

ISA SUBMISSION: A MIGRATION SYSTEM FOR AUSTRALIA'S FUTURE

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1. KEY POINTS / EXECUTIVE SUMMARY

- The Independent school sector relies on the migration program, particularly the temporary visa program, to facilitate the movement of students, teachers, and other staff across a range of visa types.
- ISA has key concerns with the student visa program relating to visa processing, cost, and the Genuine Temporary Entry (GTE) requirement.
- Consideration should be given to allocating points for skilled migration for study in an Australian school.
- ISA recommends the inclusion of teaching and other school staff in the medium to long term list in the Temporary Skill Shortage visa category.
- ISA is concerned whether the Skills Priority List is adequately responsive to the views of industry in recognising and addressing skills needs, particularly given the current pressing skills shortages, including teachers.
- Any changes to Australia's Migration System, including the temporary visa program, need to be worked through extensively in consultation with impacted industries and sectors.

2. ABOUT ISA

Independent Schools Australia (ISA) is the national peak body representing the Independent school sector. It comprises the eight state and territory Associations of Independent Schools (AISs). Through these Associations, ISA represents 1,187 schools and over 667,000 students, accounting for approximately 16 per cent of Australian school enrolments.

ISA's major role is to bring the unique needs and contributions of Independent schools to the attention of the Australian Government and to represent the sector on national issues.

3. INDEPENDENT SCHOOLS AND THE AUSTRALIAN VISA SYSTEM

This submission will focus on two areas in relation to temporary migration – the Student Visa Program and the current barriers to bringing in teachers and other school staff on Temporary Skill Shortage visas to meet the very great need in schools now.

Not all overseas students who study at Independent schools are on student (500) visas. Some students are the dependants of holders of a range of different visa types, including temporary and permanent work visas. Many Independent schools also enrol refugees i.e., humanitarian visa holders.

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In addition to students on student visas who come to Australia to study for significant periods of time, many schools also have groups of students who come for much shorter periods of time on study tours. These students generally engage in a mix of activities including study and can enter on visitor visas.

Other students may come for short student exchange programs as a subset of the student visa program. These are reciprocal international arrangements aimed at increasing student mobility and intercultural understanding.

Independent schools rely on work visas, such as the Temporary Skill Shortage (482) visa, to bring in staff with particular skills to Independent schools including school principals, teachers, and boarding staff.

Visas which enable teacher exchange are also important to Independent schools which have relationships with overseas schools and who wish to engage in reciprocal professional learning opportunities.

Clearly Independent schools are engaged in a range of activities which mean that any changes to the current migration and visa system have the potential to impact on how they operate, who they enrol and employ and the scope of activities they can engage in.

4. STUDENT VISA PROGRAM

As with other sectors, COVID-19 has had a significant impact on enrolments of international students in the Independent school sector. The latest data shows that just over 11,000 international students are enrolled in Australian schools. These students comprise nearly 1.7% of the total international student cohort down from 4% in 2019. This is a significant decrease in enrolments. Since 2019 international student enrolments in the school sector have more than halved and year to date enrolments in 2022 are currently down 14% on 2021.

The current methodology for assessing risk in the student visa program by both country and provider risk level has been in place for some time and is generally accepted and known. The student visa itself has also been simplified to one visa subclass.

Education agents also play a key role in attracting students to Australia and they need sufficient lead time to understand and adjust to any changes to the visa system. Any proposed changes to the Student Visa Program, or changes which might impact the Student Visa Program, arising out of this Review would require extensive consultation with industry.

However, there are some specific issues in relation to the student visa program; processing times, cost, and intent, that ISA would like to raise in the context of this Review.

Visa processing times and cost

In ISA's recent submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade's Inquiry into Australia's tourism and international education sectors, ISA noted that the processing times for student visas since the borders have reopened have been a key area of concern for Independent schools and the international education sector more broadly.

While the Australian Government has devoted significant resources to addressing these issues and processing times are improving, clearly systems were not in place to manage the volume of new applications plus the backlog when international borders reopened. This has impacted Australian education providers ability to attract and recruit students.

It also appears that Australia's competitors, such as UK, Canada, and USA, which have not experienced the strict border closures that Australia did, either maintained or grew market share at the expense of the Australian international student market.

Improving processing times is not as simple as hiring more staff to process applications. Having staff with the requisite ability to understand and assess applications and make informed decisions is equally as important. Ensuring that Australia's visa processing is both timely and knowledgeable is crucial for Australia to be competitive and to regain ground in markets offshore.

Australian student visa costs are high in comparison to several competitor countries. Reducing Visa cost for international students and education staff could improve Australia's competitiveness with other countries and enable Australia to regain lost ground.

Genuine temporary entry (GTE) requirement

Concerns have recently been raised by industry with the Department of Home Affairs about the current implementation of the Genuine Temporary Entry (GTE) requirement and whether students are being assessed on their merits or if broader in-country concerns, such as unrest, are adversely impacting applications.

International students whose applications are rejected due to GTE are not being provided with adequate or helpful explanations as to why their applications have been rejected. Without meaningful feedback, providers are not able to assist students or further refine their own recruitment processes.

Further, there appears to be tension between the Student Visa Program as a pipeline for future skilled migration and the Genuine Temporary Entry (GTE) requirement, predicated on students 'proving' they are coming to Australia for the sole purpose of temporary study and will be returning home once their studies are completed. This was clear in the review of the ESOS Act earlier this year which queried how providers could support international students to identify and undertake courses that align with Australia's priority employment fields.

