

National Secretariat

Sydney Institute of TAFE NSW
Turner Hall Ultimo College BG.01
731-695 Harris Street Ultimo
PO Box 707 Broadway NSW 2007
Australia

Sophie Montgomery
Assistant Secretary
Education, Tourism and International Arrangements Branch
Department of Immigration and Border Protection

Ph: +61 2 9217 3180
Fax: +61 2 9281 7335
Web: www.tda.edu.au

28 March 2014

Dear Sophie

RE: Submission to the Review of the Genuine Temporary Entrant Requirement

Thank you for the opportunity to respond to the review of the Genuine Temporary Entrant Criteria as noted in your email dated 4 March 2014.

As previously raised by TAFE Directors Australia, there was no opportunity to contribute to the review conducted by the Department of Immigration and Border Protection (DIBP) prior to the release of the report "Review of the effectiveness of the Genuine Temporary Entrant requirement" on 23 January 2014.

We consider this report to be inadequate for a number of reasons:

1. The statistical analysis does not provide a sufficient level of analysis of the impact of the GTE. There is no analysis by country and education sector which we consider essential to evaluating the impact. For example, the grant rates for VET between 1 July 2012 and 30 June 2013 were:
 - China 65.6%
 - India 58.2%
 - Jordan 33.1%

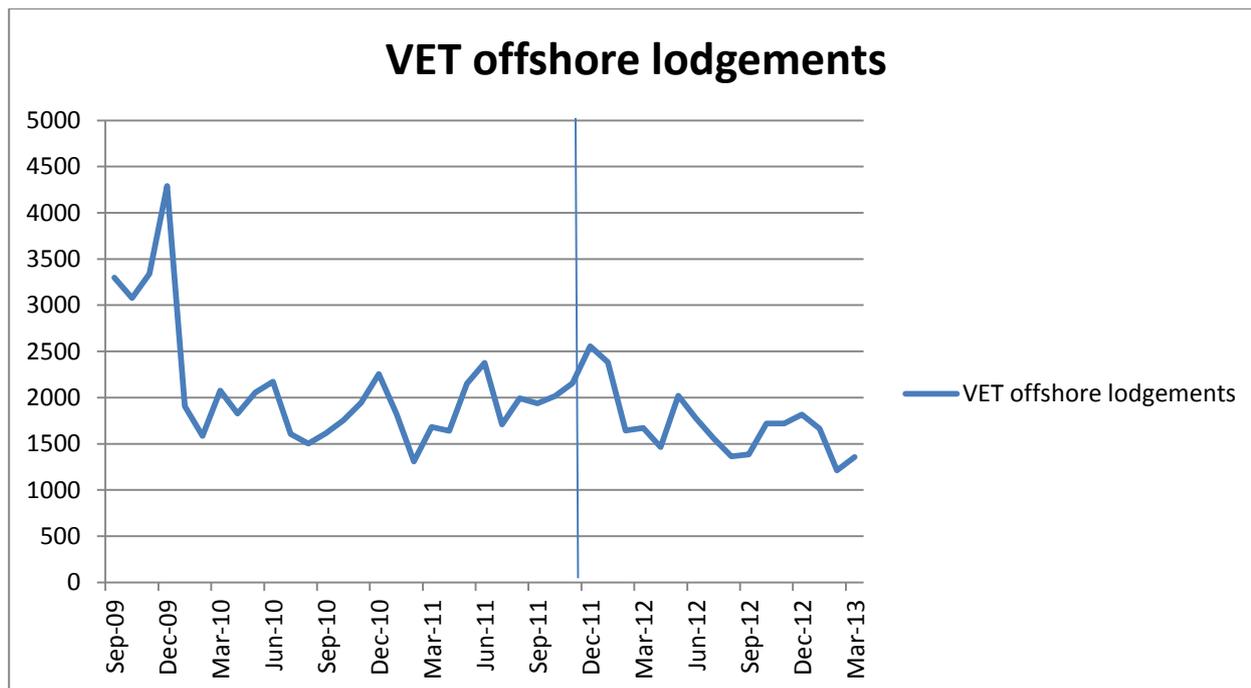
This is a significant difference from the average grant rate for VET of 78.6%.

2. There is no quantitative or qualitative analysis of feedback provide to DIBP following the introduction of the GTE. TDA provided a significant number of rejection examples which we considered to be unfair and raised specific concerns over the reasons for rejection. These included:
 - suggestions by DIBP officers at post that courses could be sourced much cheaper in the applicant's home country
 - the applicant had family connections in Australia which might encourage non-compliance, rather than being seen as an additional support during their studies
-

- The course selected indicated a major career change, something many applicants are specifically seeking through study abroad
- The courses would lead to careers in their own country at comparatively low wages and could not justify the expense incurred while studying in Australia. This ignores the possibility of the applicant seeking high wage opportunities in countries seeking skilled labour, including many countries in the Middle East.

We understand many of these concerns were addressed by the DIBP with additional training being provided by officers at post.

3. There is no analysis of the potential impact of the GTE on overall international student applications since its introduction.

