

# ACPET response to the Department of Immigration and Border Protection review of GTE Criteria

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## Introduction

Established in 1992, the Australian Council for Private Education and Training (ACPET) is the national industry association for private providers of post-compulsory education and training. ACPET represents over 1,000 members nationally delivering a full range of higher education and vocational education and training (VET) and English language courses across all States and Territories, and internationally.

ACPET's mission is to enhance quality, choice and innovation in Australian education and training. It represents a range of independent providers, including commercial and not-for-profit entities, community groups, and industry and enterprise-based organisations. ACPET works with governments, other education and training providers, industries, and community organisations, to ensure vocational and higher education and training services are well targeted, accessible and well delivered.

As the peak body for private education and training providers, ACPET is committed to ensuring that its policies, products and services contribute to an inclusive tertiary education system.

There are approximately 1,200 Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered education and training institutions in Australia, ranging from schools to niche providers of specialised courses and English language colleges to large public universities. Of these institutions, approximately 440 are ACPET members, delivering education and training to 86% of international vocational education and training students and 13% of international higher education students.

The introduction of the Genuine Temporary Entrant (GTE) criterion for student visas has become a contentious additional barrier to studying in Australia. Since its introduction in November 2011, ACPET has collated over 250 examples of questionable visa refusals on the basis of the GTE criterion, applied to applicants in many low migration risk as well as higher migration risk countries.

ACPET welcomes the opportunity to provide input into the review of the GTE.

## **Review of Genuine Temporary Entrant GTE requirements**

ACPET is a member of the Education Visa Consultative Committee (EVCC). As a member of EVCC in January 2014 ACPET was provided with a document produced by the Department of Immigration and Border Protection (DIBP) that outlined a completed review of the effectiveness of the Genuine Temporary Entrant (GTE) requirement. ACPET was advised that the review had been endorsed by Assistant Minister for Immigration and Border Protection, the Hon Michaelia Cash.

ACPET notes that the introduction to the review report states that:

The GTE requirement was introduced on 5 November 2011 for all student visa applicants. Under this requirement applicants are assessed on whether their individual circumstances indicate their primary aim is for a temporary stay in Australia. This requirement was introduced to reduce migration risk and maintain the integrity of the student visa programme. The GTE requirement also underpins and makes viable other reforms designed to significantly enhance the competitiveness of Australia as a destination for international students. These reforms include streamlined visa processing which commenced on 24 March 2012, and post-study work arrangements which commenced on 23 March 2013.

The GTE requirement has been in operation for two years and thus this review is a timely evaluation of whether it has been efficient and effective in achieving its intended outcomes. Some of the key findings of the review are:

- Since the introduction of the GTE requirement, visa grant rates have not been negatively affected, and program integrity outcomes have continued to improve.
- Ongoing feedback processes are improving stakeholders' understanding and informing continuous improvement in visa decision making.
- Evidence demonstrates that the GTE requirement is meeting its policy objectives.

ACPET contacted the DIBP to express our concern that review did not include the circulation of a discussion paper and that the DIBP did not hold public consultations or invite public submissions. The only opportunity that ACPET had to provide input into the review was through a standing item on the EVCC agenda. Given the large body of work that the EVCC covers there has been little time for in depth discussion via this committee on GTE issues.

Further to the comments provided directly to DIBP following the release of the GTE review document, ACPET was also a signatory with other international education peak bodies to formal correspondence sent Assistant Minister Michaelia Cash that outlined our concerns regarding the GTE review.

We welcome the acknowledgment of our concerns regarding the review process and the invitation to put forward our concerns regarding GTE arrangements.

## **Improving GTE arrangements**

ACPET has been calling for improvements to student visa processing for a number of years including those improvements outlined in the Knight Review. However, Recommendation 1 – The introduction

of the GTE criterion, has proven to be a contentious additional barrier to studying in Australia and out of step with the broad intentions of the Knight Review as a whole.

ACPET also supports the recommendation of the International Education Advisory Council (Chaney Council): Conduct a review of the first year of the GTE criterion, identifying and addressing and unintended consequences that affect the sector, including the extent to which it may be acting as a deterrent to genuine students.

ACPET has provided the DIBP (and its predecessor) with many hundreds of questionable visa refusals on the basis of the GTE criterion, applied to applicants in many low migration risk as well as the higher migration risk countries.

A large number of visa refusal decision records encourage the unsuccessful applicant to study in their own country or specifically in the UK. This criterion appears to be applied mostly in the English language and VET sectors (important pathways to the university sector for international students) again impacting on the sector's ability to reach its, and contribute to the nation's, revenue potential. Such action is out of step with public comments made by both the Minister for Trade and the Minister for Education, both of whom wish to see the expansion of Australia's international education sector.

ACPET has provided a number of cases where individuals with the same conditions have differing outcomes in visa assessment. As such, ACPET is calling for improvements to current arrangements so that when discretion is applied by DIBP officers it is likely that most staff would come to the same conclusion.

ACPET undertook significant analysis of several hundred GTE refusals that were supplied by ACPET members and provided data and examples to the Department that we considered to be unfair and or highly subjective reasons for rejection. In codifying the refusals the main reasons sighted were:

- Applicant has not attempted to study a similar course in his/her own country which is provided at a lower cost. Regardless, the student has expressed that he/she would like to study in an English speaking country.
- Proposed study does not lead to a career with a high salary
- Did not carefully research the cost/benefit of a course and provider, and did not examine possible options available both within India and abroad.

Via the EVCC ACPET has been kept abreast of initiatives introduced by DIBP to bring consistency and objectivity of how GTE decisions are made. However given the data provided by ACPET and the ongoing examples that are raised by the sector we were surprised that the review of the GTE found that 'there are no systemic problems in how GTE requirement decisions are made.'

It is ACPET's position that current GTE arrangements means that the international sector has not yet achieved the strategic aim outlined by the Chaney Council of:

Ensure that Australia's student visa settings continue to be competitive and attractive in all education sectors while preserving the integrity of Australia's international student visa program and helping to meet national skills needs.

ACPET recommends that a transparent and detailed program be developed by DIBP for officers at post that seeks to build the knowledge of Australia's private VET sector (86% of the sector) and Higher Education sector (13% of the sector).

ACPET believes that DIBP could go some way to overcoming inconsistency of application of GTE if officers have a full understanding of the quality and diversity of Australia's private VET and higher education sectors. This program should include tracking rejection rates by individual posts and moderation of GTE assessment across different posts. The EVCC should be kept updated about the findings of the program and rectification actions when issues arise.

ACPET concludes by noting that the GTE is still acting as a deterrent to genuine students. It is ACPET's position that there is still some way to go to improve review processes before the GTE can be said to meeting its policy objectives.

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