



**National Liaison Committee
For International Students
In Australia Inc.**

**Response to
Evaluation of the General Skilled
Migration Categories Report, March 2006**

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1. Introduction

National Liaison Committee for International Students in Australia (NLC) is the peak representative body for international students in Australia and represents all international students regardless of the sector in which they study. NLC's main focus is to ensure that international students in Australia gain the qualification they paid for, to the standard they are entitled and expect, and achieve a successful academic outcome, through a positive experience in Australia. NLC seeks to achieve this goal by representing international students on institutional, state and federal levels, at all times seeking the outcomes that are in the best interest of the international students.

The report into the evaluation of the general skilled migration categories is extremely important to NLC as most of the changes recommended in the report will affect international students in both negative and positive ways and NLC welcomes the opportunity to submit comments on these recommendations.

While a large number international students who complete qualifications in Australia apply for permanent residency, NLC is often provided with anecdotal evidence that many international students do not come to study in Australia with the sole intention of gaining permanent residency, but rather seek permanent residency as a result of the positive experience of study and life in Australia. The report's statistics with regard to educational choices and permanent resident applications disproves NLC's anecdotal evidence and this is of concern to NLC as it paints a negative picture of the international education sector's intentions with regards to international students.

NLC has been involved in a number of decisions made by the DIMA in recent years regarding changes to skilled migration requirements. This involvement has included letters opposing changes, submissions commenting on changes and letters commenting on circumstances surrounding the implementation of changes, such as time frames.

2. NLC's Key Priorities Regarding Skilled Migration And International Students:

- a. *Students get the education for which they have come to Australia and paid for.*

This is a priority that is highlighted in all areas of NLC policy and resonates through into the work that NLC does in regards to government lobbying, and liaising with industry bodies. In particular, the ESOS Act and the evaluation of the Act have been a top priority for NLC in the past two years as this document provides the necessary protection and assurance for international students that their education will be of the quality and standard they are led to believe by institutions and government.

- b. *Students are not misled in anyway in regard to the recognition of the qualification both in Australia and overseas, when gained and in future.*

The Australian international education sector has introduced many safeguards in which the reputation of the sector is protected and through these safeguards, the students who gain Australian qualifications either in

Australia or offshore are reliant on this reputation to ensure that their qualification is recognised offshore, in the students home country and other countries students may reside to work or further study as well as in Australia. This is just as important for domestic students as it is for international students and is also important for the future recognition of the qualification as it is today. Students are eligible to be employed in the fields related to the qualification, and are able to be competent employees with skills at the standard expected of graduates of the qualification achieved

c. When searching for employment in Australia, students do not face discrimination on the grounds of nationality

It is becoming increasingly apparent to international students in Australia that finding full time graduate employment or even part time employment to supplement income while studying, that they are facing discrimination as they are not Australian citizens. Many students are unable to obtain traineeships, internships and semester break employment for these reasons, and employers cite migration/visas reasons for not employing international students. This problem is becoming worse with the introduction of recent visas that are designed to bring in unskilled migrant workers, which have gained negative media attention as well as exploiting workers from overseas through lack of protection for the visa holder.

d. The application process for skilled migration is fair and reasonable and takes into consideration time and financial constraints experienced by international student graduates

NLC would like the process for permanent residency for international students to be dealt with in timely manner that allows international students enough time to prepare for migration or prepare to leave Australia. Long processing delays are not beneficial to international students as they prevent students from giving prospective employers definitive information about the students long term prospects as an employee.

e. The changes to skilled migration programs consider students currently studying in Australia when setting implementation dates for changes.