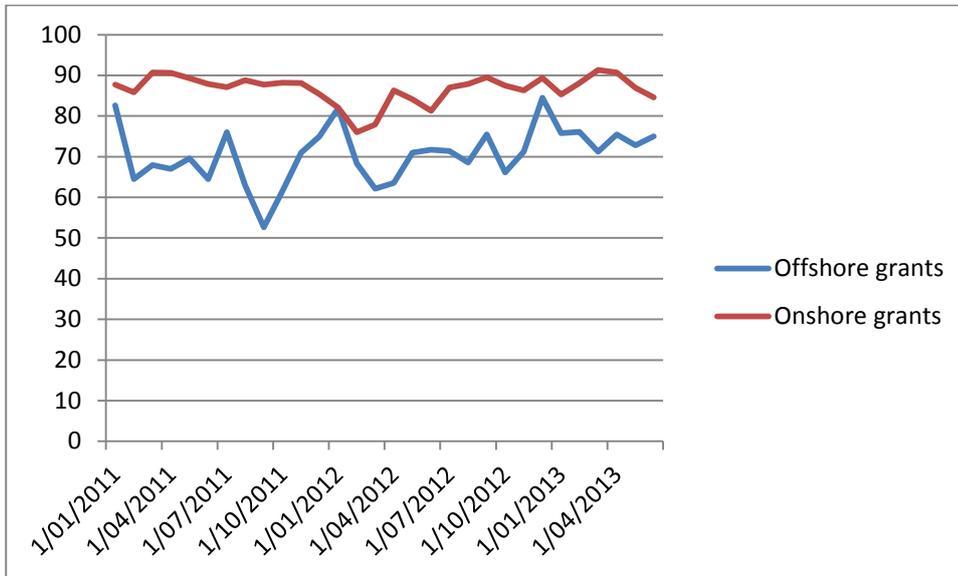


This graph indicates a steady decline in VET offshore lodgements since the introduction of the GTE. Figures are taken from the Student Visa Program Quarterly Report ending 31 March 2013.

Combined with a high rejection rate for offshore grants of almost 30%, the VET sector is under serious pressure.

4. The Grant Rates table for the VET sector on page 31 has a significant mistake in the average grant rate for VET offshore visas. The average is given as 84.6% where in fact it should be 70.58%, a difference of more than 14%.

Month ending	Offshore grant rate	Onshore grant rate
31/01/2011	82.6	87.7
28/02/2011	64.5	85.8
31/03/2011	67.9	90.7
30/04/2011	67	90.6
31/05/2011	69.6	89.3
30/06/2011	64.5	87.9
31/07/2011	76	87.1
31/08/2011	62.9	88.8
30/09/2011	52.6	87.7
31/10/2011	61.6	88.2
30/11/2011	71	88.1
31/12/2011	75	85.4
31/01/2012	81.9	82.1
29/02/2012	68.3	76
31/03/2012	62.1	77.9
30/04/2012	63.5	86.3
31/05/2012	71	84.1
30/06/2012	71.7	81.3
31/07/2012	71.4	87
31/08/2012	68.6	87.9
30/09/2012	75.5	89.5
31/10/2012	66.1	87.5
30/11/2012	71.2	86.3
31/12/2012	84.5	89.4
31/01/2013	75.8	85.3
28/02/2013	76.1	88.1
31/03/2013	71.2	91.3
30/04/2013	75.5	90.7
31/05/2013	72.8	86.9
30/06/2013	75	84.6
Averages	70.58	86.65



I have attached two supporting analyses and critiques from the Victorian TAFE International network

I look forward to further discussion and consultations to ensure the VET sector, and in particular our TAFE institutes, are not actively discriminated against when seeking to recruit and support international students for study in Australia.

Yours sincerely,

PETER HOLDEN
 Director International Engagement
 TAFE Directors Australia

pholden@tda.edu.au

0405 081 780
 02 9217 3181

Issues with the Genuine Temporary Entrant Criteria as it is being applied by DIAC for student visas

Victorian TAFE International (VTI) member TAFEs and dual sector universities in Victoria have noticed that since the application of the criterion of Genuine Temporary Entrant has been applied to student visas from late last year, many visa applicants have not been successful in gaining visas for their vocational education and training courses. Members have been discussing this issue on our electronic forum.

Peter Holden of TDA has informed the VTI membership that according to statements from DIAC on 22 February at an Education Visa Consultative Committee meeting, since 5 November 2011 less than 1% of student visa applicants have had their applications refused under the genuine temporary entrant requirement. Anecdotal evidence of high refusal rates was raised by ACPET (Nepal in particular) and English Australia (Turkey). VTI echoes this anecdotal evidence of high refusal rates and is happy to provide specific cases to DIAC to investigate.

VTI members have found that in some instances, the reasons given are clear for the rejection and in some instances the reasons given are not clear or in the view of educational providers, not reasonable. It is for these cases that VTI seeks clarification.

