Australian Government

Department of Immigration and Border Protection

Future directions for streamlined visa processing

Discussion paper   November 2014

people our business

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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 Review[1] 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
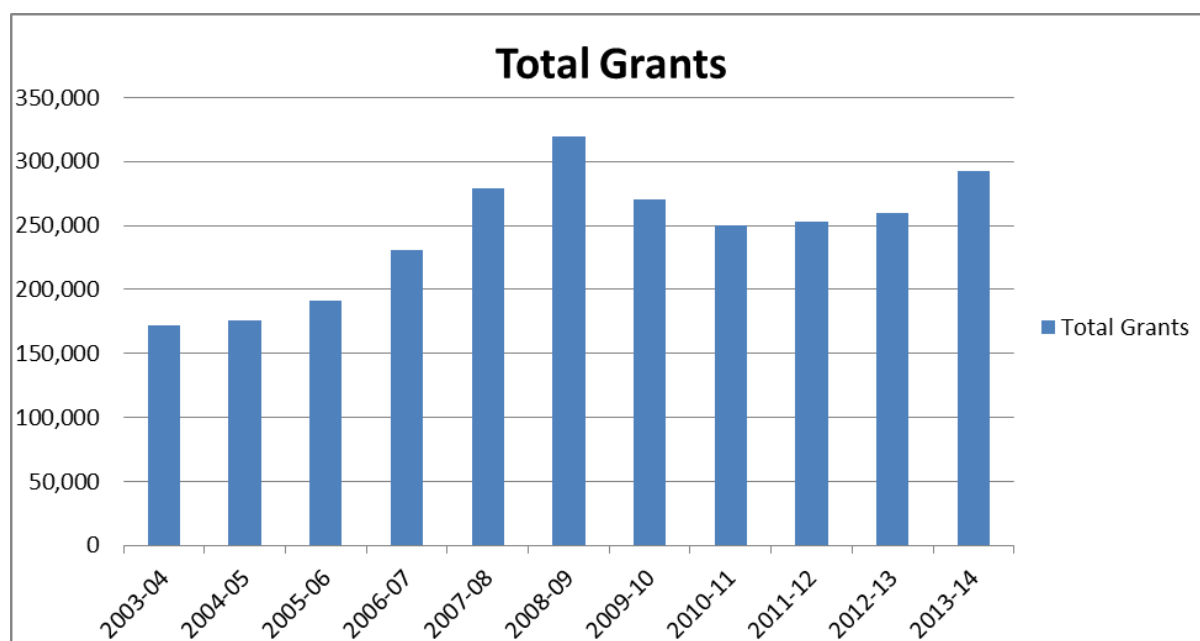
Student visa processing framework

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.

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[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 7 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 12, 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> • Underpinned by Ministerial Direction 53 • Applies 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 7, 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 sub-classes, making it easier for education providers and students to understand and use them.

Currently, there are eight sub-classes 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 sub-classes 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 federal 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)	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: **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 is 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.
CRICOS Provider Code as recorded in PRISMS	*CRICOS registered name as recorded in PRISMS*	*Trading name as recorded in PRISMS*	*ABN*	*eg, partner institution of 12345A, NSW campus, ELICOS campus, franchisee, etc*

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.

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
Insert the CRICOS Code of each of your educational business partners	*Insert the organisation name as recorded in PRISMS*	*Insert the trading name as recorded in PRISMS*