Previous changes to immigration laws affecting permanent resident applications have often left current students disadvantaged because of cut off dates or implementation dates. It is NLC's belief that all implementation of changes should give careful consideration to current international students studying in Australia. In addition, NLC believes that education institutions should not be permitted to give any indication to prospective students about graduates' ability to gain permanent residency, due to the nature of the implementation of changes to requirements in PR applications.

f. International students in Australia are provided information on protection for employees under workplace laws in Australia and skilled migration programs have measures to ensure visa holders are not able to be exploited as employees

In recent media campaigns, there are many cases of exploitation of migrant workers due to the new changes to industrial relations laws and workplace agreements. NLC is concerned that international students who are granted permanent residency are also in danger of being exploited in

the workplace through their lack of understanding of Australian industrial laws and work rights for workers in Australia.

3. NLC Comments On The Recommendations In The Report

This submission will now address each recommendation in the report and put forward suggestions that will seek to ease any foreseeable negative affects on international students.

The report addresses the priorities behind the current system and the principles that determine the recommendations in the report. NLC agrees in the most part with many of the principles as they are largely in the best interest of international students. Such as, the lack of diversity in the current occupations of international students granted permanent residency, English language ability should be a key threshold requirement to give students the best opportunity to find employment in their occupation, the occupations and training of permanent residents should meet the needs of employers in Australia, and not be to the detriment of the international and domestic graduates, such that there is high unemployment in either group. International students could also benefit if they were able to gain work experience in their field of study prior to seeking permanent residence.

3.1 New Work Experience Visa – Replacing 497.

The report gives a limited amount of information about the introduction of a new visa that will replace the current Graduate Skilled visa (subclass 497) and offer up to two years stay in Australia for international students to work full time or complete extra professional, vocational training in their chosen field. This visa is theoretically an idea that NLC would show support for, however there are many areas that detail needs to be provided prior to NLC support.

- The first area is the way in which the length of the visa is determined. The report simply states that the visa will be 18 or 24 months, without giving criteria for determining the visa length. NLC understands that it would be beneficial to have varying lengths to the visa, it should be more clearly outlined how these lengths would be determined on a case by case basis. Currently the 497 is a six month visa only.
- It is unclear in the report which students would be eligible to apply for this visa. In the first instance it is noted that applicants who can't achieve 120 points for the subclass 880 visa application when they graduate would be permitted to apply however further on in section 5.6 there is information that clearly determines that the applicants must have minimum levels of higher education and a 50 point occupation or a 60 point occupation.
- It is unclear if the new visa will be named the 497 visa, it is at one point in the report referred to as this.
- The new visa detail needs to include what visas the holder may apply for as a holder of the new 497. NLC would like to see these visa holders given the ability to apply for other permanent visas such as all onshore skilled migration visas, employment sponsored visas and any of the family sponsored visas.
- The ability of the visa holder to leave Australia during the length of the visa is not mentioned, this is important because international students need to be able to visit family following graduation or for cultural festivals in their home country. There is no mention of the visa being available to offshore applicants, and place of applicant at time of grant.

- There will need to be a new outline on the recent completion of the education qualification as this will be relevant to the permanent residence application and following the gaining of the new visa it would be more than 6 months since completion of the qualification.
- Information on the processing time and number of visas in this subclass have not been provided to further inform applicants if there will be a long wait for this visa therefore the grant of a bridging visas, and again if the visa is available to offshore applicants. Currently the 497 is only available to onshore applicants.
- Work experience: this section describes one of the two pathways in which new 497 visa holders will be able to use the granted visa time to gain the extra points required for subclass 880 visa application. There is no detail in the report on government promotion of such schemes, or investment in such schemes. Currently there is widespread media attention on the other migrant worker schemes and NLC is concerned with problems being encountered by students and exploitation in the workplace, such as the reports evidence that currently onshore overseas student graduates are being paid lower wages than domestic graduates. In addition, further problems for international students in finding employment, being given last preference in job applications under domestic graduates as is currently documented in the reports statistics on employment. There is little or no evidence to suggest that students will be able to find work experience, and if they do, will it be at the expense of a domestic undergraduate counterpart, particularly if the occupations of the graduates qualifications are not MODL listed occupations.
- Professional Year: again there is little detail provided on the protection for international students if they choose this path. Currently for international students, holders of students visas are only permitted to enrol in CRICOS registered courses, which provides protection for the student under the ESOS Act. The 'professional year' description does not give any indication to visa holders about what protection they have under the 'professional training' heading. Applicants need to be informed clearly about what protection they are given while they are in training, if these training providers are required to be registered under CRICOS, and what fees they will be required to pay.

