

## Changes to the Student Visa Framework 2016

The Government has announced a new simplified student visa framework (SSVF) for international students, to replace the existing Streamlined Visa Processing (SVP) process and the current Assessment Level Framework from mid-2016.<sup>1</sup> This follows lengthy industry consultations, and a Discussion Paper and submissions in 2014.

In brief the SSVF will benefit international education, reward providers in all education sectors whose students demonstrate high visa compliance, remove some anomalies, and reduce red tape.

Since the introduction of the Educational Services for Overseas Students (ESOS) Act 2000, the visa risk framework has been based on visa compliance by country and education sector. Originally, student visa applications were classified on an Assessment Level (AL) scale 1 to 5 (in reality 4) based on a set of visa compliance metrics; students at higher ALs needed to demonstrate stricter conditions such as financial capacity, English proficiency and previous study. All students needed to meet health and character checks.

Following the Knight Review, the Framework was amended in 2011:

- A Genuine Temporary Entrant (GTE) criterion was applied to all applicants
- The number of ALs was reduced to 3, so that students from the highest risk countries now need less stringent conditions, e.g. one year finances, rather than 2 or 3
- Streamlined Visa Processing (SVP) was introduced, initially for universities, then to other higher education providers (NUHEPs) and VET Advanced Diplomas, where the providers met the equivalent of AL2 compliance across their student load. Under SVP applications are processed under requirements similar to the lowest risk level AL1.

SVP boosted the recent recovery in student numbers, but began to cause division owing to its binary nature, and was not further extendable to some other sectors, and small low risk providers.

Significant changes include:

1. Replace the present AL Framework based on country and education sector immigration risk rating with the SSVP based on country and education provider risk rating, each on a three point scale similar to AL 1-3
2. Replace SVP which is available only to some providers with the SSVP which applies to all
3. Remove the need for SVP providers to nominate specific pathway business partners, with whom they could package SVP programs; this will provide more equity for pathway, especially ELICOS providers
4. Reduce the number of student visa subclasses from eight to two, with significant administrative simplification for the Department and multi-sector providers; all primary applicants (students) will apply for the same visa.

The new Framework retains the GTE, and the need to meet health and character conditions. The Department also reserves the right to require more documentation in specific cases.

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<sup>1</sup> <http://www.immi.gov.au/Study/Pages/review-student-visa-programme.aspx>

Under the SSVP, lower evidentiary requirements generally apply to applicants:

- from a low risk (level 1) country, or
- for a low risk (level 1) provider, or
- with a medium risk (level 2) country AND provider.

Providers are responsible for ensuring that applicants meet the necessary academic, English and financial requirements. Failure to do so is likely to lead to lower visa compliance outcomes, and a higher provider risk rating.

Higher evidentiary requirements generally apply to applicants with a high risk (level 3) country or provider.

At present some high risk (level 3) students can apply under SVP to providers who meet the medium risk (level 2) criteria. Under SSVP, these students would need to meet higher evidentiary requirements.

The Department will not publish individual provider risk ratings; this will be confidential between DIBP and the provider. Students will apply online, where the financial and English evidentiary requirements will be indicated. In reality, students and agents will be able to infer a provider's risk rating.

Benefits of the SSVP include:

- simple and potentially faster processing for low risk cases
- application to all providers, not only those with SVP
- incentive for all providers to assess student bona-fides, and take responsibility for their immigration compliance
- a provider risk rating based on all students, so that a student transferring sectors within the same provider (e.g. HE to VET) does not need to apply for a new visa sub-class, with potentially different evidentiary requirements; this will provide less incentive for artificial "course hopping."

The Department is establishing a Working Party of the Education Visa Consultative Committee (EVCC) to consider some of the fine detail and implementation issues.

### Table of SSVP Evidentiary Requirement Level (Lower/ Higher)

Country risk level	1 Low	2 Medium	3 High
Provider risk level			
1 Low	Lower	Lower	Lower
2 Medium	Lower	Lower	<b>Higher</b>
3 High	Lower	<b>Higher</b>	<b>Higher</b>
<b>GTE applies to all</b>			

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