

Australia's Student Visa System: Communication, Compliance and Comparisons with Tier 4

by Dr Sharon Bolton, Head of International Student Support, International Office, Imperial College London

Introduction

My PMI Study Visit took me to Australia to find out how universities there ensure compliance with student immigration rules. The trip took place prior to the launch of Tier 4, so I was particularly interested to see how immigration rules are communicated to new international students, as well as how institutions respond to reporting requirements.

I chose to visit three Australian universities: The University of Sydney, The University of Melbourne and Monash University. Each of these universities is a member of the "Group of Eight" which is the group of top universities in Australia for research and funding. They are also ranked in the top ten Australian universities, and the top 50 worldwide (www.thes.co.uk/worldrankings) and have considerably large (approximately 10,000 each) populations of international students.

My visit was timed to coincide with orientation, where I could witness the delivery of immigration information to new international students. I am most grateful to staff at all three institutions for their willingness to host my visit at this busy time.

Outcomes

The first discovery I made was that it is something of a misnomer to refer to our Points Based System as "Australian-style". There are no points attached to the criteria to get a student visa for Australia, unlike the arbitrary 40 points to be gained for Tier 4. Nor does Tier 4 allow a lack of points in one area to be compensated for by extra points in another, as with Tier 1 General in the UK or the General Skilled Migration visa in Australia.

In addition, I found that the legislation for international students: Education Services for Overseas Students Act, 2000 (ESOS) and the National Code 2007 (<http://www.aei.gov.au/AEI/ESOS/default.htm>) is co-owned by the Department of Immigration and Citizenship (DIAC) and the Department of Education, Employment and Workplace Relations (DEEWR). The result is a more customer-oriented package of immigration rules, quality assurance and consumer protection, with built in rights of appeal and an ombudsman. This contrasts starkly with the UK's regime.

Background

Australia's international students experience a modern immigration system with online applications and electronic visas which are granted after the creation of an electronic Certificate of Enrolment (CoE) by the institution where they have chosen to study. Only institutions listed on CRICOS (Commonwealth Register of Institutions and Courses for Overseas Students) are authorised to host international students - this has been adopted for the UK as the Register of Licensed Sponsors. Australia's equivalent of the UK's Sponsorship Management System is PRISMS (Provider Registration and International Students Management System). UK institutions have been campaigning for the capacity for their student records systems to upload to the Sponsorship Management System, to avoid duplication of effort and the potential for error. In Australia, University record systems cannot upload to PRISMS so some data must be entered twice, although many institutions ask agents to do this. Agents are strongly embedded in the Australian system and are regulated as part of the ESOS framework.

In general, I noticed a lesser engagement on the part of universities in student visa applications and extensions than is currently the case in the UK. This is probably because of Australia's online visa application system (www.immi.gov.au/students/students/chooser), which is fairly transparent and user-friendly, unlike the new application for a Tier 4 student visa extension. After the visa is issued by email, students or employers can use the online VEVO (Visa Entitlement Verification Online) service (www.immi.gov.au/e_visas/evo.htm) to check the length of their visa and visa conditions.

The DIAC have a prominent campus presence for assistance with online student visa applications and to provide information on remaining in Australia for employment or Permanent Residence. They train university staff and attend international student orientation sessions. This frees up international student advisers to focus on other student support issues and activities. The advisers' level of involvement in ESOS compliance issues varies, but as a minimum includes awareness-raising of the implications of failing to progress, etc. The reporting of changes in mode of study is mostly conducted in a central or international administration section, separate from the point of delivery of international student support. This will be replicated in the UK with most institutions using university administration departments such as their Registry for the reporting function. Most interesting was the fact that all Australian university staff have some awareness of ESOS issues, with the ESOS Compliance staff conducting university-wide staff training, producing information sheets, and in one case writing an internal ESOS manual. ESOS awareness for staff who interact with international students is a requirement in Standard 6 (Student Support Services) of the National Code.