The contradiction in the stated aims of the GTE and the Student Visa Program is becoming more acute as the propensity to view international students as a potential answer to the current skills shortage increases. While there has always been a proportion of international students that go on to apply for skilled migration, perhaps it is time to adapt the GTE rationale to meet the need of Australia's skills shortages and to explicitly take into account the skilled migration potential of international students.

Flexibility

ISA notes that Australia's visa system needs to be responsive to the international student market and accommodate a range of offerings as onshore providers adapt to changing markets. This might include facilitating ease of transition from tourist or exchange visas to student visas or diversifying student visa requirements, increasing the range of possible options.

Other potential future enhancements to student visas might include greater flexibility around visa grant duration and enabling extensions (from onshore or offshore) to visas already granted, rather than requiring a new visa application if a student intends to continue studying in the same sector.

5. RECOGNITION OF SCHOOL COURSES FOR SKILLED MIGRATION

ISA recommends that when considering international students for permanent migration pathways, enrolment and study in an Australian school should count positively towards their application as permanent migrants.

Currently the points available for the Australian Study requirement for skilled visas only applies to a bachelor's degree or higher, a diploma, an advanced diploma, or a trade qualification.¹ School courses are excluded from consideration.

Students who come to Australia to study develop strong cultural and linguistic skills from their time in school as well as core skills and values such as respect, tolerance and teamwork. These students have often experienced living with homestay families and have been part of their school and local community, and have experienced the Australian lifestyle.

It is not surprising then many international students go on to further education in Australia and then have the desire to make Australia their home and continue to contribute to Australia through applying for permanent migration.

The role of schools in developing this pathway should be acknowledged.

6. ADDRESSING TEACHERS AND OTHER SCHOOL STAFF SHORTAGES

In 2017 the Australian Government abolished the Temporary Work (Skilled) visa (subclass 457 visa), commonly used by Australian employers to sponsor skilled overseas workers to work temporarily in Australia. It was replaced with the Temporary Skill Shortage (TSS) visa. Since that time ISA has been making representations seeking to have teachers and other school staff that are in short supply, moved from the short-term list (2 years) to the medium to long-term list (up to four years).

One of the stated aims of the changes to the 457 visa program was the new "targeted occupation lists which better align with skill needs in the Australian labour market"². However, these changes have resulted in Independent schools being significantly impacted in their ability to recruit offshore teachers and other school staff to fill critical domestic staffing shortages. The employment of overseas staff enables Australian schools to increase the range of expertise available and employ teachers in high priority learning areas such as science, technology, engineering and mathematics (STEM).

The recruitment of suitable staff is particularly an issue for Independent schools located in regional, remote, and very remote locations. One third of Independent schools are located outside of metropolitan areas, including a sizable number of boarding schools.

¹ Department of Home Affairs, 2020, Meeting the Australia study requirement, <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-independent-189/australian-study-requirement>, accessed on 15 December 2022.

² Department of Immigration and Border Protection n.d., <https://web.archive.org/web/20170624100449/http://www.border.gov.au/Trav/Work/457-abolition-replacement>, accessed 15 December 2022.

The Independent school sector is by far the largest provider of boarding school education for Australian school students. To engage highly qualified staff, Australian Independent schools often look for international staff as other countries also have strong boarding school traditions. For many of these schools, overseas recruitment is the most common way to address staffing shortfalls of teachers and boarding staff.

These shortages have been exacerbated by the COVID-19 pandemic and border closures. The national teacher workforce shortage has been widely discussed at the Jobs and Skills Summit and is a national priority for Education Ministers. The Ministerial Direction announced to deliver more efficient visa processing for skilled applicants and their sponsors across industries, particularly those in healthcare and education as well as offshore permanent and provisional applications is welcomed. However, simply speeding up processing will not address the current challenges.

National Skills Priority List

The National Skills Commission's 2022 Skills Priority List reports that, there has been an increase in teacher shortages since 2021.³ The Draft Teacher Workforce Action Plan is also addressing this critical national priority.⁴

The Skills Priority List attempts to understand and address skills gaps in Australia but the need for highly skilled teachers does not seem to be a priority for the List. Further needs to be done so that Australia's migration system is utilised so that Australia attracts highly skilled education professionals. Otherwise, they will migrate to other countries given that there is a global teacher shortage.⁵

7. CONCLUSION

The Australian migration system should continue to welcome and encourage, both temporary and permanent migrants.

There is also a real opportunity to improve Australia's migration system to address Australia's current skills shortages, particularly for education staff.

Expanding the system to meet our current needs should include a review of processes so that our system is competitive, efficient, easy to navigate and understand.

For the international education industry, ensuring that visa processing times are competitive with other countries, as well as reduced visa application costs are a step toward meeting the challenges that lie ahead.

³ Australian Government, National Skills Commission, "2022 Skills Priority List: Key Findings Report," 2022, <https://www.nationalskillscommission.gov.au/>. p.23

⁴ Department of Education, "Draft National Teacher Workforce Action Plan," accessed November 28, 2022, <https://www.education.gov.au/teaching-and-school-leadership/resources/draft-national-teacher-workforce-action-plan>.

⁵ UNESCO, 4 October 2022, <https://www.unesco.org/en/articles/world-teachers-day-unesco-sounds-alarm-global-teacher-shortage-crisis>, accessed 15 December 2022.