered providers in all sectors access to streamlined-type arrangements for all courses.

The Department agrees that in the longer term, limiting streamlined-type arrangements to selected courses is unlikely to be sustainable. It should be noted in this context that under the AL framework, all education sectors already have access to streamlined-type processing under the AL1 provisions, however this access is determined primarily by the immigration risk associated with the applicant's country of citizenship. It could therefore be argued that rather than limiting streamlined visa processing to certain course levels, the Department needs to look at how best to apply streamlined-type processing to all education sectors in a manner that maintains immigration integrity and is easy to understand for clients and education providers alike.

Possible alternative models

Four possible alternative models were put forward by the Department and stakeholders under the consultations.

The Department considers that it is vitally important that any modifications to the existing SVP arrangements effectively build upon and enhance the benefits realised to date. It is essential that any alternative framework:

- enhances the competitiveness of our visa system and supports the sustainable growth of Australia's international education sector
- supports the integrity of Australia's visa programmes and border
- facilitates the efficient and timely processing of student visa applications
- reduces red tape for student visa applicants and the international education sector
- is able to be easily understood by all involved. This includes prospective international students, education providers, agents and Departmental officers making decisions on visa applications.

The consultation considered four possible alternative models:

1. Combined country and provider immigration risk model

The alternative model put forward in the *Future directions for streamlined visa processing* discussion paper combines the current SVP arrangements and the AL framework into one model that would consider the immigration risk outcomes associated with both the student's country of citizenship and

their intended education provider. This single combined model could potentially be put in place for all CRICOS registered providers and would apply to all courses across all education sectors.

As Figure 13 shows, under this model, each CRICOS registered education provider could potentially be allocated an immigration risk rating of between one (lowest risk) and three (highest risk) based on the immigration risk outcomes of their international students over the previous 12-month period. The same approach could also be used to allocate an immigration risk rating to each country.

The student's financial and English language evidentiary requirements could then be guided by a combination of the immigration risk outcomes of their education provider and their country of citizenship. Such an approach would provide a strong incentive for all education providers to recruit genuine international students and would simplify the student visa framework by establishing a single visa processing model that would apply to all students.

Figure 13: Possible evidentiary requirements under a combined country and provider immigration risk model

	Education provider immigration risk rating	Country immigration risk rating	Possible evidentiary requirements
Lower evidentiary requirements	One	One, two or three	Generally these students would not be required to provide evidence of their English language or financial capacity to the Department (similar to current SVP and AL1 arrangements)
	Two	One or two	
	Three	One	
Higher evidentiary requirements	Two	Three	Generally these students would be required to provide evidence of their English language and financial capacity to the Department
	Three	Two or three	
Genuine Temporary Entrant requirement – continues to apply to all applicants			

2. Other measures to determine evidentiary requirements

The second model put forward in the discussion paper suggested the use of other measures outside of the immigration risk associated with an education provider or country to determine the amount of financial evidence and English language capacity that a student would need to provide with their visa application, such as average income levels by country. However, this model was not well supported by stakeholders.

3. International Education Risk Framework (IERF) model

The IERF model seeks to incorporate immigration risk, provider risk (delivery of education) and consumer protection of students into the visa framework and covers all education providers, regardless of course or sector.

The IERF was provided to government in 2014 by the International Education Association of Australia (IEAA) and was a key catalyst for the stakeholder consultations on SVP and the student visa programme. The IERF clearly put forward stakeholder concerns about the current arrangements and presented a considered solution to the issues identified.

The Department has actively considered the IERF in the context of this consultation and is of the view that it contains a number of very positive factors including:

- a six-monthly immigration data process for all providers
- immigration risk ratings for all providers
- consideration of how to accommodate small providers in streamlined-type arrangements
- how to incorporate risks relating to the education provider into the AL framework.

These factors have been instrumental in informing the recommendations of this report.

However, the IERF, as presented, would result in a highly complex regulatory framework that has the potential to significantly increase market distortion due to the likely creation of a group of providers with superior market power compared to other providers.

The Department also considers that the proposed incorporation of risks related to the delivery of education and business risk into the visa framework would be highly problematic due to the double regulation of these factors, potential legal implications and a likely dilution of the effectiveness of the visa programme. These issues are discussed in more detail under 'Methodology to calculate immigration risk' on page 24.

4. Model based solely on provider immigration risk

Under this model, visa evidentiary requirements would be based solely on an education provider's immigration risk rating with only providers with an AL1 risk rating able to gain access to streamlined-type processing. This approach could be problematic as only a certain group of providers would have access to streamlining, potentially creating further market distortion. Under this model, overall streamlining opportunities would reduce with a lower proportion of the caseload being eligible for streamlined-type processing.

Preferred model

There was general support among stakeholders for the continued use of an external risk framework to assign and assess the immigration risk outcomes of education providers.

The combined country and provider immigration risk framework outlined in the discussion paper was largely endorsed by stakeholders, as it would extend the benefits of streamlined processing to all CRICOS registered providers and all courses across all education sectors, including smaller providers, thereby addressing the problem of market distortion. Other possible benefits of this model cited by stakeholders included faster visa processing for a potentially greater number of students; reduced regulation and complexity; and rewarding providers for recruiting genuine students.

The Department acknowledges that the *Review of the Student Visa Assessment Level Framework 2013* raised concerns about some aspects of a combined country and provider risk model.

Broadly, the review noted the challenge of measuring, assigning and monitoring the risk of hundreds of providers under a provider-based risk management model based in legislation. Additionally, it highlighted the negative impact that a publicly available list of risk ratings could have on the

reputations and businesses of those providers that have a higher risk rating. The inability of providers to potentially 'opt out' of streamlined-type arrangements was raised as a concern, as was the removal of student visa subclass as a consideration in assigning a risk rating to a student visa application.

However, the *Review of the Student Visa Assessment Level Framework 2013* was conducted in 2012 when the SVP arrangements were in their infancy and limited to eligible universities only. Many of the issues of concern associated with SVP in its current form that have been raised by stakeholders were not apparent at that time. Stakeholder responses to the *Future directions for streamlined visa processing* discussion paper clearly indicated that reform of the current arrangements is widely supported and considered essential to support the sustainability of the sector.

The Department has sought to address the concerns raised in the *Review of the Student Visa Assessment Level Framework 2013* in the development of the proposed combined country and provider immigration risk model.

Access to streamlined-type processing for all providers

The Department intends that all education providers would be included under the proposed model and would have access to streamlined-type processing, similar to the approach under the AL framework where all providers currently have access to AL1 provisions for certain countries. For many education providers, an additional investment would not be needed in order for them to be able to maintain a low immigration risk rating.

On the other hand, there would be some education providers that would need to put in place additional strategies, for example interviewing prospective students, if they wished to achieve or maintain a low immigration risk rating. In these circumstances, the provider could choose whether or not they wished to 'opt in' by putting these strategies in place. If the provider chose not to opt in in this manner then it is likely that their risk rating would increase and in turn, the Department would likely require increased evidence for that provider's students in higher immigration risk countries.

Provider risk ratings

The publication of a list of SVP providers, per the current arrangements, has been one factor that has brought advantages for participating providers but has also created perceived market distortion and resulted in the targeting of some SVP providers by non-genuine students. Stakeholders generally indicated that in order to avoid creating similar market inequalities they would prefer that providers' risk ratings were not publicly communicated under the new model.

It is the Department's intention that the risk ratings of education providers and countries under the proposed model would not be published publicly but would instead feed into an online tool that would guide documentary requirements based on the student's intended education provider and country of citizenship. While it may be possible for education agents to make an educated guess at an individual provider's or country's risk rating, it would not be abundantly clear, particularly as the risk ratings are intended to be updated on a regular basis.

A provider's risk rating would be made available only to that provider. This would facilitate a more responsive approach to risk management by enabling an education provider (or country) to have their risk rating increased or decreased based on current outcomes, without the degree of reputational damage that could occur to the provider (or the Australian international education sector more broadly) if they were removed from SVP in its current form. Under the proposed model, the concept of a 'SVP provider' would consequently not exist, and the Department would expect targeting of providers by non-genuine students to decrease, therefore reducing some of the burden on providers.

Education provider risk to replace education sector

The existing AL framework assigns risk levels based on a combination of country of citizenship and education sector (subclass). Under the proposed model, education provider immigration risk would be the new variable replacing education sector and is considered to be a more meaningful, targeted and appropriate variable. While expanding SVP in its current form to all sectors would be challenging and resource intensive, the intended changes under the proposed model, together with the expertise gained in reporting on the immigration risk outcomes of education providers since the initial rollout of SVP, should enable the Department to effectively incorporate the immigration risk of all providers into the one framework.

The Department recommends the adoption of the combined country and provider immigration risk model that would consider the immigration risk outcomes associated with both the student's country of citizenship and their intended education provider. This model would normalise streamlined-type arrangements in an equitable way while supporting immigration integrity.

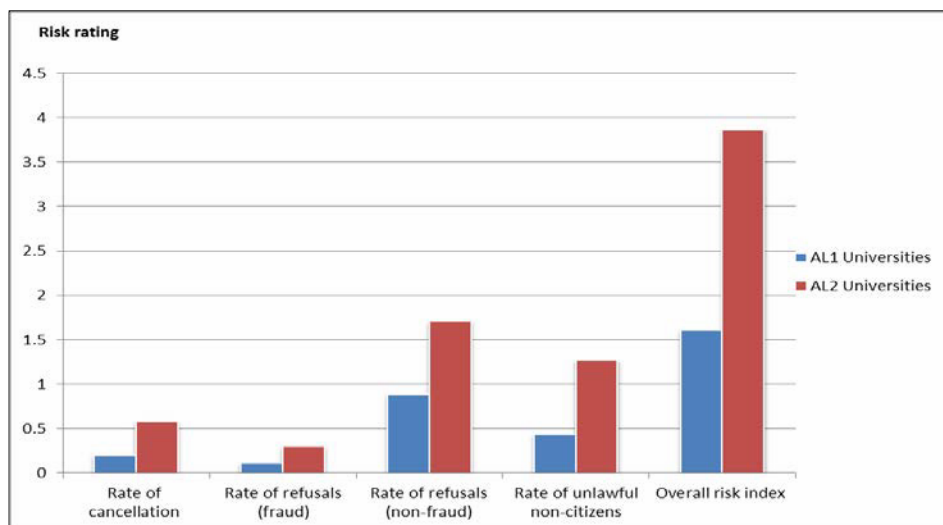
The benefit of including country risk

A comparison of the immigration risk outcomes for AL1 and AL2 university providers in AL3 countries shows how the inclusion of country risk in an external immigration risk framework would add significant value.

Currently, both AL1 and AL2 education providers are able to access SVP. However, Figure 14 shows that the immigration risk outcomes for AL2 university providers in AL3 (higher risk) countries are significantly higher than for AL1 university providers in AL3 countries.

The addition of country risk would create a more nuanced framework, supporting the case to differentiate and incorporate country risk in an alternative model. If provider risk only were used, many education providers and their students would not have access to the lower evidentiary requirements associated with streamlined-type processing. The incorporation of country risk expands streamlining opportunities across the programme while strengthening immigration integrity by ensuring that only students enrolled in the lowest immigration risk providers in higher risk markets are able to apply their visa with lower financial and English language evidentiary requirements.