In addition, I was particularly impressed by the early intervention strategies that are in place for all students (not just international) who are at risk of not progressing and therefore, in the case of international students, failing to comply with visa conditions. It was clear that rather than trying to catch out students, real efforts are being made to help them succeed and avoid jeopardising their immigration status. Written into the ESOS legislation is the requirement to provide the student with a written notice of intention to report and then allowing 20 working days to access internal appeals processes (Standard 10: Monitoring Course Progress). This is something that is missing from the UKBA sponsor duties, but which I think would be very good practice and fairer to students.

The University of Sydney

The University of Sydney has 46,054 students, of which 9,917 are international. I met the university's International Compliance Manager, the Head of International Student Support Unit, and the Head of International Admissions, and attended parts of the Orientation Programme, where DIAC representatives gave talks on student visa rules and post-study visa options.

The International Compliance Manager and three International Student Advisers sit in the International Office, which is also the base for international marketing, admissions, partnerships and US student funding. They deal with questions about student visas, amendments to students' CoEs (eg change to duration of course), and permission to work while studying. Because visa applications and extensions are online, the role of the University is limited to issuing the CoE and advising students how to apply. After enrolment, International Office staff check that all enrolled students have a valid CoE. If a CoE had been issued but the student does not enrol, the CoE is cancelled through PRISMS. The International Office also runs monthly reports to check which students have a valid CoE and which do not, and they remind students (via newsletters) that updating contact details is a visa condition. The International Compliance Manager provides internal staff training on ESOS via information sessions for Faculties and an information sheet.

The International Student Support Unit is part of the Directorate of Student Administration and Support and is fairly unique in that the staff are trained counsellors, offering counselling to both international students and their families. The ISSU prepares pre-arrival information with visa application guidance (see the International Student Guide: Your Road to Success at: http://www.usyd.edu.au/stuserv/documents/issu/Success_2009.pdf), runs daily arrival sessions and organises orientation for international students, among other activities. This ensures a high profile for the counsellors from the very beginning of the international student experience. About 1,000 international students use the ISSU for counselling each year. For advice on visa issues, they are referred to the International Office. ISSU staff attend the Student at Risk Seminar, which is organised for those with unsatisfactory progress who risk eventually being reported to DIAC.

University of Melbourne

In 2008 the University of Melbourne had 12,000 international enrolments (out of a total of 47,500). I attended two International Student Briefings, which were part of the Academic Advice Day, organised according to department and level of study. The sessions, which were delivered by a representative of International Student Services and a member of staff from the academic department, were a good mix of basic information on a variety of topics (including health & safety, tips from other international students, student support, student union, sport and English language) with fun quiz questions and a few ice-breaking activities.

Immigration information took up a short part of the presentation, with the ESOS website displayed, as well as a list of requirements for student visa holders. These include the need to complete their course before CoE ends, maintain Overseas Student Health Cover (OSHC) and notify the university when their address changes. In addition, students were reminded that full-time study is a visa condition (with a reduced study load available in limited circumstances only), that lack of progress might have an adverse effect on their visa and that a leave of absence from study is only possible for compelling or compassionate reasons. Students who have permission to work were informed that they should not take up employment until after the start of semester. The students were signposted to the comprehensive section of the International Student Services website (www.services.unimelb.edu.au/international/visas) for more detailed information.

As well as attending the briefings, I met relevant staff including the General Manager, International Services and the Manager for ESOS and Visa Support in International Student Services. In ISS, three full-time staff are dedicated to monitoring and reporting, as well as educating staff and students about immigration. The compliance team run weekly reports of student movements to pick up any amendments to a student's registration, such as changes to course end date, which would be reported through PRISMS. ISS are also responsible for producing the Information Guide for International Students, which has detailed information on applying for a visa and ESOS requirements, see: www.services.unimelb.edu.au/international/downloads/information-guide.pdf

Examples of good practice I observed were the use of template application forms to make any change in study mode (eg leave of absence), and the incorporation of training on immigration as part of Staff Development. The University also has an ESOS group, which acts as a network for updates to the legislation.