3.2 Australian qualifications for subclass 880 visa

- The time period beforehand would need to change to 24 months prior to an application for applicants who are holders of new 497 visa.
- NLC agrees that the applicant should be required to have at least 2 years study for a qualification in the nominated occupation rather than the option of two one year qualifications in two different fields. If there are two different one year qualifications, they should be closely related and compliment one another or be at least two years in length each. This would ensure the student applicants have a stronger chance of gaining employment in their chosen professional field.

3.3 The basic work experience threshold

- It should be noted here that due to strict visa restrictions on student visa holders, they are very unlikely to have any amount of substantial work

experience in their nominated occupation other than time during semester breaks when they may be permitted to work full time, unless they were fortunate enough to have gained part time work during semester in the nominated occupation prior to gaining qualification. Therefore, with the changes in the reports recommendations, student visa applicants may not necessarily benefit from the changes from 2 out of the last 3 years to 12 months out of the last 24 months.

3.4 MODL and SOL Occupations

NLC agrees that there should be a review into the principles that determine the SOL occupations, and agrees that the 60 point category involve as suggested in the report high level academic and vocational skill and training. The 60 point category should contain most occupations that require a bachelor degree or higher qualification. Currently many graduates who have outstanding academic results and training vocationally are not eligible for a 60 point category. The MODL occupations need to be carefully listed to ensure that institutions are unable to function simply as permanent residency factories.

3.5 Extra points for MODL occupations

- It is very difficult for NLC to remain uncritical of the governments' policies and priorities regarding the changes that have been made over the previous 7 years in regards to permanent residency opportunities for international students. In short, the problems that have been outlined in the report have been the direct result of the changes and implementations the government has made, which have sought to reduce applicant numbers and ease administration backlog in the department, and not address skilled migration needs of the Australian employment market, nor the needs of the applicants. This has then been exploited by the opportunistic nature of the international education providers and the education marketing agents. While it has simply been changes to MODL lists and also permanent residency requirements regarding English language levels and qualification lengths that have created the problems in the current skilled migration program, the students who have missed out on residency because they are not accounting or computing students are the losers, as are the permanent resident visa holders who are unable to gain employment because they have been misled about what they are actually qualified to do and what Australian employers need and are looking for. (Nevertheless we have an abundance of over – qualified taxi drivers.) It is difficult not to question whether the revenue from the international education industry influenced the skilled migration changes. It is well documented that there are mostly international students in courses that lead directly to permanent residency and some institutions benefit greatly from this as does the Australian economy, without necessarily providing the highest quality education.
- NLC agrees that that there are changes needed to the MODL and one such change could be to remove the accounting profession from the list. NLC agrees that including a minimum of 12 months work experience in order for applicants to gain MODL points would further meet the needs of the employers in Australia and help international students who have been successful in obtaining the new 497 visa to then apply for permanent

residency. The students who have completed trade qualifications would be most benefited if they were to gain work while studying, however they would still be limited to 20 hours per week for the 24 months prior to applying, and only full time work during semester breaks. In all cases it would be unlikely that student visa holders would be able to gain the MODL points if they were attempting to use the points to gain the subclass 880 visa straight after completing their courses. NLC suggests that there is only one level of MODL points (either 20 or 15) and that the points are awarded if the applicant has the relevant work experience or has a job offer such as already required to achieve 20 points. It would seem unnecessary for the applicant to have experience if they have a job offer and unfortunate for them to be declined for permanent residency if they were not able to gain the required points but were assured employment in their qualified occupation.

3.6 Bonus Points

NLC agrees that the current bonus points that are provided for community language ability and work experience are performing a different function to the one originally dedicated to these areas and there is a need to change this section.