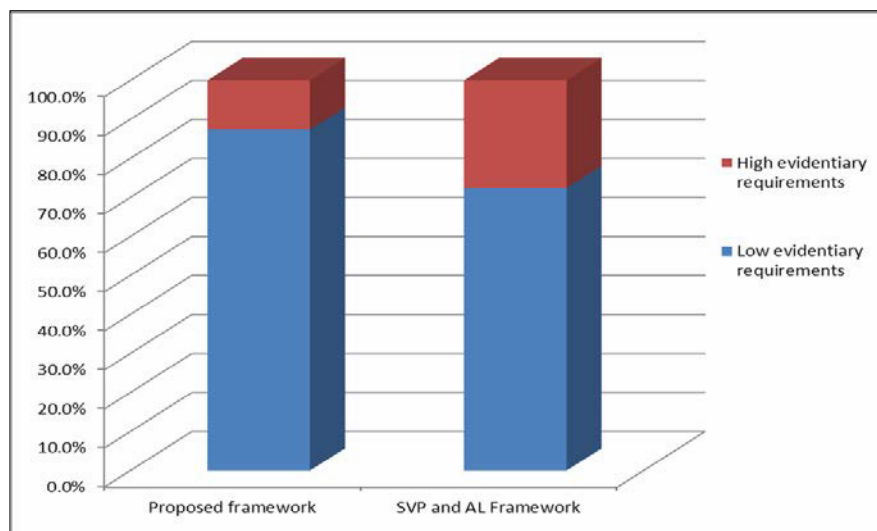
Figure 14: Comparison of immigration risk outcomes for AL1 and AL2 university providers in AL3 countries



* Risk ratings calculated based on 2013–14 statistics

Figure 15 shows that under the proposed combined country and provider risk model, potentially 15 per cent more student visa applicants may have access to reduced evidentiary requirements when compared to the current framework. In 2013–14, 72.4 per cent of students were processed under SVP and AL1. Modelling the same 2013–14 data under the proposed combined country and provider risk framework shows that approximately 87.4 per cent of student visa applicants would be subject to lower evidentiary requirements, while 12.6 per cent would be subject to higher evidentiary requirements.

Figure 15: Estimated proportion of the caseload that would be subject to lower evidentiary requirements



Recommendations:

1. Implement a new combined country and provider immigration risk framework to guide student visa evidentiary requirements and create streamlined visa application processing opportunities for education providers across all sectors.
2. Continue to actively engage with the international education sector to assist education providers, as appropriate, to effectively target genuine students and temporary entrants.

Methodology to calculate immigration risk

Indicators used to calculate provider risk ratings

There was general support from stakeholders for the current risk indicators that are used to assign an immigration risk rating to education providers. These are the rate of:

- refusals (excluding fraud) where the applicant lodged overseas—10 per cent weighting
- applications refused due to fraudulent documentation, where the applicant lodged overseas—40 per cent weighting
- visa cancellations—30 per cent weighting
- student visa holders who become unlawful non-citizens—20 per cent weighting.

Some stakeholders commented that risk factors such as unlawful non-citizens (UNCs) and fraud rates should not be included in the risk framework or weighted differently because they are either difficult to

identify for education providers or because providers have little control over these factors. While the Department acknowledges these concerns, it is a core principle of SVP that providers are responsible for the immigration outcomes of students who are granted a visa based on that provider's issuance of a confirmation of enrolment (CoE). The Department acknowledges that students' intentions may change and factors these tolerances into the applicable risk benchmarks.

Additionally, it is crucial to accurately gauge a student's immigration risk and to include these risk factors in the external risk framework. If these risks were not included, higher risk students would potentially be treated as lower risk, posing an unacceptable risk to the integrity of the border and the student visa programme.

The inclusion of other risk factors to determine visa evidentiary requirements

In addition to the current risk factors, some stakeholders suggested that risks relating to the education provider's delivery of education or business risk should be included when determining visa evidentiary requirements, as outlined in the IERF model put forward by the IEAA. In this context, it should be noted that within Australia's overarching international education framework there are already mechanisms in place that consider an education provider's business risk (the Tuition Protection Scheme), the delivery of education (regulation by the Australian Skills Quality Authority (ASQA) and the Tertiary Education Quality Standards Agency (TEQSA)) and immigration risk (the student visa programme).

The Department strongly considers that for the overarching international education framework to operate effectively, each of these components must be focused on the individual and specific risks that they are seeking to address. For example, regulation by ASQA and TEQSA should focus on the risks associated with the delivery of international education in Australia. On the same basis, the student visa programme (itself a treatment for the risks associated with the international movement of people) must be focused on immigration risk.

The incorporation of business risk or the risks associated with the delivery of education into the student visa programme would result in the double regulation of these matters and would likely dilute the effectiveness of the visa programme. It is the Department's experience that low regulatory or business risk does not necessarily (and often does not) correlate with low immigration risk outcomes.

Such an approach would likely result in a process that treated many low immigration risk applicants as higher immigration risk (because, for example their education provider may have a higher business risk) or treated high immigration risk applicants as low immigration risk (because, for example their education provider may have a lower business risk). This approach is likely to reduce efficiency and increase costs, potentially compromise the effectiveness of our border and immigration programmes and result in increased market distortion.

It is the Department's view that if ASQA or TEQSA has determined that an education provider is of sufficient standing and quality to deliver education to international students and those students are of low immigration risk, then the visa process should be facilitated for those students. If a provider does not comply with relevant delivery of education regulation then it is open to ASQA or TEQSA to impose sanctions, including cancelling that provider's registration and preventing them from recruiting international students. It would not be appropriate, and likely legally problematic, for the Department to put in place sanctions outside of this process for matters that sit outside of its jurisdiction.

Rate of protection visas

The discussion paper noted that the rate of students applying for protection visas (PV) is not currently incorporated into the risk factors that are used to assign an immigration risk rating to education providers. The vast majority of stakeholders that provided submissions to this consultation were not in favour of incorporating the rate of PV into this process, mainly on the grounds that they felt this was a factor outside the control of an education provider.

The Department acknowledges this concern but also considers it important that students with a higher risk of seeking PV in Australia are subject to appropriate levels of scrutiny when applying for a student visa. The Department intends to consult further with stakeholders as to how the risks associated with students applying for PV can best be incorporated into the proposed framework.

The 100 active student visa requirement

A number of stakeholders provided feedback regarding the 100 active student visa requirement. Stakeholders generally agreed that the requirement for SVP providers to be associated with at least 100 active student visa holders for the relevant 12-month reporting period should be modified to allow smaller providers access to the arrangements. Some stakeholders also questioned the number of offshore decisions that are used to calculate immigration risk ratings and advocated a sub-threshold for offshore decisions.

Under the current SVP arrangements, the Department seeks only to identify low immigration risk providers and does not designate a provider as higher immigration risk. As such, for the current SVP arrangements the Department decided not to impose further thresholds in addition to the 100 active student visa requirement for this process, for example a threshold for the number of offshore student visa decisions. This approach has enabled as many education providers as possible to potentially access SVP, including those that may effectively recruit a small number of genuine students directly from offshore each year.

Under the proposed framework however, all education providers would be assigned an immigration risk rating. As such, it is vitally important that appropriate arrangements are made for smaller providers and that the methodology has sufficient statistical rigour, not just for assigning a low immigration risk rating, but also for assigning a higher immigration risk rating.

The Department therefore acknowledges stakeholder concerns about the 100 active student visa requirement and recommends that thresholds be put in place for all risk denominations, including offshore decisions and expiring visas, and that these be set following further consultation with industry. In addition, the Department recommends that generally, with some possible exceptions, that education providers that do not meet these thresholds (i.e. smaller providers) are designated an immigration risk rating of two under the new framework. These approaches will ensure that education providers are not adversely affected by very small numbers of non-compliant students and that smaller providers gain access to streamlined-type arrangements for a far greater proportion of their international student cohort.

Recommendations:

3. Continue to use the immigration risk outcomes of an education provider's international students as the basis to determine eligibility for streamlined-type processing.
4. Establish an EVCC working group to provide input into the implementation of the recommendations of this report.

5. In consultation with the EVCC working group:
 - a. establish appropriate thresholds for all risk denominators, such as the number of active student visa and offshore decisions, that are used to calculate immigration risk ratings
 - b. determine how best to incorporate the rate of protection visa (PV) lodgements into the immigration risk methodology.

Opt-in application process

Currently, education providers are formally invited to opt in to SVP and receive a set of guidelines outlining the accountability arrangements and conditions underpinning access to SVP. To join, education providers are required to submit an opt-in application form for each CRICOS provider code issued with an invitation to participate, including a declaration, education provider plan and educational business partner nominations.

There was general support among stakeholders for maintaining provider opt-in arrangements, although it was thought that these could be simplified and have a longer validity period.

While the Department notes the stakeholder feedback received, it is inclined to remove the opt-in application process under the new framework. This is due to the fact that all education providers would have access to streamlined-type processing and the concept of a 'SVP provider' would no longer exist. The Department also notes that it would not be feasible to maintain opt-in arrangements for all (approximately 1150) CRICOS providers.

While the opt-in documents have had some initial benefit under the current SVP arrangements in ensuring that providers have sound strategies in place when entering SVP, over the longer term their value is diminished. This is due to the fact that providers may legitimately change their strategies over time in response to market behaviour and opportunities.

Under the proposed model, those providers that use effective recruitment strategies that are regularly adjusted in response to emerging trends will continue to achieve positive immigration risk outcomes.

Recommendation:

6. Remove the requirement for providers to submit a formal opt-in application to access streamlined-type arrangements.

Educational business partners

Participating SVP providers may currently package the main course of study with a preliminary one (such as ELICOS) offered by a nominated educational business partner, which must be listed in the relevant legislative instrument under the Migration Regulations 1994. The instrument specifies that educational business partners are linked to a particular eligible education provider that is responsible for the outcomes of SVP students packaged with their educational business partners.

Under current arrangements, SVP providers must confirm their educational business partner arrangements in writing with the Department in approximately January, April and August each year. In addition, they are responsible for advising the Department of any material changes to the CRICOS registration of their nominated business partners, including changes due to National Registration and change of ownership.

There was general stakeholder support for the retention of business partners, however the Department considers that maintaining formal business partner arrangements under the new

framework—for approximately 1150 CRICOS registered providers—would not be feasible and would significantly add to red tape and confusion for international students.

The Department considers that there is no need to have separate arrangements for visa purposes to those that are already in place between education providers for the delivery of education. Under the proposed model, the Department would continue to link immigration outcomes with the destination (or main) provider and a provider could choose whether they wanted to package their courses with other providers.

Recommendation:

7. Remove formal educational business partner arrangements and instead enable providers to package courses with any provider offering a preliminary course.

Deregulating the student visa programme

It is a key priority of the Government to reduce red tape and improve productivity and international competitiveness. The discussion paper proposed that the student visa programme could potentially be simplified by reducing the number of visa subclasses making it easier for education providers and students to understand and use them.

