

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014

#### IMMIGRATION AND BORDER PROTECTION PORTFOLIO

#### (SE14/418) PROGRAMME – 1.2: Visa and Citizenship

Senator Carr (Written) asked:

- (a) How many people are currently in the country on student visas?
- (b) What is the level of compliance?
- (c) What are the main reasons for non-compliance?
- (d) How does the Department monitor these visas to ensure compliance?
- (e) Is it a random sample size? If so, how big is the sample? If not, what other methodologies does the Department employ?
- (f) Does the department operate on “tip offs”?
- (g) What are the remedies for this and how are they applied?
- (h) What role do educational institutions play in the application and compliance of student visas?

*Answer:*

- (a) On 30 November 2014 there were 362 729 student visa holders in Australia.
- (b) Overall compliance with Australia’s immigration system is very high. In 2013-14, over 99 per cent of more than 5.5 million temporary arrivals complied with the requirement to depart Australia before their visa expires. In recent years, the rate of Student Visa compliance has remained consistent with the overall compliance rate.
- (c) The main circumstances of non-compliance by student visa holders include:
  - overstaying their visa
  - not meeting attendance or course progress requirements and
  - breaching work conditions.
- (d) Under the *Education Services for Overseas Students Act* (2000), education providers are required to monitor, record and assess student activities relating to course progress and attendance. If a student continues to fail course progress or attendance requirements, the provider can notify the department of this breach via the Provider Registration and International Students Management System (PRISMS). The department monitors student compliance via regular reports from PRISMS and takes appropriate action where required.

The department also monitors compliance through its Dob-in Service. The Immigration Dob-in Service encourages people in the community to report a person who may have overstayed their visa or may be working more hours than their visa allows.

The department conducts integrity exercises as required, including caseload audits. These exercises utilise data to identify non-compliant activity and the department investigates accordingly.

The department operates under a discretionary cancellation framework in dealing with breaches to student visa conditions. High priority is accorded to students who have disengaged from studies and are still in Australia. Under a discretionary framework, students who breach their visa conditions are notified of an intention to cancel their visa and provided an opportunity to provide reasons why the cancellation should not occur. These reasons are taken into account in making a decision as to whether to cancel or not.

(e) Sampling is only used in certain circumstances to undertake further analysis of identified behavioural trends of concern. Sample size is dependent on the circumstances of the project.

(f) The department records approximately 30,000 allegations per year. The department receives information from the community via the following channels:

- online web-form, [www.immi.gov.au/Help/Pages/immigration-dob-in-service.aspx](http://www.immi.gov.au/Help/Pages/immigration-dob-in-service.aspx)
- telephone (toll free number)
- fax
- post
- In-person.

For the current programme year to the end of November 2014, the department has recorded 11,359 allegations. 1449 (12.7%) of those allegations relate to student visa subclasses.

The risk treatment that is applied will depend on the nature of the allegation, the seriousness of the matter, or the risk it presents. Example of risk treatments options may include, visa refusal, visa cancellation, financial penalties, prosecution.

(h) As mentioned in the response to (d), under the *Education Services for Overseas Students Act* (2000), education providers are required to monitor, record and assess student activities relating to course progress and attendance.