



Improvements for Existing Student Visa Holders (Recommendations 7, 24, 28, 29 and 30)

The following information provides further detail on the planned Knight Review changes to the student visa program.

Frequently asked questions

What is the government doing to assist international students already in Australia?

The government made a number of changes in March 2012 to assist student visa holders already in Australia including:

- introducing legislation to Parliament to abolish the student visa automatic visa cancellation process. This will allow the Department of Immigration and Citizenship (the department) to determine cancellation on an individual's circumstances, providing a fairer outcome for the client. The legislation is the *Migration Legislation Amendment (Student Visas) Bill 2012* which was introduced to Parliament on 22 March 2012
- measuring student work visa conditions as 40 hours per fortnight during any fortnight when the course is in session
- unlimited work rights for Postgraduate Research (subclass 574) visa holders once their course has commenced.

More information on the work conditions changes can be found on the department's website.

See: www.immi.gov.au/students/pdf/2011-flexible-work-conditions.pdf

In addition, the government has introduced a change to enable education providers to list the names of education agents who recruit international students in the Department of Industry, Innovation, Science, Research and Tertiary Education's (DIISRTE) Provider Registration and International Students Management System (PRISMS) on a voluntary basis. The government proposes to make this mandatory in the first half of 2012. This will allow for better education agent monitoring and help to enhance the integrity of the student visa program.

Removing the automatic student visa cancellation provisions

What is the proposed change?

The government proposes to abolish automatic cancellation of student visas for unsatisfactory course progress and attendance in class.

The government also proposes to require education providers to give the particulars of any change in a student visa holder's contact details to the Secretary of the Department of Innovation, Industry, Science, Research and Tertiary Education (DIISRTE) within 14 days of being notified of a change.

The Australian community expects there to be consequences if a student visa holder breaches visa conditions. Access to up to date contact information will better enable the department to uphold the integrity of the student visa program.

How will the change benefit student visa holders?

Removal of automatic cancellation requirements would allow the department to determine cancellation in particular cases on their merits, taking all relevant circumstances into account and thereby providing a fairer outcome for student visa holders. For example, this will allow the department to distinguish between a student visa holder who was never genuinely intending to study in Australia and one who may be struggling with the units undertaken and could benefit from a change in course or provider.

Access to up to date contact information will better ensure that student visa holders receive important information relating to their visa status.

What are the automatic student visa cancellation provisions?

Student visa holders are currently required to maintain satisfactory course progress and attendance in class. If a student fails to comply with this visa condition, the education provider is required to report the student to the government.

This information currently leads to an automatic cancellation of the student's visa unless the student personally attends a departmental office to explain the breach within 28 days.

Does this mean students who breach their visa conditions would not face any consequences?

No. The ability to maintain satisfactory course progress and attendance is considered an indicator of a student visa holder's genuine engagement in studies. Under the proposed change, education providers would still be required to report a student visa holder who has failed to maintain satisfactory course progress and attendance. It is proposed that each report would then be considered by the department under existing discretionary cancellation powers.

What is discretionary cancellation?

Discretionary cancellation means that a decision maker can examine the circumstances of a particular case and make a decision once they have taken the circumstances of the breach into account. The proposed move from automatic to discretionary cancellation will lead to fairer outcomes for student visa holders.

Would registered education providers still be required to report students who are in breach of their visa conditions after this proposed change?

Yes.

When would the changes be made?

The removal of the automatic cancellation provisions is proposed to commence in 2012, subject to the passage of legislation.

I am a student visa holder and have received a notice about the possible cancellation of my student visa – what do I do?

Until the relevant legislation is passed and the changes come into effect, the automatic cancellation system will continue to operate. Therefore, if you have received a notice about the possible automatic cancellation of your student visa you should comply with it by attending a departmental office within 28 days of the date specified in the notice. Otherwise, your visa will be automatically cancelled.

My visa has been automatically cancelled – what do I do?

If your visa has been automatically cancelled, you should attend a departmental office as soon as possible to discuss your visa status. You may be eligible to apply for a revocation of the automatic cancellation.

Any eligible student visa holder who has had their visa automatically cancelled will continue to be able to apply for a revocation of the cancellation, even after commencement of the proposed Bill.

I am a student visa holder – I have updated my contact information with my education provider. Do I need to provide an update to anyone else?

No. You only need to make sure your education provider has your most up to date contact details.

I am an education provider – what do I do with updated student visa holder contact information?

Education providers should enter updated information into the Provider Registration and International Student Management System (PRISMS).

PRISMS is the system used by all registered providers of education and training to international students to issue Confirmation of Enrolment certificates and student course variations. PRISMS links to departmental systems to allow the monitoring of student visa conditions. There will be no need for education providers to give updated contact details directly to the department.

Entering education agents names into the Provider Registration and International Students Management System (PRISMS)

What are the current arrangements?

International education providers are currently required to make publicly available the names of education agents who recruit international students for them.

As of 5 April 2012, education providers are able to voluntarily enter the details of any agent used in the recruitment of a student into the student's record on PRISMS.

What will change?

It is proposed that it become mandatory that education providers enter the name of any agent used in the recruitment of a student into the student's PRISMS record.

Why is this change being proposed?

The change would enable patterns of behaviour to be linked to individual education agents. This would help enhance the integrity of the student visa program.

When was the change introduced?

As of 5 April 2012, education providers are able to voluntarily enter an agent's details into a student's PRISMS record. It is proposed that it will become mandatory in the first half of 2012. Providers of international education will be advised beforehand.

Where do I go for more information?

DIISRTE and the department are working with stakeholders to develop these measures. More information will be provided on the department's website as it becomes available.

See: www.immi.gov.au/students/knight/