Stakeholders were generally in favour of reducing the number of student visa subclasses, on the condition that data reporting by sector is retained. Some stakeholders cited course hopping as being a problem for them under SVP and the current visa subclass system, particularly as it may impact on their immigration risk rating. However, immigration risks associated with course hopping could potentially be addressed through the implementation of a new visa condition if the Department were to reduce the number of student visa subclasses.

It is the Department's view that the current eight student visa subclass system is unnecessarily complex and may create confusion for some stakeholders. As all subclasses have similar core requirements, the Department recommends reducing the number of subclasses to two—student and guardian—with some additional requirements, as required, to accommodate differences between sectors such as the schools sector and government sponsored students. The Department commits to working with the international education sector during 2015 to finalise how this will work in practice. This will include consideration as to how current requirements outlined in Schedule 5A of the Migration Regulations 1994 relating to English language capability, financial capacity and academic background will be simplified and incorporated into a new two subclass model.

Recommendation:

8. Reduce the number of student visa subclasses from eight to two while maintaining the ability to report on visa outcomes by education sector.

Acronyms and glossary

AL	Assessment Level. Each country, across each education sector, is assigned an AL which is based on the calculated immigration risk posed by students from that country studying in that education sector.
Course hopping	Students transfer from a SVP course to a lower level course shortly after arrival in Australia to avoid the higher evidentiary requirements they would be subject to under the AL framework at the time of their visa application. Course hopping is generally indicative of students using the student visa programme to obtain a work or residency outcome rather than a study outcome.
CRICOS	The Commonwealth Register of Institutions and Courses for Overseas Students. Only education institutions registered under the ESOS Act and listed on CRICOS can enrol overseas students studying in Australia on a student visa.
Educational business partner	Participating SVP providers may package the main course of study with a preliminary one, offered by a nominated educational business partner, which must be listed in the relevant legislative instrument under the Migration Regulations 1994.
ELICOS	English Language Intensive Course for Overseas Students. The Independent ELICOS Sector visa (subclass 570) allows students to study a full-time ELICOS in Australia if enrolled with a registered provider.
ESOS Act	The Educational Services for Overseas Students (ESOS) Act 2000 sets out the legal framework governing delivery of education to overseas students studying in Australia on a student visa. The Act is administered by the Department of Education.
EVCC	Education Visa Consultative Committee. The EVCC is a forum for the Australian Government to engage with key stakeholders to share information and discuss policy matters regarding student visas. The EVCC is chaired by the Department and includes key Australian Government agencies with an interest in student visas, peak bodies representing the international education sector, states and territories and representatives of business and unions.
GTE	Genuine Temporary Entrant requirement. The first criterion applied in assessing an applicant's eligibility for a student visa. Student visa applicants are assessed on whether they indicate that their main aim is for a temporary stay in Australia to study.
Non-enrolment	Where a person holding a student visa enters Australia but does not enrol in their course of study, therefore rendering them in breach of their visa conditions.
Primary visa application	A visa application lodged by a primary applicant, that is, by the person proposing to study in Australia.
PV	Protection visa. This visa forms the onshore part of Australia's Humanitarian Programme and offers protection to people in Australia who engage in Australia's protection obligations under the Refugees Convention.

Rate of PV	The percentage of student visa holders who apply for protection visas once they are onshore in Australia, by passport country.
Refusal - fraud	A student visa application may be refused by the Department where an applicant provides false or misleading documents or information as part of their application.
Refusal – non-fraud	A student visa application may be refused by the Department for reasons other than fraud, for example, the student is found under the GTE requirement not to have a genuine intention to study, or has no relevant qualifications or educational background for the proposed course.
Student visa	Student visas are temporary visas that allow foreign nationals to come to Australia for a specified period to study at an Australian educational institution.
SVP	Streamlined visa processing. Students enrolled in an advanced diploma, bachelor, masters or doctoral degree, or in an eligible exchange programme at a participating provider generally have lower visa evidentiary requirements, irrespective of their country of origin. In practice, SVP eligible students generally receive simpler and quicker visa processing.
Temporary Graduate visa (subclass 485)	<p>The Temporary Graduate visa (subclass 485) permits international students to live, study and work in Australia after they have finished their studies. The visa has two streams:</p> <ul style="list-style-type: none"> • Graduate work stream – for international students with an eligible qualification who graduate with skills and qualifications that relate to an occupation on the Skilled Occupation List (SOL). A visa in this stream is granted for 18 months. • Post-study work stream – for international students who graduate with a higher education degree from an Australian education provider, regardless of their field of study. This stream is only available to students who applied for, and were granted, their first student visa to Australia on or after 4 November 2011. A visa in this stream can be granted for up to four years from the date the visa is granted, depending on the visa applicant's qualification.
Unlawful Non-Citizen (UNC)	A non-citizen whose Australian visa has expired.
VET	Vocational Education and Training. Courses in the VET sector lead to the award of an AQF Certificate I, II, III and IV, VET Diploma, VET Advanced Diploma or Advanced Certificate.
Visa cancellation	DIBP may cancel a person's visa in certain circumstances, for example, where the visa holder is in breach of their visa conditions.
Visa grant rate	The number of visa grants divided by the number of visa decisions multiplied by 100, where the number of decisions equals the number of grants and the number of refusals.



Future directions for streamlined visa processing

Discussion paper

November 2014





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Future directions for streamlined visa processing

Overview

Objective of the evaluation

International education is a key focus of the Australian Government, being one of the five pillars of economic growth and contributing \$15 billion of export income to the economy in 2012–13.

The government recognises the strong economic and cultural contribution of our international education sector and is committed to supporting its growth by facilitating the visa process for genuine overseas students.

In addition, it is a key priority of the government to reduce red tape and improve productivity and international competitiveness.

Streamlined visa processing (SVP) arrangements were first introduced in 2012 as a recommendation of the *2011 Strategic Review of the Student Visa Program* conducted by Mr Michael Knight AO (the Knight Review). The primary objective of the arrangements is to support the sustainable growth of international student numbers through simpler and faster visa processing while maintaining immigration integrity. It is timely to examine whether these arrangements are meeting their objectives and to explore potential opportunities to further enhance the arrangements.

To this end, the Department of Immigration and Border Protection (DIBP) will undertake a strategic evaluation of the current SVP arrangements. The evaluation is expected to play a key role in informing the possible future direction of the student visa programme following the expiry of the current policy guidelines that underpin SVP in mid-2016.

Scope of the evaluation

The evaluation and consultation process will examine the efficacy of the current SVP arrangements and explore potential options for further simplification and deregulation while maintaining high levels of immigration integrity.

The Department will undertake a statistical analysis and seek formal submissions from stakeholders, with recommendations expected to be put to Government for consideration by the end of 2014–15.

Background

Programme reform

In the years leading up to 2008–09, the number of student visas granted to international students increased significantly over a relatively short period of time. Following this period there was, as referred to in the Knight Review, a ‘perfect storm’ of events that adversely impacted upon Australia’s international education sector. These events included the Global Financial Crisis, increased competition from other countries, the increasing strength of the Australian dollar, student safety concerns, education provider closures and immigration integrity concerns.

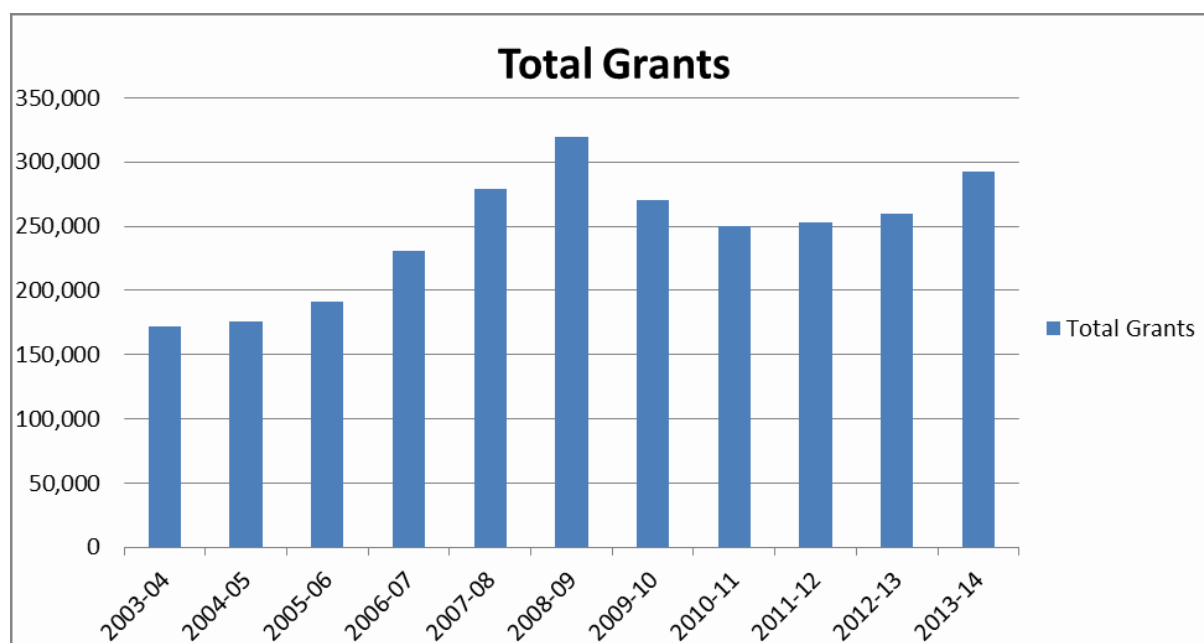
In 2011, the then-government commissioned the Knight Review to examine the student visa framework and ensure its settings were positioned to respond to current and future challenges.

The student visa programme has since undergone significant reform. This has included the implementation to date of 39 of the 41 recommendations arising from the Knight Review¹ and the eight recommendations from the 2013 Assessment Level Framework Review. Key reforms include:

- the implementation of SVP for the university sector and the subsequent extension to non-university providers
- the introduction of the Genuine Temporary Entrant (GTE) requirement
- the simplification of the Assessment Level (AL) Framework by removing AL4 and AL5 and reducing financial requirements for the highest risk applicants
- extension of post-study work arrangements.

The implementation of these reforms has played a significant role in stimulating growth in the number of international students seeking to study in Australia. Between 2011-12 and 2013-14, the overall number of student visa grants increased by 15.4 per cent to a total of 292,060, while offshore student visa grants increased by 43.2 per cent to 179,147. For many countries, including China, Vietnam, Indonesia and the Philippines, the 2013-14 programme year represented the highest number of recorded student visa grants.

Figure 1 - Total student visa grants (onshore and offshore) 2003-14



Student visa processing framework

Student visa applications are processed either under the SVP arrangements or the AL Framework. Prospective international students who have a Confirmation of Enrolment (CoE) from a participating SVP provider at bachelor, masters or doctoral degree level, or for a non-award university student exchange or study abroad programme, are assessed under SVP. From 23 November 2014, the SVP arrangements will be further extended to eligible advanced diploma level students. All other student visa applicants are processed under the AL Framework.

¹ The remaining two recommendations are ongoing interdepartmental projects.