Monash University

Monash is a large multi-campus institution with a total of 65,000 students and around 10,000 international students on its Australian campuses. I attended a couple of international orientation sessions on different campuses and met with the ESOS & Visa Compliance Manager as well as the International Student Experience Coordinator. At the first orientation

session, the ESOS & Visa Compliance Manager gave a detailed presentation on students' rights and responsibilities. One of these rights is to be provided with orientation and access to support services, as well as the right to be informed about support services if students are not progressing well, which highlights Australia's customer-friendly approach. The students were also given information on the complaints and appeals process, another key aspect of the ESOS Act, and were signposted to the website for more information: www.monash.edu.au/international/esos. The second session was a more general introduction to international student support but which flagged up visa information available from the Health, Wellbeing and Development Section.

Monash has established a number of campus Hubs, which are staffed by the Health, Wellbeing and Development section. Hub staff provide access to financial advice, accommodation, counselling, international advice, among other support services. The International Student Experience Coordinator is part of Health, Wellbeing and Development but works across campuses and is the only specialist in her area. As with other institutions, there is a separation between the international student support and the reporting and compliance functions. At Monash, the ESOS & Visa Compliance Manager sits within Enrolments and provides training and advice to staff. He also coordinates the ESOS advisory committee which meets four to five times per year and manages the Reporting Officer who runs reports every two weeks.

The ESOS & Visa Compliance Manager's role is to ensure that the institution as a whole complies with ESOS requirements, and meets its obligations. This involves staff training and bringing together the different parts of the university involved in working with international students. The ESOS & Visa Compliance Manager checks that correspondence with students, eg about progress, meets ESOS standards. He acts as a consultant to Monash staff, not as a student adviser, and we discussed how advice and compliance are two very different roles. This is something that is pertinent to the UKBA view that staff in a sponsoring institution should report any suspicions of breaches of student visa rules.

Monitoring Progress (not attendance)

The issue of monitoring progress, rather than attendance, is a key difference between the Australian system and the proposals for Tier 4, which have evolved into monitoring ten 'expected interactions'. Many of the arguments made by UK HEIs on this topic were used by Australian universities when ESOS was developed. I was most interested to see how progress monitoring works in practice at the three institutions I visited.

At all three universities, the first part of progression monitoring and early intervention is done at Faculty Level. Progress monitoring at both the University of Sydney and the University of Melbourne takes place at the end of each semester, while at Monash monitoring is done at the end of the academic year.

If a student is failing more than 50% they will be contacted, and offered support to help them improve. At the University of Sydney, after failing two semesters and having been invited to a "staying on track" programme, where various kinds of support are offered, the student is invited to give good cause, ie explain why they should not be excluded from the University and what changes they have planned to improve their performance. If there is no good cause then the student is excluded, after being sent a Notice of Intention to Report with access to the appeal process as described in the National Code. Nothing will happen until either the 20 days to appeal have passed or the student presents mitigating evidence which would have to be considered. If the student is eventually reported through PRISMS and their CoE cancelled, they still have access to a further appeal via the external ombudsman, before being required to leave Australia. Approximately 12 students per semester are reported for non-progression and their CoE is cancelled.

The same measure (failing 50% or more) is used at the University of Melbourne, where the student is called to an Unsatisfactory Progress Committee (UPC). This committee sits at the end of each semester and acts for both home and international students. The UPC can recommend a reduced workload or ask the student to withdraw from the course. Proactive interventions that might be suggested by the committee include additional tuition, skills courses or counselling. Failing three times leads to a termination of enrolment and the cancellation of the student's visa. In 2007, about 40 University of Melbourne students had their visas cancelled and had to leave. If a student visa is cancelled for unsatisfactory academic progress, the penalty is that you cannot return to Australia for three years. This can be avoided by the student withdrawing from the course voluntarily. A detailed Unsatisfactory Progress Policy may be downloaded at: <http://www.services.unimelb.edu.au/policy/unsatisfactory/index.html>

At Monash, the Academic Progress Committee can recommend exclusions only at the end of the academic year (not per semester). Any students who must attend this committee are invited to information sessions, for guidance on options and additional support. Unlike in the UK, a reduced workload can be recommended for those who are struggling to progress. If the student's progress deteriorates, then the ESOS Reporting Officer will issue notice of intention to report and the student's CoE is cancelled. About 100 Monash students per year have their CoE cancelled.

