

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES - 25 FEBRUARY 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(AE14/206) PROGRAMME – 1.1: Visa and Migration

Senator Carr (Written) asked:

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

Answer:

- (a) As at 28 February 2014, there were 364 556 student visa holders in Australia.

Overall compliance with Australia’s immigration system is very high. In 2012-13, over 99 per cent of more than 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.

- (b) The main reasons for Student visa holders becoming non-compliant include:
 - overstaying their visa; and
 - breach of immigration law and/or a visa condition, such as not meeting attendance or course progress requirements or breaching work conditions.
- (c) Under the Education Services for Overseas Students (ESOS) Act, 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 and 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 also conducts compliance exercises as required including caseload audits. These exercises utilise data to identify non-compliance activity and the department investigates accordingly.

(d) Random sampling of the student population is not employed as a primary tool for monitoring visa compliance. Certain behavioural trends of students are monitored through data analysis which will at times warrant targeted analysis of particular cohorts to test compliance issues.

As part of undertaking projects to further analyse identified behaviours of concern, a caseload sampling methodology may be employed. The sample sizes in these instances depend on the overall size of the cohort but would need to be a statistically representative sample to enable valid observations and conclusions to be made.

(e) See (d) above.

(f) See (c) above.

(g) The department does use public allegations as an important source of intelligence to help identify risks. The department's Immigration Dob-In Service allows members of the public to report instances of suspected immigration fraud or malpractice.

(h) If students do not comply with their visa conditions, there may be serious consequences including visa cancellation, detention and removal from Australia. In addition, students who become unlawful in Australia or have their visa cancelled for a breach of a condition are usually subject to an exclusion period of 3 years before they can apply for another Australian visa. These consequences are also intended to deter students from breaching their visa conditions.

(i) Education providers do not have a direct role in the Student visa application process as this is generally a matter for the prospective student and, where relevant, their agent.

Under streamlined visa processing (SVP) arrangements, in return for simpler and quicker visa processing, education providers take on some additional responsibility relating to the genuineness of prospective students, including that they have sufficient financial and English language capacity for their intended study. Participating education providers are also required to put in place strategies to assist students to comply with their visa requirements.

Additionally, as outlined in (c) above, the ESOS Act requires education providers to monitor, record and assess student activities including course progress and attendance and notify the department via PRISMS.