GTE requirement

All student visa applicants, whether assessed under SVP or the AL Framework, must meet the GTE requirement which considers whether the applicant's individual circumstances indicate they intend to stay in Australia temporarily (see Ministerial Direction 53:

www.immi.gov.au/gateways/agents/pdf/direction-53-assessing-gte.pdf

The GTE requirement is a key integrity safeguard in the assessment of student visa applications. It underpins a number of recent reforms that simplify and enhance the competitiveness of Australia's international education sector, including SVP, the simplification of the AL Framework and post-study work arrangements for eligible graduates.

Assessment of the GTE requirement during the visa application assessment process is a balance of subjective considerations which focus on the genuine intentions of prospective students, and objective risk based measures which allow for a more robust assessment of a student visa applicant than is possible under the AL Framework alone.

For most applicants, the GTE assessment is a simple process, however where required further scrutiny is given to an application. This further scrutiny may require the applicant to participate in an interview or provide documentation to support claims.

The GTE requirement provides a useful way to identify those applicants who are using the student visa programme for motives other than gaining a quality education. The GTE requirement is not designed to exclude genuine students or those students who, after studying in Australia, go on to develop the skills required by the Australian labour market and apply to obtain permanent residency.

AL Framework

The AL Framework assists in managing risk within the student visa programme by aligning visa requirements to immigration risk, taking into account rates of visa refusal, cancellation and non-compliance.

Each country, across each education sector, is assigned an AL based on the calculated immigration risk posed by students from that country studying in that education sector.

On 22 March 2014, the Government simplified the AL Framework by removing the two highest assessment levels - AL4 and AL5. As a result, there are now three assessment levels in the student visa programme: AL1 represents the lowest immigration risk and AL3 the highest. The higher the assessment level, the greater the evidentiary requirements that an applicant must meet to be granted a student visa, including financial capacity, English language skills and academic background (see Table 1, on page 37 for more detail).

DIBP regularly undertakes a comprehensive risk assessment of the entire student visa caseload and reviews the assessment levels to ensure they effectively align to evidenced immigration risk.

For a list of current student visa assessment levels by country, see:

<http://www.immi.gov.au/Study/Pages/student-visa-assessment-levels.aspx>

Streamlined visa processing

Under SVP student visa applicants enrolled in a bachelor, masters or doctoral degree or eligible exchange programme at a participating education provider, are generally subject to lower evidentiary requirements, similar to those that apply under AL1, regardless of their country of citizenship. From 23 November 2014, these arrangements will be extended to include eligible advanced diploma level students. In practice SVP eligible students generally provide less information to the Department and receive simpler and faster visa processing.

SVP was introduced in March 2012 to promote sustainable growth of genuine international students seeking to study in Australia. Access to the SVP arrangements was initially limited to Australian universities in recognition of the low immigration risk and high quality that prevail across the university sector. Currently, 41 out of the 42 Australian universities are participating in SVP.

On 22 March 2014, SVP was extended beyond the 41 participating universities to 19 eligible non-university providers in the higher education sector.

On 26 May 2014, the Government announced that it would further extend SVP to eligible education providers that offer advanced diploma level courses.

To be eligible for SVP, education providers must:

- be registered to deliver advanced diploma, bachelor, masters or doctoral degree level courses to international students
- achieve an AL1 or AL2 immigration risk rating in relation to the immigration outcomes of their prospective and actual international students
- be associated with at least 100 active student visa holders
- meet the requirements set out in the guidelines for education provider participation in SVP arrangements (for a copy of the guidelines, see www.immi.gov.au/Business/Pages/education-providers/streamlined-visa-processing-arrangements.aspx).

The methodology used to determine an education provider's immigration risk rating is based on the approach used in the AL Framework and considers a number of factors relating to the visa and immigration compliance outcomes of the provider's international students. Further detail regarding this methodology is outlined in section 7, page 42, of this discussion paper.

Table 1 - Current evidentiary requirements under the AL Framework and SVP

Visa requirements	AL1	AL2	AL3	SVP
Financial	By declaration	<u>12 Months</u> (approx. \$40k) and declaration for remainder of stay	<u>12 months</u> (approx. \$40k) which must be in the name of the applicant or close relative of applicant and held for three months if money deposit and declaration for remainder of stay	Must satisfy provider but DIBP can also request evidence
English	Must satisfy provider		Formal evidence required	Must satisfy provider
Academic	Must satisfy provider		Formal evidence required	Must satisfy provider
<u>The Genuine Temporary Entrant (GTE) requirement</u> <ul style="list-style-type: none">Underpinned by Ministerial Direction 53Applies to SVP and AL Framework applications				

The simplification of the AL Framework in March 2014 has significantly reduced the amount of financial evidence that higher risk applicants are required to provide in conjunction with their visa application. Prior to November 2011, a student from key source countries such as China or India generally had to provide evidence of up to 36 months of funds with their student visa application (equivalent to approximately \$120 000). From March 2014, these students now only need to provide evidence of up to 12 months of funds (equivalent to approximately \$40 000) with their student visa application if it is processed under the AL Framework.

The same health, character and health insurance requirements apply to all students regardless of SVP eligibility or AL level. The primary difference between AL and SVP requirements relate to financial, English language and academic requirements.

Part 1 – Evaluation of SVP arrangements

DIBP will undertake a statistical evaluation of the SVP arrangements which is expected to include consideration of the following factors:

- analysis of student visa application and student enrolment trends, including a comparison of outcomes between SVP and non-SVP providers
- student visa grant rates
- immigration integrity outcomes
- the cost of SVP arrangements to industry
- visa processing efficiency outcomes.

Issues for consideration

DIBP welcomes stakeholder feedback on the following questions:

1. The benefits of SVP

- a. What do you consider to be the major benefit of the SVP arrangements? For example, is the major benefit simpler and faster visa processing, or are potential reputational benefits more important?
- b. Do you consider that the current SVP arrangements effectively facilitate the visa process for genuine students? Why or why not?

2. Education provider responsibilities under SVP

Under SVP, participating education providers take on greater responsibility for ensuring that the students they recruit are genuine. Participating providers must have strategies in place to manage risks associated with the enrolment of international students, including ensuring students have appropriate levels of English language and sufficient funds to support themselves (and their dependents) in Australia. Participating SVP providers must also continue to meet low immigration risk benchmarks in order to maintain their eligibility. A SVP provider that fails to meet these benchmarks can be removed from the arrangements.

- a. To what extent do participating SVP providers need to put in place additional resources to manage their responsibilities under the arrangements? Are you able to quantify this?
- b. Do you consider that any additional investment required to participate in SVP is outweighed by the benefits of participating in the arrangements? Why or why not?
- c. Do you consider that education providers are able to effectively manage their responsibilities under SVP, for example ensuring that recruited students are genuine and have sufficient funds to study in Australia?
- d. Do you consider that participating in SVP makes education providers a target for non-genuine students? If so, to what extent do you believe this is occurring and how effectively are providers able to manage these challenges?



3. Market impacts

- a. Do you believe that SVP has created any market advantages or inequalities in your sector? If so, what has the impact of this been?
- b. Under SVP, each participating education provider sets its own financial and English language requirements. Do you consider that this creates any challenges when promoting Australian education more broadly?
- c. Currently, the SVP arrangements cater for certain specified courses and only a small proportion of all registered education providers are eligible to participate in the arrangements. Do you consider that this is sustainable in the long term? Why or why not?

4. Other comments

- a. Please provide any other comments you may have on the current SVP arrangements.

Part 2 – Future directions for SVP

Stakeholder input is sought on the following:

5. Further expansion of streamlined-type arrangements

SVP was originally implemented for the university sector, however it has since been extended to eligible non-university providers in the higher education and vocational education and training (VET) sectors.

Currently, eligible education providers offering, bachelor, masters and doctoral degree level courses are able to access SVP arrangements. From 23 November 2014, this will be extended to include eligible education providers offering advanced diploma level courses.

- a. Do you consider that streamlined-type arrangements should be further expanded to education providers in other education sectors or for other course types? If so, which sectors or course types? Why?
- b. What do you consider would be the major risks if streamlined-type arrangements were extended more broadly?
- c. Do you consider that the benefits associated with SVP would decrease, particularly for existing SVP providers, if the arrangements were extended more broadly? Why or why not?

6. Possible alternative models

The student visa programme is currently the only Australian visa programme that has an external risk framework. Through this framework students are assessed either under SVP (based on the immigration risk of students associated with a particular education provider) or the AL framework (based on the immigration risk applicable to the student's country of citizenship). The major difference between SVP and the various ALs is the amount of financial evidence and English language capacity that a student must provide with their visa application (see Table 1, page 37, for more detail).

While a student's education provider and country of citizenship are good indicators of the student's immigration risk, there are a range of other attributes that can also be important when determining whether further scrutiny of an application is required. These attributes typically relate to the individual circumstances of a student and encompass a diverse array of evidence based factors.

Combined provider and country immigration risk model

An alternative model could be to combine the current SVP arrangements and the AL framework into one model that would consider the immigration risk outcomes associated with both the student's country of citizenship and their intended education provider. This single combined model could potentially be put in place for all Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered providers and would apply to all courses across all education sectors.

Under this model, each CRICOS registered education provider could potentially be allocated an immigration risk rating of between one (lowest risk) and three (highest risk) based on the immigration risk outcomes of their international students over the previous 12 month period. The same approach could also be used to allocate an immigration risk rating to each country.

The student's financial and English language requirements could then be determined based upon a combination of the immigration risk outcomes of their education provider and their country of citizenship. For example, students enrolled at an education provider that demonstrates low immigration risk outcomes could potentially have minimal financial and English language requirements (similar to current AL1 and SVP requirements) regardless of their country of citizenship, however students enrolled at an education provider associated with higher immigration risk outcomes might only have access to these type of arrangements for lower immigration risk countries.

Such an approach would provide a strong incentive for all education providers to recruit genuine international students and would simplify the student visa framework by establishing a single visa processing model that would apply to all students.


Table 2, below, outlines further detail as to how this model could potentially work in practice and outlines how a student's evidentiary requirements could be determined based on a combination of the immigration risk rating attributed to their education provider and their country of citizenship.

Table 2 - Possible evidentiary requirements under a combined provider and country immigration risk model

	Education provider immigration risk rating	Country immigration risk rating	Possible evidentiary requirements
Lower Evidentiary Requirements	One	One, two or three	Generally these students would not be required to provide evidence of their English language or financial capacity to the Department (similar to current SVP and AL1 arrangements)
	Two	One or two	
	Three	One	
Higher Evidentiary Requirements	Two	Three	Generally these students would be required to provide evidence of their English language and financial capacity to department
	Three	Two or three	
Genuine Temporary Entrant requirement – continues to apply to all applicants			

Other measures to determine evidentiary requirements

Another possible approach could be to use other measures, outside of the immigration risk associated with an education provider or country, to determine the amount of financial evidence and English language capacity that a student would need to provide with their visa application. For example, students from a country with average income levels above a certain threshold could be exempted from providing financial evidence with their visa applications. Factors relating to country risk and the immigration risk outcomes of the student's education provider could then be considered together with other relevant immigration risk attributes in determining whether further scrutiny of an application is required.