- Work experience points are not relevant to most international students because of their work limitations as students; therefore they would not be able to gain the experience.
- Community language ability – the removal of the community language on the basis of a qualification gained in a specified language is supported by NLC, and although it would give all graduates who come from a non English speaking background country an opportunity to gain an extra 5 bonus points towards their skilled migration application, it is another expense that they need to afford in addition to the many other tests they need to undergo for the application process. The test costs \$80 for each test, paraprofessional translator and interpreter tests. NLC suggests that as there will be a marked increase in the numbers of students who would be eligible to sit this exam solely for the purpose of permanent residency, compared with the number previously sitting the higher level test, the DIMA and NAATI negotiate to provide a concession fee for international students. NAATI will be also need to be consulted about the increase in demand for testing and therefore may need to increase testing times and locations.

3.7 English language

It is of extreme concern to NLC that students may complete a course in Australia over two or more years and still not be a competent English speaker. There are many problems within the English language testing area that need to be addressed and these are most apparent on institution campuses. Anecdotal evidence suggests that students in some institutions have difficulties in English and require extra English assistance to understand course content, and complete course requirements. Students with English language difficulties are in many ways misled when they are recruited for their courses as they are led to believe that they do have sufficient English language ability to successfully complete the course. The visa requirements for student visa applicants often now only require the institution to set the English language standards,

therefore, leaving it to clever marketing and revenue raising to determine these standards. This is the root of the problem, which then leads to graduates and subclass 880 visa applicants with low level English language ability, and low employment prospects despite their academic qualification. The solution is not simple however and NLC has in the past been in support of allowing institutions to set their own English language entry levels, with the understanding that should students have language difficulties in their course, the institution should provide extra assistance in English or students should complete Elicos courses as part of their studies. The new National Code of Practice (under the ESOS Act) will address these problems in the coming months. The skilled migration English language problems must also be addressed and the minimum level of English required for skilled migration should be enforced in order to ensure that graduates are able to gain employment easily and then work without English language difficulties.

3.8 Changes to the points given for English language ability

The points changes recommended in the report are a positive move towards rewarding applicants with high levels of English and these are often students who have studied in Australia for longer periods of time and therefore become more immersed in Australian community and education. As the report outlined, the problems encountered by students who look to gain employment with only a two year qualification (and now 16 months) and little or no interaction with the Australian community is directly related to their English language proficiency. Students who study in Australia for longer periods of time and complete bachelor degrees in three years and have done foundation or secondary schooling prior to this are well understood to have high levels of English and will find little or no difficulties in gaining employment using their qualifications. The minimum level of IELTS 6 is a move that will ensure applicants are able to communicate effectively in all modes of English, writing, speaking, listening and reading. With the points increased to 25 for a score of IELTS 7 many graduating students who may not have been able to be considered permanent residency previously because of either education level, or MODL points will now be eligible, and many others will be ineligible but will be able to apply for the new provisional visa for which they will be given opportunity to improve English language and gain valuable work experience.

4. NLC additional recommendations

The following are recommendations for applicants with extra abilities in areas that would be beneficial to gaining employment in their nominated occupation and settling in Australia. These points may be equivalent to those gained in the bonus points sections:

Additional points for passing Industry based language competence tests, testing vocational language knowledge

Additional points for students who have studied in Australia for over a certain length of time, ie, 5 years, and have gained a minimum level of qualification ie, bachelor degree or associate diploma. This would indicate that the student has completed secondary schooling, and tertiary study

5. Conclusion

NLC has welcomed the report into general skilled migration and the opportunity to put forward a response that represents the international students in Australia. This submission has focussed mainly on the affect all changes will have on international students and hopes that the changes will be implemented in a manner that is considerate of the international students currently studying in Australia. The report opens the door for many areas in need of further investigation, such as the need for a study into students' IELTS score in comparison to perceived their ability in English. Other study areas could include the future study of the subclass 495 SIR visa and the regional implications of this, the success of the current 497 visa and design of the new visa.