



INDEPENDENT
HIGHER EDUCATION
AUSTRALIA

IHEA SUBMISSION

DEPARTMENT OF HOME AFFAIRS
CONSULTATION ON EVIDENCE
REQUIREMENTS FOR ONSHORE
STUDENT VISAS

26 November 2024

IHEA Submission

Department of Home Affairs Consultation on Evidence Requirements for Onshore Student Visas

Independent Higher Education Australia appreciates the opportunity to provide feedback on the Department of Home Affairs (DHA) consultation on evidence requirements for onshore Student visas, for which submissions are due by 26 November 2024.

Current arrangements

Currently, offshore Student visa applicants must provide a valid CoE at the time of lodgement. The absence of a valid CoE means that the application cannot be lodged.

In contrast, for onshore Student visa applicants, there is the option of submitting either a CoE or a letter of offer from an education provider.

Proposal

DHA is proposing to specify that a Confirmation of Enrolment (CoE) as the only valid evidence of intended study at the time of lodgement for onshore Student visa applicants. This would make the requirements consistent with Student visa applications made offshore.

At the time of seeking feedback on the proposal, DHA was considering that there would be a new operating environment as a result of the expected passage of the Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024, which would allow for the introduction of National Planning Levels and international student caps. However, DHA has confirmed that while the proposed changes would support the National Planning Level, if implemented, they are separate from the proposed ESOS Bill changes and will progress, irrespective of the outcome of the ESOS Bill amendments.

DHA is proposing a legislative change to require all Student visa applicants to provide a CoE at the time of lodgement to standardise the valid application lodgement criteria irrespective of the applicant's location at the time of lodgement. Home Affairs is keen to progress this change to:

- Enable a consistent approach to Student visa applications for both offshore and onshore applicants.
- Support implementation of the National Planning Level by ensuring that a Student visa application would not be able to be lodged without a provider committing to an NPL capped place (by way of issuing a CoE).
- Ensure that for both onshore and offshore Student visa applications, failure to provide a CoE at visa lodgement will make a visa application invalid, rather than be a basis for visa refusal.

IHEA feedback

The current situation where a CoE is mandatory for an offshore Student visa application but can be replaced with a Letter of Offer for an onshore Student visa application has had some rationale. For offshore applicants, a CoE serves as an initial verification of their intent to study in Australia. It ensures that they have been accepted into a registered course before they even enter the country. However, once already in country a Letter Of Offer allows more flexibility as the student has already satisfied immigration requirements to be in Australia.

However, ensuring that the same requirement of a CoE for both offshore and onshore students ensures consistency and a genuine intent of the student who is enrolled in a course of study. It can also filter out students who may misuse the visa system and who do not have a genuine intent to study. It also means that visa applicants cannot lodge a visa application with only a letter of offer with no intention of obtaining a CoE only to receive a visa refusal and then pursue review rights to extend time onshore. Having the same arrangement for offshore and onshore students will also assist DHA to streamline their processing arrangements, which will apply the same requirements for all students.

IHEA is not aware of any unintended consequences for providers as a result of the proposal. In terms of communicating the proposed change to providers, it is recommended that DHA undertake live webinars with opportunities for questions and answers. Communication should also include education agents, who will be a critical audience to understand this change.

Who We Are

Independent Higher Education Australia Ltd. (IHEA) is a peak body established in 2001 to represent Australian independent (private sector) higher education institutions. Our membership spans independent universities, university colleges and other institutes of higher education, all of which are registered higher education providers accredited by the national higher education regulator, TEQSA or associate members seeking registration.

Our Vision is that: students, domestic and international, have open and equitable access to world class independent higher education in Australia, built on the foundations of equity, choice, and diversity.

Our Mission is to represent independent higher education and promote recognition and respect of independent providers as they contribute to Australian education, the Australian economy, and to society in general. We achieve this by promoting continuous improvement of academic and quality standards within member institutions, by advocating equity for their staff and students, and by delivering services that further strengthen independent providers' reputations as innovative, sustainable, and responsive to the needs of industry and other relevant stakeholders in both higher education and vocational education and training. IHEA's commitment is to excellence, productivity and growth in independent higher education being delivered through a trusted Australian education system underpinned by equity, choice, and diversity.

IHEA members have different missions, scales, and course offerings across the full AQF range (Diplomas to Doctorates). Members comprise:

- Four private universities (Bond University, Torrens University, University of Divinity, Avondale University).
- Seven University Colleges (Alphacrucis University College, Moore Theological College, Australian College of Theology, Sydney College of Divinity, SAE University College, ACAP University College and Excelsia University College).
- Six self-accrediting institutes of higher education (Griffith College, Kaplan Business School, Marcus Oldham College, Excelsia University College, The College of Law and ACAP University College).
- Seventy two not-for-profit and for-profit institutions of higher education; and related corporate entities.

IHEA members teach approximately 74 percent of the students in the independent sector (i.e., more than 130,000 students) and educate students in a range of disciplines, including law, agricultural science, architecture, business, accounting, tourism and hospitality, education, health sciences, theology, creative arts, information technology, and social sciences.

IHEA holds a unique position in higher education as a representative peak body of higher education providers. Membership in IHEA is only open to providers registered, or seeking registration, with the Australian regulator – TEQSA. However, some IHEA members are dual and multi-sector providers who also deliver VET and/or English Language Intensive Courses for Overseas Students (ELICOS) courses.

Contacts:

The Hon. Dr Peter Hendy
Chief Executive Officer
Email: Peter.Hendy@ihea.edu.au
Phone: 0418 679 911

Dr James Hart
Policy and Research Manager
Email: James.Hart@ihea.edu.au
Phone: 0418 694 680