- 
- a. Should the Department continue to assign and assess the immigration risk outcomes of education providers through an external risk framework? Why or why not?
 - b. Do you consider that there would be value in further considering combining country and provider immigration risk outcomes to devise a single student visa processing framework?
 - c. Are there other measures, outside of provider and country immigration risk outcomes, that you consider would be more effective in determining a student's financial and English language evidence requirements?
 - d. Are there any other alternative models that you consider would more effectively facilitate the visa process for genuine students?

7. Methodology to calculate immigration risk

Immigration risk is the key determining factor when considering an education provider's eligibility to participate in SVP. This is due to the fact that under SVP an education provider's prospective students are treated as though they are lower immigration risk. As such, it is very important that an education provider is able to demonstrate that its students are in fact low immigration risk before accessing the arrangements.

For the purposes of SVP and the Assessment Level framework, immigration risk is currently determined by the following indicators:

- Rate of refusals (excluding fraud) where the applicant lodged overseas – 10 per cent weighting
- Rate of applications refused due to fraudulent documentation, where the applicant lodged overseas – 40 per cent weighting
- Rate of visa cancellations – 30 per cent weighting
- Rate of student visa holders who become unlawful non-citizens – 20 per cent weighting.

An education provider's final immigration risk rating is determined by adding the rates of each risk factor to obtain an overall risk index. Education providers must achieve a risk index of 2.70 or below to be eligible to participate in SVP.

To maintain statistical confidence in an education provider's immigration risk assessment, the Department requires data pertaining to at least 100 primary active student visas linked to that education provider. The number of students with active student visas refers to the number of active primary student visa holders who have been in Australia and lawful for at least one day. A primary visa holder is the person who has satisfied the primary criteria for grant of a student visa and is studying in Australia.

Issues related to an education provider's delivery of education, including their compliance with relevant legislative and regulatory frameworks, are currently considered as part of the SVP assessment process through consultation with the Tertiary Education Quality and Standards Agency (TEQSA) and the Australian Skills Qualification Authority (ASQA). The policy guidelines that underpin the SVP arrangements also require participating SVP providers to meet ongoing criteria relating to regulatory compliance.

- a. The rate of student visa applicants applying for protection visas (PV) is a key programme integrity measure, however it is not currently included when assessing the immigration risk outcomes of an education provider's students. Do you consider that the assessment of an education provider's immigration risk outcomes may be compromised by not incorporating PV statistics? Why or why not?
- b. Are there other immigration risks that you would like to see included in the risk framework that are not currently taken into account?
- c. Are there any other types of risk that you would like to see considered when determining eligibility for streamlined-type processing? If so, why do you consider these to be important?
- d. Do you consider the 100 'active student visa' requirement to be an appropriate threshold for determining an education provider's eligibility to participate in SVP? If not, how would you change this threshold while still maintaining statistical confidence in an education provider's immigration risk outcomes?
- e. Do you have any additional comments on the SVP assessment process?

8. Opt-in application process

Currently, education providers are formally invited to opt in to SVP and receive a set of guidelines outlining the accountability arrangements and conditions underpinning access to SVP (see www.immi.gov.au/Business/Pages/education-providers/streamlined-visa-processing-arrangements.aspx). To join SVP, education providers are required to submit an opt-in application form for each CRICOS provider code issued with an Invitation to Participate, including a declaration, education provider plan and educational business partner nominations (see [Appendix B](#)).

- a. Do you consider that formal opt-in applications for providers are necessary or are there alternative ways that access to streamlined arrangements could be managed, particularly if SVP is expanded further?
- b. How do you consider that the SVP opt-in application process could be simplified?

9. Business partners

Participating SVP providers may package the main course of study with a preliminary one (such as ELICOS) offered by a nominated educational business partner, who must be listed in the relevant legislative instrument under the *Migration Regulations 1994*. The instrument specifies that educational business partners are linked to a particular eligible education provider that is responsible for the outcomes of SVP students packaged with their educational business partners.

Under current arrangements, in approximately January, April and August each year, SVP providers must confirm their educational business partner arrangements in writing with DIBP. In addition, they are responsible for advising DIBP of any material changes to the CRICOS registration of their nominated business partners, including changes due to National Registration and change of ownership.

- a. Are the current business partner arrangements effective or do you consider that it should be possible for SVP providers to package with any provider they have an arrangement with (without needing to formally nominate them as SVP business partners)? Why or why not?

10. Deregulating the student visa programme

It is a key priority of the government to reduce red tape and improve productivity and international competitiveness. The student visa programme could potentially be simplified by reducing the number of visa subclasses, making it easier for education providers and students to understand and use them.

Currently, there are eight subclasses in the student visa programme:

- Independent ELICOS Sector (570)
 - Schools Sector (571)
 - VET Sector (572)
 - Higher Education Sector (573)
 - Postgraduate Research Sector (574)
 - Non-Award Sector (575)
 - Foreign Affairs or Defence Sector (576)
 - Student Guardian (580).
- a. Do you consider that the eight student visa subclasses should be reduced? If yes, how would you propose to streamline?
- b. Are there any other requirements within the student visa framework that you believe should be considered for possible deregulation?

Consultation and timeframes

This discussion paper has been prepared to seek your views on the issues raised. We welcome your response to the issues for consideration listed in Part 1 and 2.

Responses should be provided by Friday 19 December 2014 and can be emailed to Student.Policy.Projects@immi.gov.au or posted to:

Department of Immigration and Border Protection

Student Policy Projects

Attn: Michael J Ferguson

PO Box 25

BELCONNEN ACT 2616

Submissions may be published on DIBP's website. The name of the person and/or the organisation making the submission will be included if published, however care will be taken to remove personal contact details. Published documents will be converted to meet web publishing requirements and may have a different appearance to the document that was originally submitted.

Confidential submissions should be sent separately from any public submission and clearly marked as confidential and not for publication.

Acronyms and glossary of terms

AL	Assessment Level. Each country, across each education sector, is assigned an AL which is based on the calculated immigration risk posed by students from that country studying in that education sector.
CRICOS	The Commonwealth Register of Institutions and Courses for Overseas Students. Only education institutions registered under the ESOS Act and listed on CRICOS can enrol overseas students studying in Australia on a student visa.
DIBP	Department of Immigration and Border Protection. The Australian Government department that manages the visa process for people who want to visit, work, study or live in Australia.
ESOS Act	The Educational Services for Overseas Students (ESOS) Act 2000 sets out the legal framework governing delivery of education to overseas students studying in Australia on a student visa. The Act is administered by the Department of Education.
GTE	Genuine Temporary Entrant requirement. The first criterion applied in assessing an applicant's eligibility for a student visa. Student visa applicants are assessed on whether they indicate that their main aim is for a temporary stay in Australia to study.
PV	Protection visa. This visa forms the onshore part of Australia's Humanitarian Programme and offers protection to people in Australia who engage in Australia's protection obligations under the Refugees Convention.
Rate of PV	The percentage of student visa holders who apply for Protection Visas once they are onshore in Australia, by passport country.
Student visa	Student visas are temporary visas that allow foreign nationals to come to Australia for a specified period to study at an Australian educational institution.
SVP	Streamlined visa processing. Students enrolled in an advanced diploma, bachelor, masters or doctoral degree, or in an eligible exchange programme at a participating provider generally have lower visa evidentiary requirements, irrespective of their country of origin. In practice, SVP eligible students generally receive simpler and quicker visa processing.
Temporary Graduate visa (subclass 485)	<p>The Temporary Graduate visa (subclass 485) permits international students to live, study and work in Australia after they have finished their studies. The visa has two streams:</p> <ul style="list-style-type: none"> • Graduate work stream – for international students with an eligible qualification who graduate with skills and qualifications that relate to an occupation on the Skilled Occupation List (SOL). A visa in this stream is granted for 18 months. • Post-Study Work stream – for international students who graduate with a higher education degree from an Australian education provider, regardless of their field of study. This stream is only available to students who applied for, and were granted, their first student visa to Australia on or after 4 November 2011. A visa in this stream can be granted for up to four years from the date the visa is granted, depending on the visa applicant's qualification.

VET

Vocational Education and Training. Courses in the VET sector lead to the award of an AQF Certificate I, II, III and IV, VET Diploma, VET Advanced Diploma or Advanced Certificate.

OPT-IN APPLICATION FORM FOR NON-UNIVERSITY HIGHER EDUCATION AND VET SECTOR PROVIDERS

This form must be completed by each Education Provider (non-university) that has been invited to participate in SVP and that wishes to opt-in to the SVP Arrangements.

Note:

1. If a university wishes to opt-in to the SVP Arrangements they must use the opt-in application form for universities and not this application form.

2. Educational organisations with multiple CRICOS codes must submit one opt-in application form per CRICOS Provider Code issued with an Invitation to Participate.

Instructions are in blue italics. Please remove text in blue italics prior to submission to the Department of Immigration and Border Protection (the Department).

PART A: [EDUCATION PROVIDER NAME] DECLARATION

The Education Provider must include a declaration by the Principal Executive Officer of the Education Provider in the following form, without alteration or variation:

DECLARATION BY EDUCATION PROVIDER


I, **[insert name, address and occupation]**, declare that I am the Principal Executive Officer of the Education Provider and that I have the authority and capacity to make the following statements and declarations in this Application on behalf of the Education Provider:

1. [Name of Education Provider, trading name as recorded in PRISMS, CRICOS Provider Code] (**the Education Provider**) submits an Application to opt-in to the Streamlined Visa Processing (SVP) Arrangements.
2. The Education Provider:
 - (a) Has read and understands the Guidelines;
 - (b) Undertakes to continue or to put in place the strategies listed in Part B of this document;
 - (c) Will use its best endeavours to meet and continue to meet the Assessment Criteria; and
 - (d) [Is/ Is not] subject to any pending regulatory action.
3. The Education Provider
 - (a) Consents to the Department obtaining information about the Education Provider from the relevant designated authority for regulation where such information is required by the Department under the Guidelines and on the basis that the Department agrees to treat the information as commercially sensitive.

The designated authority for regulation may include (but is not limited to) the Tertiary Education Quality and Standards Agency (TEQSA) and the Australian Skills Quality Authority (ASQA).
 - (b) Consents to the designated authority for regulation providing to the Department the information required by the Department under the Guidelines (where provision of the information is not otherwise prohibited). The Education Provider acknowledges and agrees that this consent allows for the

provision of information to the Department by the designated authority for regulation notwithstanding any limitation or restriction on the provision of this information that does or may exist under legislation or otherwise in the absence of this consent. Where applicable this consent amounts to a consent under such legislation allowing the information to be provided to the Department.