Visa Assessment Levels – the future?

The concept of levels of assessment is something that Australia has but which has not yet reached the UK. Visa assessment levels are set to allow more stringent visa requirements depending on nationality and level of study, see <http://www.immi.gov.au/allforms/pdf/1219i.pdf>. This concept may eventually be introduced in the UK, to assist with risk management, as soon as the UKBA have captured data on compliance and patterns of abuse.

Visa assessment levels are revised annually and are intended to be transparent. They are based on statistics for compliance, overstaying, fraudulent documents etc. A student from a country with a low visa assessment level will have a more straightforward visa application ("light touch"). High level visa assessment nationals, in contrast, will need to present more supporting documents and stronger financial evidence for their visa application, eg the need to have finances in place for the entire course, or to prove that the finances were in an account for six months prior to the visa application. Only those students who are on assessment level 1 are permitted to switch into a student visa in country, others will have to apply for their visa offshore. The assessment level will also determine whether it is possible to bring dependants for students on courses of less than 12 months.

Conclusions

This trip offered a fascinating opportunity to take stock of the Australian student immigration system and make comparisons with the UK. One key recommendation I have brought back to my institution is the need to look at intervention strategies and how to proactively identify students at risk of being reported to UKBA and help them avoid this. I was also most impressed by the Notice of Intention to Report with 20 days to appeal and would like to implement similar practices. It is absolutely crucial that, whatever our reporting criteria, we communicate requirements clearly and at every available opportunity to our students and that they have adequate mechanisms to complain or appeal, as I have seen in Australia. Although the UKBA has softened its requirement to monitor attendance into the rather vague monitoring of "expected interactions", my institution is likely to define these interactions as progress milestones, so we will, effectively, be monitoring student progress.

I am also planning to propose training on Tier 4 as a Staff Development course, in order to raise awareness of the new system. All of the above may be applicable to other UK universities as we plan how to comply with sponsor duties. Some institutions have already done a considerable amount of Tier 4 awareness-raising and I am sure that this will help maintain their standing as good sponsors of international students.

The timing of my visit could not have been more apposite: just before the launch of Tier 4, when immigration was in the news and UK universities were coming to terms with sponsorship duties and compliance issues. At the time of writing this report, some issues still remain unresolved, eg the requirement to report suspicions of breaches of student visa rules. I personally feel that this would severely compromise the role of an international student adviser and lead to a very unhealthy culture in our universities. My Australian hosts found this (and many other aspects of the UK system) quite unusual and were clear that as academic institutions they only reported on academic issues.

There is much more that this report could cover and although my remit was limited to immigration, I picked up many other useful tips and ideas on orientation, and various aspects of international student support, for which I am most grateful. I found the opportunity to be away from my desk and have time to reflect on my work and up-coming challenges a most valuable experience. Other aspects of this particular topic which I did not have time to investigate in detail are the view of Australia's Department of Immigration and Citizenship (and comparisons with UKBA), as well as looking to New Zealand or the USA. In addition, there are very specific requirements for under-18s, some of which have been replicated in the Tier 4 Child Student Visa rules, which might be of interest to FE Colleges.

I would like to finish by thanking UKCISA, PMI2 and Imperial College London for the funding and staff cover that facilitated this trip. The visit permitted a glimpse of how things might evolve in my work and enhanced my understanding of where we could be going as we enter the new and uncertain era of Tier 4.