

18 June 2010

Senate Standing Committee on Legal and Constitutional Affairs Senate Committee Inquiry into the Migration Amendment (Visa Capping) Bill 2010

English Australia submission

English Australia (EA) welcomes this Senate Committee Inquiry into the Migration Amendment (Visa Capping) Bill 2010 ("the Bill").

English Australia's major concerns relate to:

- a) the potential for the Bill to be used in the short term to terminate large numbers of residency applications from former international students;
- b) the potential for the Bill to be used in the long term to cap numbers in visa categories such as student visas or working holiday visas.

English Australia is concerned on two levels: in relation to the welfare of current and former international students resident in Australia; and in relation to the potential damage to Australia's reputation internationally and the impact of this on the international education industry.

The Bill appears to present the Minister with very broad powers. The House was told that the characteristics of visas that may be capped and terminated will be "objective" and cited examples such as the occupation of the applicant or the date of their application. Yet there appears to be nothing in the Bill that would provide transparent provisions to prevent visas being capped and terminated on the basis of other factors. This is not to suggest that this is the intention, but once the laws and powers are in place there is no telling what future ministers might do with them.

English Australia calls on the Committee to ensure that the Bill not be passed in its current form without amendments to ensure that the Bill cannot be misused.

English Australia, formerly known as the ELICOS Association, is the national professional association and peak body for the ELICOS sector (English Language Intensive Courses for Overseas Students), representing over 120 colleges delivering English language programs specifically to overseas students.

In 2009, of the sectors which comprise the international education industry, vocational education accounted for 36 per cent of commencing students, higher education 24 per cent and schools 4 per cent. 28 per cent of commencing overseas students holding student visas in Australia in 2009 were undertaking English language courses (103,993 students). In addition a further 51,898 overseas students undertook English language courses using other visas, primarily Visitor or Working Holiday visas. Over 80 per cent of overseas English language students study programs with English Australia member colleges.

English Australia – leading, supporting and representing the international English language industry in Australia

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The ELICOS sector has a 100% international focus as it provides courses only to students from overseas and has no domestic education focus. As such, of all education sectors it is uniquely positioned to see the immediate impact of changes to policy settings that impact on Australia's "attractiveness" as a destination for international students. Australia's reputation as a welcoming country for international students, visitors and potential migrants is at an all time low as a result of a number of recent changes to policy settings. Australia is seen as unwelcoming and racist. This is placing at risk Australia's reputation in education and trade, our cultural exchange with countries in this region as well as the contribution of education export earnings to the national economy.

The Bill has caused extreme concern within the population of current and former international students still resident in Australia and has the potential to cause irreparable damage to Australia's reputation overseas.

English Australia understands that more than a quarter of the migrants waiting in the general skilled pipeline are former international students who have graduated from Australian universities and colleges. If the minister were to cap and terminate their applications for permanent residency then in practice this means that former international students would have four weeks to wind up their affairs and leave Australia. These students have invested both time and money on an education pathway that delivers not only a quality education but also a migration outcome. It would be morally unconscionable to change the rules half-way through the game when such significant investments have been made and add the further insult of offering a paltry refund of the visa application fee.

The Bill looks to correct past poor regulation, however the failure to understand the need to provide natural justice to international students when rules change is particularly problematic.

Numbers of high quality applicants for study in Australia are now affected by an increasingly uncertain and unwelcoming Australia. These students are turning elsewhere and Australian jobs are being lost. The long-term intentions of Government are sound and sensible, but transition arrangements are clearly in need of major improvement.

English Australia appreciates the opportunity to make this submission to the Senate Committee.

yours sincerely

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[submission authorised by the Council of English Australia]

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