- (c) Agrees that if the form of consents in paragraphs 3(a) and 3(b) are not sufficient for the purposes of any applicable legislation or otherwise to enable the designated authority for regulation to provide to the Department such information as is required by the Department under the Guidelines, the Education Provider will provide, upon request, a further consent required in order to allow the designated authority for regulation to provide to the Department the information required by the Department under the Guidelines (where provision of the information is not otherwise prohibited);
 - (d) Consents to the Department providing a copy of this Declaration to the designated authority for regulation as evidence of the consent of the Education Provider to the Department being provided with the information required by the Department under the Guidelines;
 - (e) Consents to the Department publishing information, as identified in the Guidelines, about the Education Provider's performance against the Assessment Criteria and the status of the Education Provider; and
 - (f) Consents to the Department publishing on the Department's website the Education Provider's 'for publication' version of the Education Provider Plan (Part B of the Application Form).
- 4. The Education Provider acknowledges and agrees to the Department using information about the Education Provider obtained from the relevant designated authority as part of its assessment of the Application against the Application Assessment Criteria and the Education Provider's compliance against the On-going Assessment Criteria.
- 5. The Education Provider acknowledges:
 - (a) That the Education Provider's access to the SVP Arrangements will be dependent on the Education Provider meeting and continuing to meet certain criteria, including maintaining performance benchmarks, as set out in the Guidelines;
 - (b) That the Education Provider's performance against the benchmarks set out in the Guidelines will be formally reviewed by the Department approximately every 12 months;
 - (c) That if an Education Provider does not meet and continue to meet the benchmarks or the criteria set out in the Guidelines then the Education Provider may lose access to the SVP Arrangements for its students;
 - (d) That the Education Provider is responsible for the actions and outcomes of their nominated educational business partners as an integral part of participating in the SVP Arrangements; and
 - (e) That prospective students will not have access to SVP Arrangements if they choose to lodge a Student visa application prior to the Education Provider confirming enrolment through the issuance of Confirmation of Enrolment.



6. The Education Provider acknowledges and agrees that the Department is not liable in any way to an Education Provider in relation to implementation or management of the SVP Arrangements, or any action taken under these Guidelines including, without limitation, the assessment process, benchmarking or when and if the Department:

- (a) varies or terminates all or any part of the assessment process or the Guidelines;
- (b) varies or amends any part of these Guidelines; or
- (c) exercises or fails to exercise any of its other rights under, or in relation to the Guidelines.

Signed

Witness

[Position]

[Full name]

[Education Provider]

[Date]

[Date]

PART B – EDUCATION PROVIDER PLAN

The Education Provider Plan is to cover the period following commencement of the SVP Arrangements for non-university Education Providers, ie November 2014, when the arrangements commence, to 30 June 2016, when the arrangements end. Education Providers must also consider the matters set out in paragraph 58 of the Guidelines, and note that some responses require certain material or data to be provided as part of the Education Provider Plan. All parts of the Education Provider Plan must be completed.

Length of Education Provider Plan: Where possible, please limit the Education Provider Plan to 30 pages or less.

Note:

1. The 'for publication' version of your Education Provider Plan must address each of the Application Assessment Criteria but, as it will be published on the Department's website, must not include material considered commercially sensitive or information that is market sensitive. The 'for publication' version must be updated whenever the Education Provider Plan is amended.
2. The Department recognises that some of the strategies detailed in your Education Provider Plan may also apply to other Education Providers (CRICOS Provider Codes) within your organisation. However, the Education Provider Plan must focus on strategies and arrangements in place for the specific CRICOS Provider Code at question 1a.
3. If you currently do not have strategies in relation to any of the matters below, you may wish to include information setting out how you will implement arrangements to address these matters during the time period of this Education Provider Plan.
4. Arrangements and strategies should be consistent with the relevant parts of the ESOS 'National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (National Code)', as amended from time to time'.

1. CRICOS Provider Codes

1a. CRICOS Provider Code covered by this Education Provider Plan

Information required: Please complete the table with details for the single CRICOS Provider Code covered by this Education Provider Plan.

CRICOS Provider Code	CRICOS registered name	Trading name	ABN
CRICOS Provider Code as recorded in PRISMS	CRICOS registered name as recorded in PRISMS	Trading name as recorded in PRISMS	ABN

1b. Additional CRICOS Provider Codes

Information required:

If your organisation is responsible for multiple CRICOS Provider Codes, please specify all additional CRICOS Provider Codes (irrespective of whether they are eligible to participate in these arrangements, or whether your strategies set out in this Education Provider Plan also apply to that CRICOS Provider Code). Please also state if your organisation does not have any additional CRICOS Provider Codes.

CRICOS Provider Code	CRICOS registered name	Trading name	ABN	Relationship to CRICOS Provider Code specified at 1a.
<i>CRICOS Provider Code as recorded in PRISMS</i>	<i>CRICOS registered name as recorded in PRISMS</i>	<i>Trading name as recorded in PRISMS</i>	<i>ABN</i>	<i>eg, partner institution of 12345A, NSW campus, ELICOS campus, franchisee, etc</i>

2. The number of overseas students the Education Provider intends to recruit in the time period covered by the Education Provider Plan (November 2014 to 30 June 2016), and the countries in which it intends to focus its recruitment efforts.

Background

Education Providers may need to take different approaches to their recruitment policies in recognition of the different immigration risks present in different regions around the world. Provision of this information will assist the Department to better target its resources to ensure that the benefits of faster visa application outcomes can be realised under the SVP Arrangements.

Information Required

Please provide the most current information about intended international student numbers and countries in which your organisation intends to focus its recruitment for the time period covered by the Education Provider Plan (November 2014 to 30 June 2016). If your organisation has multiple CRICOS Provider Codes, please provide data only for the CRICOS Provider Code covered by this plan and declaration.

Please also include, as relevant, information about:

- how you work overseas, for example how you engage/link with embassies/consulates/high commissions; and*
- how you identify emerging markets and what strategies you have to identify suitable markets of genuine students and genuine temporary entrants.*

3. The percentage of overseas students to domestic students at the Education Provider in the past 5 years and expected over the period of the Education Provider Plan, and in the higher education courses most popular with overseas students.

Background

This information will assist the Department to better target its resources to ensure that the benefits of faster visa application outcomes can be realised under the SVP Arrangements.

Information Required

Please specify the percentage of overseas students to domestic students at each CRICOS Provider Code in the past five years and expected over the period of the Education Provider Plan, and in the courses most popular with overseas students. Education Providers may also wish to provide domestic to international percentages for each course level.

4. Strategies to ensure that education agents recruit quality students – not just volumes of students.

Background

Many Education Providers rely on education agents to vet prospective students. Ensuring that your education agents are aware of your enrolment requirements and removing financial incentives for agents to recruit volumes rather than quality students can help Education Providers to target their international student enrolment towards low immigration risk students. For example, Education Providers may look at student outcomes, eg proportion of students finishing courses, students who change courses but remain at the Education Provider, to identify any issues with their strategies and arrangements in relation to agent recruitment of prospective students.

If agency agreements require recruitment of a certain number of students, the panel may question whether these arrangements undermine the quality of student recruitment.

Information Required

Please provide information, as relevant, about:

- how you ensure your agents recruit quality students (including details of agent/sub-agent recruitment policies and procedures, how your organisation defines “quality students”, how agents deal with potential conflict of interest, duration of agreements, and examples of agreements or extracts from agreements if appropriate);*
- how you monitor agent/sub-agent advertising, including website advertising;*
- any agent training that you provide;*
- how agents are monitored against their agreements (including review periods, if applicable, and monitoring against student progress, penalties for unscrupulous conduct or underperformance), how information is communicated to agents and what checks are done when contracts are renewed;*
- what checks agents (and sub-agents, as relevant) are required to undertake and if required, how they verify documentation and claims of a prospective student;*
- the expected level of agent representation in different countries, including the use of sub-agents;*
- whether you consider remuneration of agents service as an incentive or disincentive to recruit quality students;*
- what benchmarks you set to determine whether you will make an agreement with an agent.*

Please include information about strategies currently in place and any strategies you are developing that you propose to implement during the period of this Education Provider Plan.

5. Processes and policies to evaluate enrolment applications from prospective students.

Background

The information you provide in this section can assist the Department to understand your enrolment requirements and the arrangements you have in place to evaluate students, and to help you identify any gaps in relation to immigration risk that you may wish to consider in your recruitment practices.

Information Required

Please provide information, as relevant, about:

- your enrolment requirements, including any documentation required;
- how you assess whether the applicant meets the enrolment requirements (including whether this is done by agents, admissions staff, what sort of verification of documentation or claims they undertake (if any). Details about English language proficiency and financial capacity may be included under questions 7 and 9);
- what training is provided to staff and agents who assess applications.

Please include information about strategies currently in place and any strategies you are developing that you propose to implement during the period of this Education Provider Plan.

You may also wish to provide information about how you will respond to potential increases in "non-genuine" student applicants that access to SVP Arrangements may attract.

6. Arrangements or strategies to minimise incentives for students to deliberately arrive under AL1 type arrangements and then purposely transfer out of or otherwise change their provider to take advantage of the SVP Arrangements.

Background

While there may be legitimate reasons for students to change courses after arrival in Australia, significant numbers of students transferring out of their courses presents an immigration risk. Student visa holders who change to a course of study that is in a different sector to that which was the basis for visa grant must apply for a new visa otherwise they are breaching the conditions of their visa and may have their visa cancelled.

Information Required

Strategies should include how the Education Provider minimises the risk of students purposefully transferring courses to those that would not be eligible for streamlining once assessed against the reduced Student visa (similar to AL1) requirements.

Please provide (as relevant):

- information about strategies or arrangements you have in place to safeguard against your institution issuing CoEs that are subsequently cancelled prior to course commencement;
- examples of how you ensure students' progress through programmes;
- what feedback you will provide to the Department when there is indication of abuse of streamlining provisions and in what timeframes this will occur;
- information about how you identify that students are not progressing;
- information about how you monitor student behaviour and feed this into recruitment strategies;
- details of the criteria you have to allow students to transfer or otherwise change courses/providers, for example does a student have to have compelling compassionate reasons for the change.

Please include information about strategies currently in place and any strategies you are developing that you propose to implement during the period of this Education Provider Plan.

You may also wish to provide information about how you will respond to potential increases in downgrading or course transfers from student applicants that access to SVP Arrangements may attract.

7. Strategies in place to ensure that students have appropriate levels of English language proficiency at the commencement of their courses.

Background

Appropriate levels of English language proficiency at commencement of a student's course is an important aspect of a Student visa holder complying with the conditions of their visa. For example, a student who struggles with English language proficiency from the outset may be at greater risk of not meeting performance and attendance conditions of their visa or may need to extend their stay in Australia if they are required to repeat units, or undertake additional ELICOS courses.

Information Required

Please provide examples of how you ensure appropriate levels of English language proficiency of prospective students, including (as relevant):

- *how you verify English language proficiency*
 - *online verification, including whether you verify all applications, a proportion of applications and how you identify which applications to verify;*
 - *interviewing all or a selection of prospective students and how you identify what students to interview); and/or*
 - *other arrangements.*
- *what records you keep of this activity;*
- *what action you take where fraud is identified;*
- *strategies to ensure that impostors were not used to obtain English testing results;*
- *what arrangements you have in place to ensure that English language test scores are recorded on CoEs, where appropriate.*

Please include information about strategies currently in place and any strategies you are developing that you propose to implement during the period of this Education Provider Plan.

8. Strategies in place to ensure that students continue to develop their English language proficiency during their studies.

Background

Ongoing English language proficiency is an important aspect of a Student visa holder complying with the conditions of their visa. For example, a student who struggles with English as their course progresses may be at greater risk of not meeting performance and attendance conditions of their visa.

Information Required

Please provide (as relevant):

- *examples of how you ensure students continue to develop their English language proficiency during their studies;*
- *information about what training you provide staff to identify students at risk in relation to ongoing development of English language proficiency; and*
- *any other relevant information.*

Please include information about strategies currently in place and any strategies you are developing that you propose to implement during the period of this Education Provider Plan.

