



Key issues impacting on Student visas in the next 12 months

November 2011

(Implementation date - 5 November 2011)

Implementation of recommendations arising from the Knight review

This includes:

- introduction of an upfront 'genuine temporary entrant' criterion for assessing any Student visa application, which covers both a genuine temporary entrant and a genuine student (Recommendation 1);
- removal of the English language test requirement for Independent ELICOS (subclass 570) visa applications subject to Assessment Level 4 or Assessment Level 5 (Recommendation 10);
- providing a visa extension for up to six months after thesis submission for Higher Degree by Research (HDR) students (Recommendation 9);
- inclusion of pre-paid home stay fees in financial assessments on the same basis as pre-paid boarding fees (Recommendation 14);
- cessation of Pre-Visa Assessment (PVA) (Recommendation 38); and
- reductions in financial requirements for Assessment Level 3 and Assessment Level 4 Student visa applicants.

Note: This is a further measure identified as assisting the international education sector since the release of the government's response to the Knight review, however it is not a recommendation of the Knight review.

Introduction of Fraud Public Interest Criterion (PIC) 4020

Decision-makers will be able to refuse the grant of a visa on the basis of the applicant having provided false, misleading and/or bogus documentation and/or information to the department.

Student visa applicants, who have previously been refused on the basis of failing to satisfy the Fraud PIC, will not be able to be granted a Student visa unless it has been at least three years since the decision to refuse on the basis of the Fraud PIC was made, or the waiver has been exercised.

Implementation of alternative English language tests for Student visa purposes

The Test of English as a Foreign Language (TOEFL), Pearson Test of English Academic, and Cambridge English: Advanced (CAE) will be accepted as alternatives to IELTS for Student visa purposes.



December 2011

Proposed implementation of recommendations arising from the Knight review

Automatic conversion from Student Course Variations (SCVs) to Non Compliance Notices (NCNs) will cease (Recommendation 23). It is expected that the cessation will be implemented on 10 December 2011.

Note: This also subsumes Recommendation 5 of the Australian National Audit Office's (ANAO) audit report of the Management of Student Visas. The ANAO recommended that the department review the necessity of reporting of each type of SCV by the Department of Education, Employment and Workplace Relations to the department and the appropriateness of each type of Student Course Variation converting automatically to a NCN.

Proposed implementation of other recommendations arising from the ANAO audit of Student visas

- Implementation of Recommendation 2 of the ANAO. The ANAO recommended that the department evaluate the eVisa lodgement facility with a view to:
 - incorporating the findings in planning for the further development of eLodgement and eVisa; and
 - formally resolving the status of the eVisa 'trial' for higher risk countries.
- Follow-up on progress of Recommendation 3 of the ANAO. The ANAO recommended that the department maintain a program of audits and evaluation of eVisa agent compliance with the terms of the facility's Deed of Agreement.

January 2012

Proposed implementation of recommendations arising from the Knight review

A discussion paper on the review of Student visa Assessment Level framework will be released on the department's website for stakeholder comment (Recommendation 32).

April 2012

Proposed implementation of recommendations arising from the Knight review

This would include:

- streamlined visa processing arrangements for a range of Australian university courses, which would treat the applicants as if they are equivalent to Assessment Level 1 (Recommendations 3.1, 3.2, 3.3, 3.4 and 18);
- treating HDR students, including the whole package where any English language or other preparatory courses is required by the HDR provider, as Assessment Level 1 (Recommendation 5);
- removal of English language test requirements for Schools Sector (subclass 571) applicants subject to Assessment Level 4, and removal of IELTS (specified English language test) waiver for the People's Republic of China (Recommendation 11);



- increasing the maximum period of time a School Sector visa holder can study English to 50 weeks across all Assessment Levels (Recommendation 12);
 - allowing Student Guardian (subclass 580) visa holders unlimited part-time study rights for ELICOS (Recommendation 13);
 - abolition of automatic cancellation of Student visas (Recommendation 24);
 - removal of mandatory cancellation requirement for unsatisfactory attendance, unsatisfactory course progress and working in excess of the hours allowed (Recommendation 25);
- Note:** This also subsumes Recommendation 4 of the ANAO's audit of Student visas. The ANAO recommended that the department review the Student visa cancellation regime and operation of the student work rights limitation in relation to evidentiary requirements, decision-maker discretion and compliance resources.
- change to the way student work entitlements being measured from 20 hours per week to 40 hours per fortnight (Recommendation 28); and
 - ability to grant Student visas in advance of four months before commencement of the relevant course (Recommendation 39).

2011 review of Assessment Level settings

Any changes to Assessment Levels arising from the 2011 review of Assessment Level settings are likely to be implemented.

June 2012

Proposed implementation of recommendations arising from the Knight review

Review of Assessment Level framework is expected to be completed and findings to be reported to government (Recommendation 32).

Note: On the completion of the Review in mid-2012 the Government will consider options for the interim implementation of its findings, to apply to a small number of high quality training and education providers, ahead of the full implementation of the Review's findings by 2013.

July 2012

Proposed implementation of recommendations arising from the Knight review

Implementation of revised living costs, which will be reviewed based on Consumer Price Index (Recommendation 40).



2013

Proposed implementation of recommendations arising from the Knight review

Post-study work rights (Recommendations 4.1, 4.2, 4.3, 4.4 and 8):

- Bachelor (and Masters by Coursework) graduates who have spent at least two academic years studying that degree in Australia to receive two years post-study work rights;
- Masters by Research graduates to receive three years post-study work rights; and
- PhD graduates to receive four years post-study work rights.