

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 1 November 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(31) Output 1.1: Non-Humanitarian Entry and Stay

Senator Bartlett asked:

What action is DIMIA undertaking in respect of education providers that have a higher average frequency of students breaching their visa in relation to the total student population of that institution, in comparison to other providers? If no action is taken, what are the reasons for this?

Answer:

The education providers who have the highest incidence of student visa cancellations, or reporting breaches of student visa conditions, tend to be those providers with the largest numbers of students overall (such as universities), and who are compliant with their reporting obligations under the ESOS Act. Therefore, simply having a high rate of reported students, or students whose visas have been cancelled, is not necessarily an indicator that the provider is at fault – rather, it may be an indication that the provider is conscientious in discharging its responsibilities in relation to international students.

DIMIA monitors the compliance of individual student visa holders with the provisions of the *Migration Act 1958* and *Migration Regulations 1994* to ensure they abide by the conditions of their visas.

DIMIA, through its enforcement of migration law, may identify education providers of concern, and subsequently provide evidence for the Department of Education, Science and Training (DEST) to take enforcement action under the *Education Services for Overseas Students (ESOS) Act 2000*. State education authorities and regulatory bodies also undertake ongoing audits of the performance of providers in the context of registration processes. DEST impose sanctions under the ESOS Act to cancel or suspend providers in breach of their obligations under that Act.

The monitoring, enforcement and compliance activities undertaken pursuant to the two Acts are closely inter-related, and dependent in large part on one another. A partnership between DEST and DIMIA is integral to the continued and enhanced success of the onshore enforcement of the regulatory regime. DIMIA has been supporting DEST in investigating providers of concern within the context of the ESOS Act and the Migration Act. Staff from the two agencies conduct regular joint visits to education providers in most states and territories, providing information and training in addition to undertaking investigation and compliance activities.