9. Strategies in place to ensure that students have sufficient funds to support themselves and any dependants during their studies.

Background

Access to adequate funds is critical for helping students to successfully complete their studies in Australia. A student experiencing financial difficulties may be forced to work more than allowed on their Student visa, potentially at the expense of their studies and potentially exposing them to exploitation. Strategies need to include what your organisation considers in assessing financial ability (tuition, living costs, school costs for school aged children, etc) and how it does this.

Please note that while there will be no requirement for Education Providers to undertake detailed financial checks of the financial bona fides of prospective students, Education Providers will need to identify strategies to satisfy themselves that students are likely to have sufficient funds to support their studies and any dependants during their stay in Australia.

Please note students should not overly rely on income they may be able to generate by working in Australia.

Information Required

Please provide examples of how you satisfy yourself that students will have adequate funds to support their studies, including (as relevant):

- what information you provide to students about the estimated cost of living for the duration of the course (including course fees);*
- whether you require any documentation in support of applicants' claims in relation to financial capacity and how you assess those;*
- what checks your agents are required to undertake in relation to financial capacity and how you support them to undertake checks (for example, developing checklists).*

Please include information about strategies currently in place and any strategies you are developing that you propose to implement during the period of this Education Provider Plan.

10. Details of how the Education Provider manages cases whereby students do not have sufficient funds to support themselves and their dependants during their studies.

Background

Strategies would need to include how the Education Provider would take responsibility for assisting the student – i.e. Education Provider should not just be referring student to others.

Information Required

Please provide examples of how you manage such cases, including specifying any services you provide direct to students and any external services that you refer students to.

Please include information about strategies currently in place and any strategies you are developing that you propose to implement during the period of this Education Provider Plan.

11. Strategies in place to assist students to comply with their visa requirements.

Background

It is important that Education Providers are aware of the types of visas that their overseas students are on and to be familiar with the conditions of those types of visas so they may assist their overseas students to comply with the conditions of their visa, as well as provide information to prospective students about visa application requirements.

Information Required

Please provide examples of how you assist students to comply with their visa requirements, including (as relevant):

- *what information you provide to your students about Student visa application requirements;*
- *what communication strategies are in place for working with students to ensure they are aware of the options and obligations in relation to visa compliance;*
- *what action you take if a student provides false or fraudulent information;*
- *what actions you take when allegations regarding students' compliance with their visa conditions are received;*
- *what strategies you have in place or intend to undertake in relation to ensuring that Student visa applicants lodge complete applications.*

Please include information about strategies currently in place and any strategies you are developing that you propose to implement during the period of this Education Provider Plan.

12. Any other matter the Education Provider considers relevant.

Information Required

Please include any other matter your organisation considers relevant.

PART C – EDUCATIONAL BUSINESS PARTNER NOMINATIONS

[EDUCATION PROVIDER]

Educational Business Partners nominated for SVP Arrangements:

Educational Business Partner's Provider Code	Educational Business Partner's Provider Organisation Name	Educational Business Partner's Provider Trading Name
<i>Insert the CRICOS Code of each of your educational business partners</i>	<i>Insert the organisation name as recorded in PRISMS</i>	<i>Insert the trading name as recorded in PRISMS</i>

Results of SVP provider survey – December 2014

The Department conducted an online survey of education providers currently participating in the SVP arrangements in December 2014. Survey results are shown below.