Qualification level

One VTI member public provider had visa refusals for applicants holding a 2-year degree from Pakistan. The reason stated on the refusal was that the study level in Australia is lower than the qualification achieved in the home country. We don't believe this is true – the study level is reasonably compared as equivalent to a VET Diploma/Adv Dip program.

Another regional TAFE only has a small cohort of international students, so visa refusal is unusual, however this year this provider could argue that 10% of its applicants have been refused (2 out of 20). Interestingly the two applicants (from Philippines and Thailand) have family living in the local area, who are permanent residents of Australia. Two of the requests for further information required from the Filipino applicant stated, "provide clarification as to why you applies (sic) so late for the visa" and "evidence you successfully completed the equivalent to year 11 in secondary school". This is despite the applicant having undertaken higher-level qualifications in the Philippines and United Kingdom, and having achieved 86% in their supervised TAFE entrance test into the Diploma of Nursing. These examples beg the question: Do DIAC officers fully understand the VET system in Australia and how it compares with the home countries of students applying for visas?

Price of course

A related issue for some providers has been a visa rejected on the basis of the student applying for a course in Australia that could be done in their home country for a lesser price. This reason suggests there is a lack of understanding of the quality and portability of Australian qualifications by DIAC officers, something international students understand well.

Purpose of study

One VTI member recently had a visa rejection of a school leaver who wanted to study nursing. In her rejection letter it stated that the course fees are \$x and nurses in her home country are paid Rx per year. As the earning potential in her home country was far less than her fees, she was judged not to be a GTE. The student applied again and in her statement she indicated that after she finishes her program she intends to work in the Middle East. She attached evidence of employment opportunities in the Middle East including salaries. On that application she was granted a student visa and has just commenced with the provider.

Employment status

For visa applicants in Pakistan, one VTI member has had numerous GTE refusal cases, including one where the applicant, a teacher, finished employment in December last year, possibly due to his commitment to study in Australia in 2012. Without current employment, DIAC has determined that he is not a GTE. This decision infers that anyone applying to study in Australia without evidence of guaranteed employment post study could be refused under GTE.

Relatives in Australia

Many VTI member providers also indicate that visas have not been granted on the basis that applicants have family members already in Australia or their partner intends to come to Australia too, ceasing their employment and that these are indications that the applicant is not a genuine temporary entrant.

The issues have been raised also in Tasmania by our public international education colleagues. They say, “We have had refusals for students from India, the Philippines and China. In most cases the fact they had relatives or siblings already in Tasmania (even on a temporary basis) was judged against them. This is also a major problem for schools students (who often have relatives here).” Having family members travel with the applicant or if the applicant wishes to study in the same city as family members could simply make the intending student more comfortable and does not necessarily imply an intention to overstay a visa.

For further information contact:

Kate Dempsey
Executive Officer
exec@vti.edu.au
Ph 0401 072 372
www.vti.edu.au

Questions about the recent DIBP Review of the GTE Program

1. GTE has made it more difficult for applicants from some countries and some sectors

The document shows visa grant rates for specific countries, but does not differentiate sectors. It does show clearly the erratic visa grant rates for Indian students, across all sectors, while those for China, Vietnam, South Korea and Brazil are largely steady both before GTE introduction and after. Why choose only these countries to highlight? Why aggregate them across all visa classes? We know that VET has been targeted. Why does the Review not show visa grant rates for Pakistani's for VET courses (for example)? I suggest the picture would show significant drop in grant rates after GTE for top source countries for students coming on 572 visas from offshore.

2. Grant rates do remain high – again only for some sectors

Grant rates both before and after introduction of GTE were around the 90% mark for all sectors, except for VET, which shows a significant drop in visas granted for 572 visas following the introduction of GTE. No comment is made on this finding in the report. The report notes *the overall offshore grant rate is now higher than prior to the introduction of the GTE and there is no evidence that the GTE requirement has made it systemically more difficult for applicants.* The use of the word “systematically” is interesting here. Aggregated across all sectors, this is true, but why not consider what has happened in each sector, especially VET?

3. Why not mention visa application/lodgement rates?

Offshore lodgements before GTE in VET were annually around 38,000 (2009-10), after GTE they dropped to 21,600 (2010-2011), made a slight recovery in 2011-12 to 23,300 and in the 2012-2013 financial year they dropped to 19,000. These figures seem significant to me but are not noted in the Review. Perhaps (anecdotally) students are not bothering to apply for a VET study visa as they know being granted is not easy in that sector. Why are these figures not discussed in the report? Changes in lodgements (if significant) are also relevant to the success of GTE.

5. All this trouble for so little return

The cancellation rates and over staying rates for each sector are given in the report. They were low before GTE introduction and continue to be low after GTE. They are around 2% of visas for each sector. In fact on DIBP figures the schools sector should have had more of a shakedown than VET. The report concludes that GTE is successful, but does not question the effort made for such small returns.

K. Dempsey
20th Jan 2014

*Review of the effectiveness of the Genuine Temporary Entrant (GTE) requirement –2013
Department of Immigration and Border Protection. January 2014.*