Figure 1: Most time-consuming responsibility in managing SVP

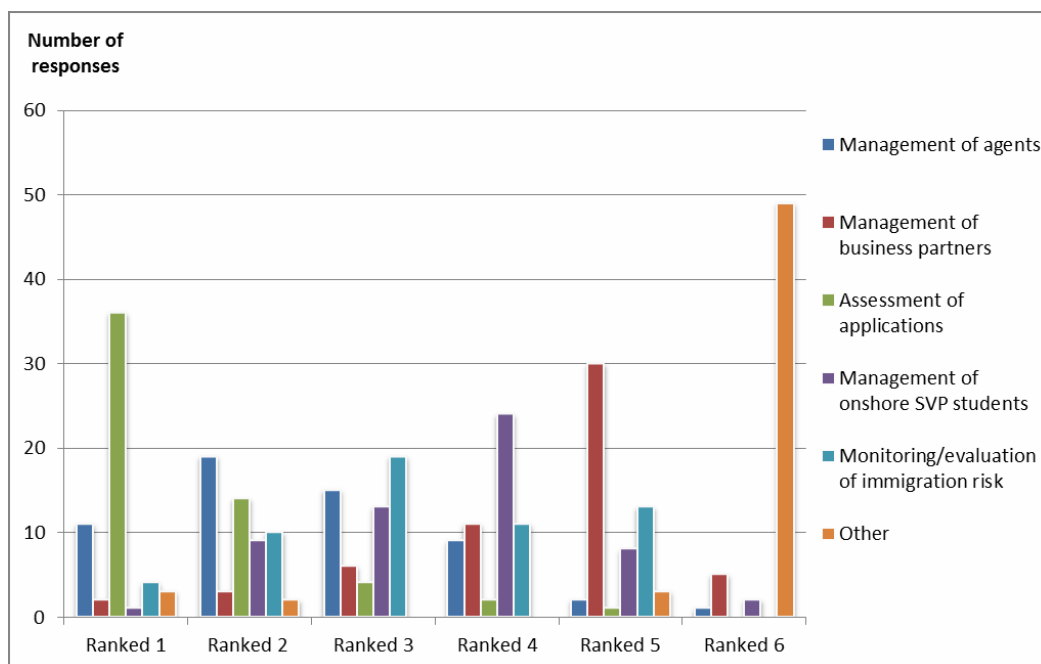


Figure 2: Number of staff required to manage SVP responsibilities

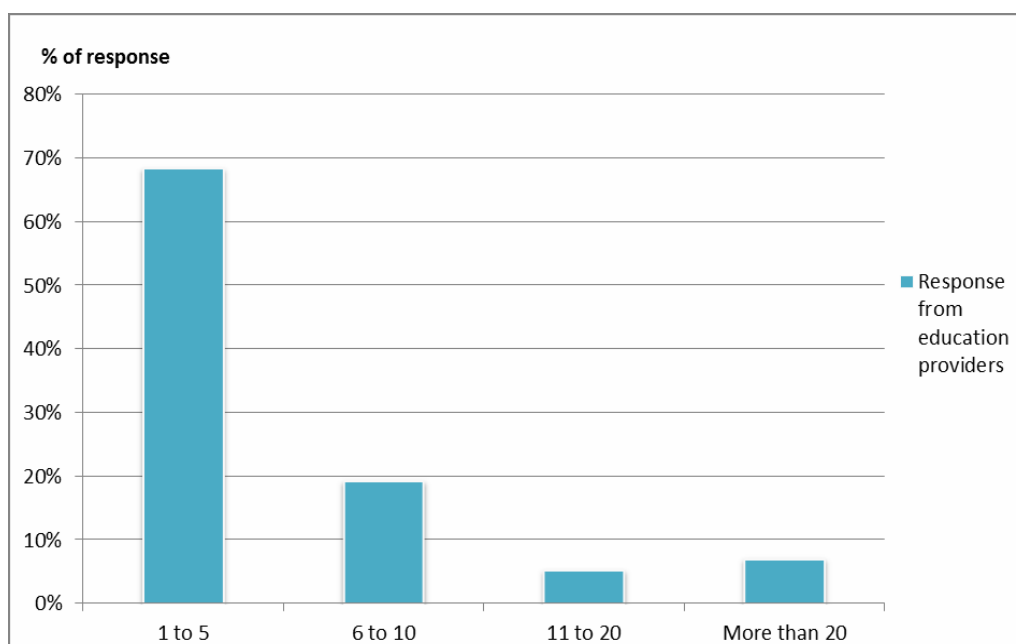


Figure 3: Evidence of funds

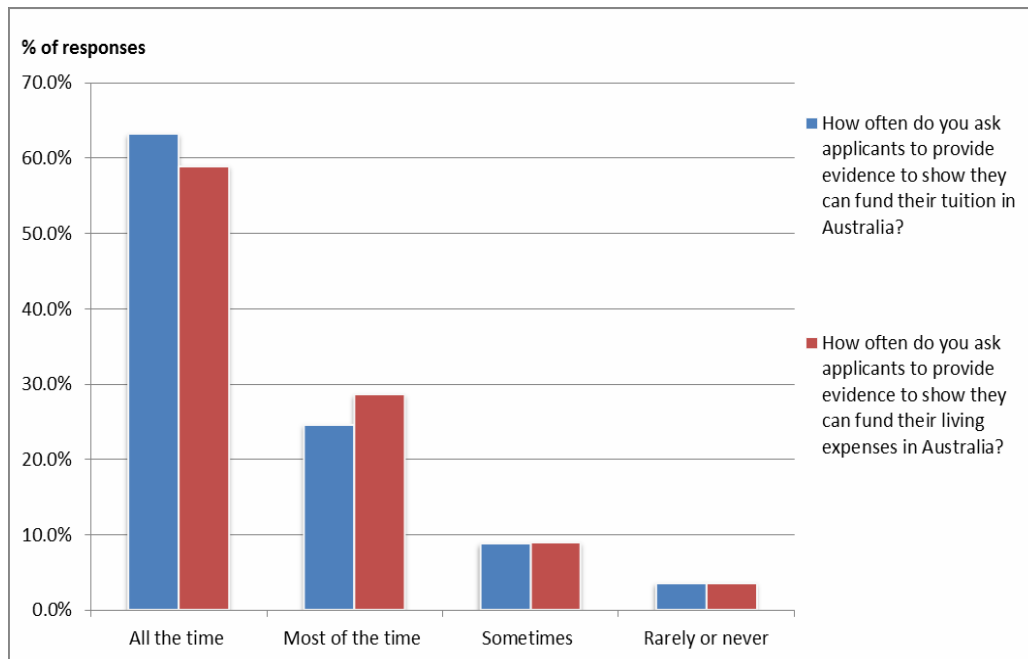


Figure 4: Percentage of applicants interviewed

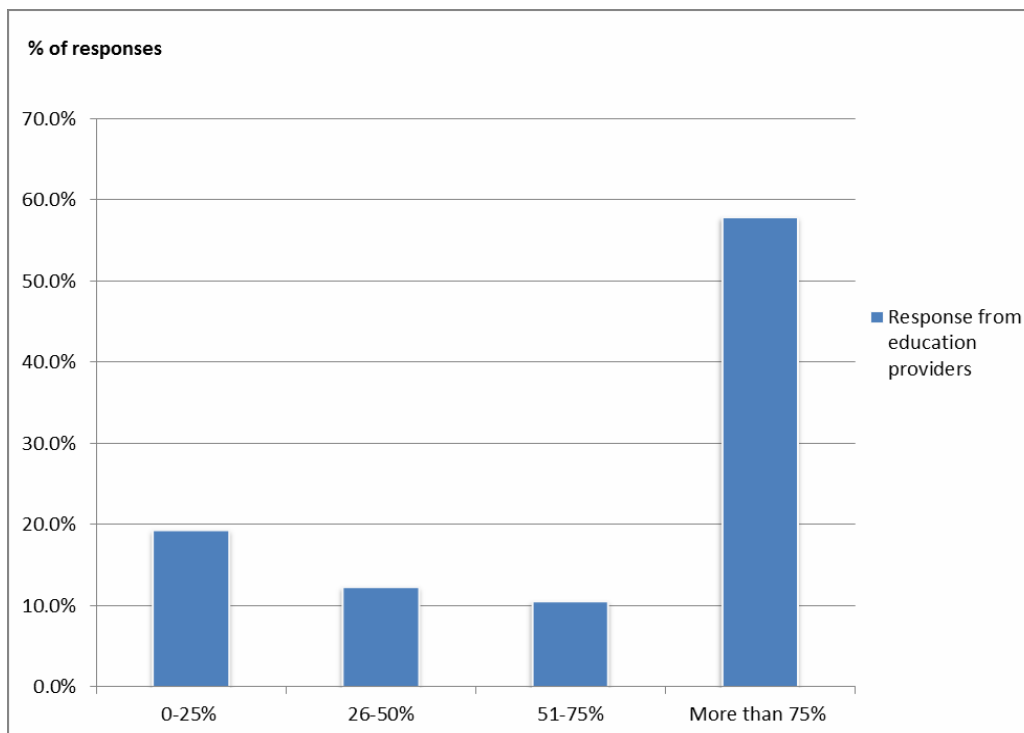


Figure 5: Who conducts student interviews

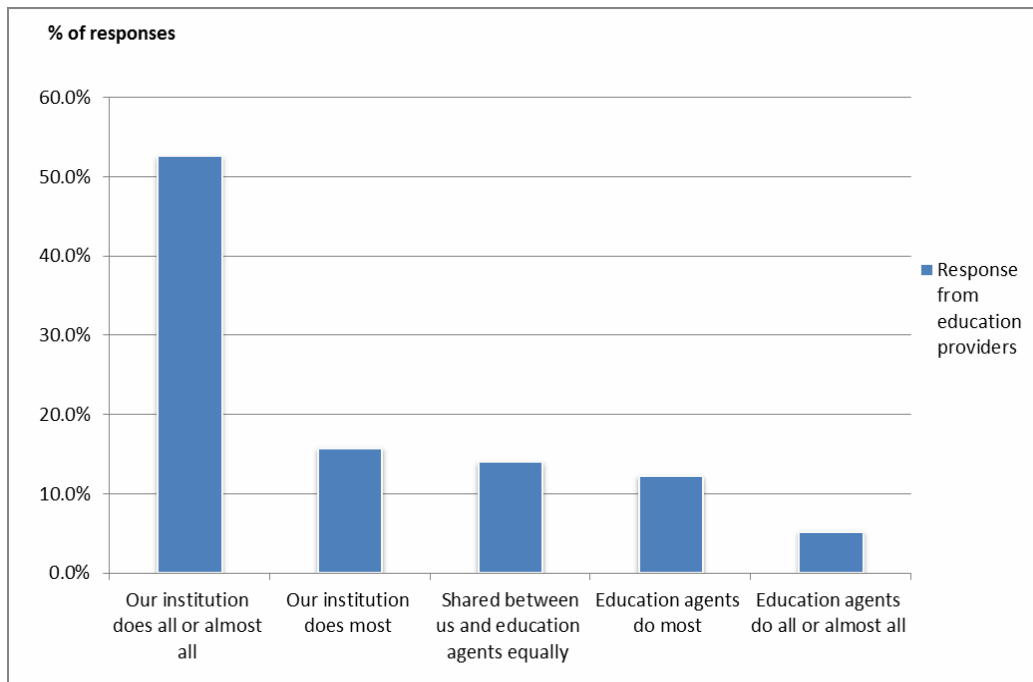


Figure 6: Change in the number of non-genuine students seeking enrolment since commencing SVP

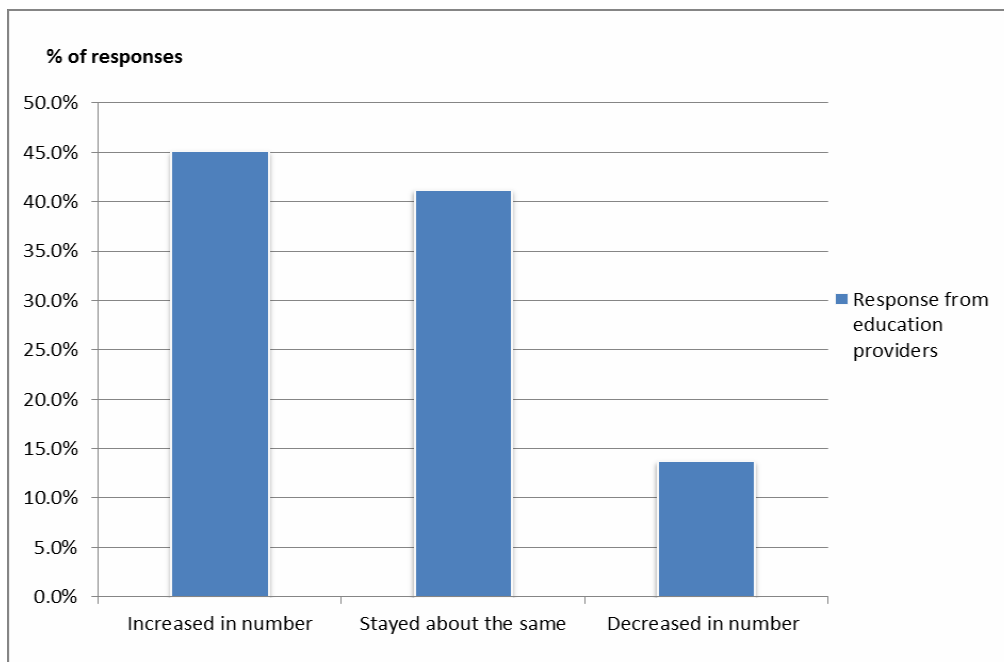


Figure 7: Percentage of students rejected because they were perceived not to have a genuine intention to study

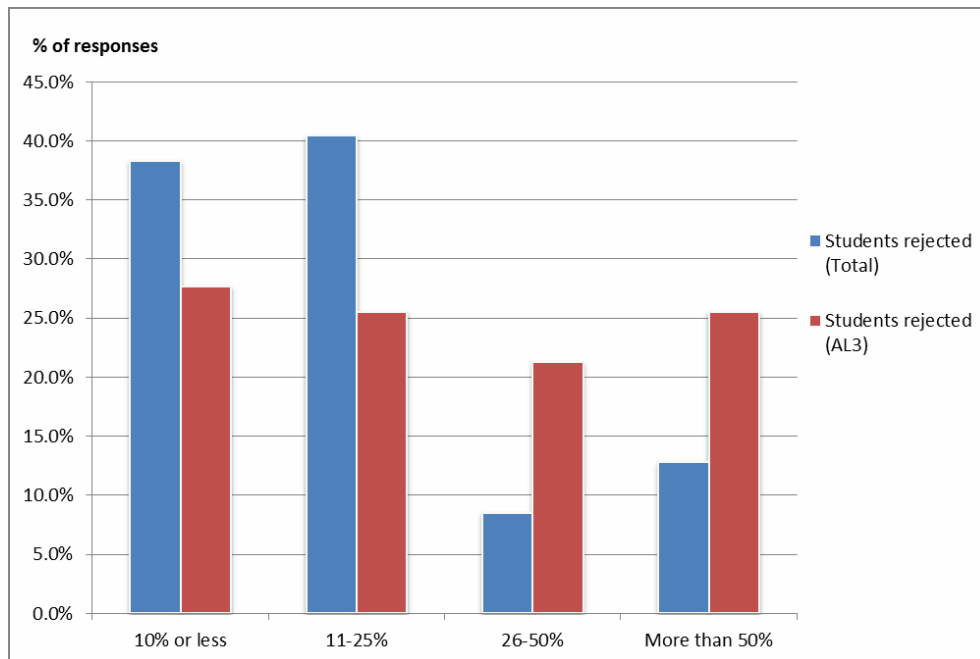
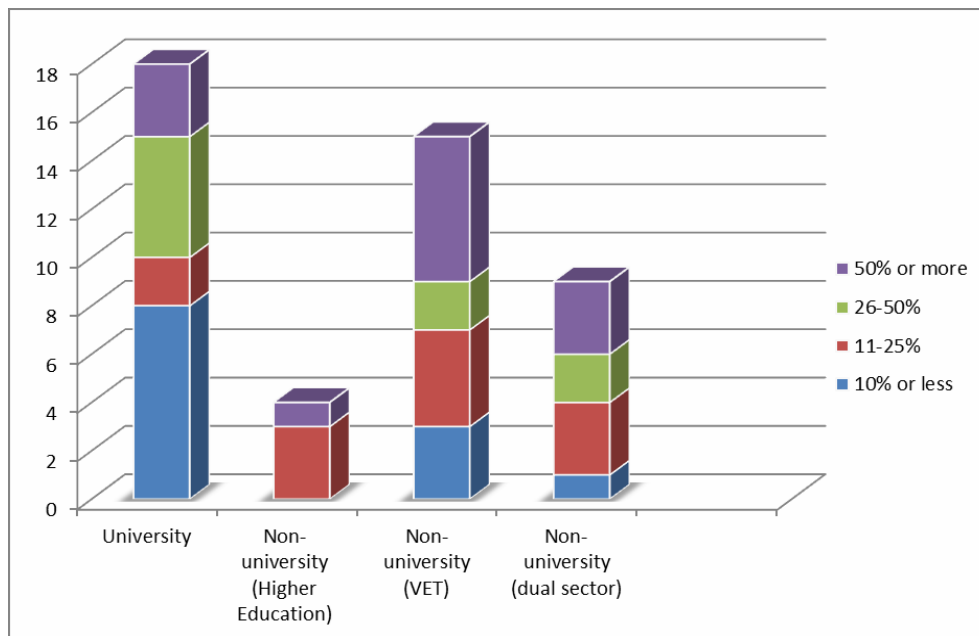


Figure 8: Percentage of applicants that would ordinarily be AL3, e.g. from India, China and Vietnam, that were rejected because they were perceived not to have a genuine intention to study



Submissions received

1. Australian Council for Private Education and Training
2. Australian Government Schools International
3. Australian Skills Quality Authority
4. Austrade
5. Box Hill Institute
6. Chisholm Institute
7. Commonwealth and Overseas Students Ombudsman
8. Council of Private Higher Education
9. Confidential
10. Department of Education
11. Department of Prime Minister and Cabinet
12. English Australia
13. Future Academy
14. Government of New South Wales
15. Government of South Australia
16. Government of Tasmania
17. Government of Victoria
18. Government of Western Australia
19. Group of Eight
20. Independent Schools Council of Australia
21. Innovative Research Universities
22. International Education Association
23. International Education Association of Australia
24. James Cook University
25. JMC Academy
26. Melbourne Polytechnic
27. TAFE Directors Australia
28. Tertiary Education Quality Standards Agency
29. Universities Australia
30. Confidential
31. University of Wollongong
32. William Angliss Institute