



**ASSOCIATION OF
AUSTRALIAN EDUCATION
REPRESENTATIVES IN INDIA**

Registered under the Societies Registration Act XXI 1860
Registration No: S-31213 of 1997

Mailing Address:

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02 June 2023

To
**Hon Clare O'Neil, MP
Minister of Home Affairs, Australia**

Respected Madam

Petition to Link Student Visas to the Institutes

I am writing as the President of the "**Association of Australian Education Representatives in India (AAERI)**". AAERI is the peak body for education representatives working for Australian universities & institutes in the Indian sub-continent. Formed in the year 1996, AAERI continues to work collaboratively with all stake holders including Department of Education, Austrade and Home Affairs on issues related to international students. AAERI's code of ethics is based on ethical practices outlined in the London statement, ESOS act and National code and we oversee that these are implemented in India.

AAERI has continued to work collaboratively with the Australian Department of Education, Austrade and Home Affairs on issues related to international students from India. Australian universities are world-class and offer great incentives for international students.

Via this petition we appeal to the Department of Home Affairs to take necessary action to resolve / fix the loopholes and integrity issues, which if left unattended will cause more damage to the Australian education export industry at large

Outlining the Problem:

Unethical poaching on-shore and course hopping is a serious concern to all and it's observed that there is a huge increase in newly arrived international students changing providers and enrolling in lower-level programs. These are genuine students who have come to Australia to study a world-class degree at a university. They have invested their time and money plus they are young and impressionable and many fall into this trap to few agents onshore or other RTO's who offer fee discounts, cash-backs, job promises, migration pathways, and other freebies.

While students are allowed to study a second course and this is a good option but the concurrent coe policy is also misused with the loopholes in the system have encouraged certain RTO's to act unethically and commercially. As a result, institutes and agents who have spent considerable amount of time and money on the recruitment activity overseas are losing revenue and rules are being flouted, there is increase on fraud and the brand of international education in Australia is being affected.



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AAERI is of the view that such loopholes in the system is also attracting non-genuine students who initially opt for a reputable education provider to avail their course and institution specific visa and on arrival or within a few weeks of entering the Australian, they change to another education provider, which they would not have been issued a visa for if they applied for this institution in their home country.

These are serious wide-spread concerns and we have outlined the facts here.

Under the student visa policy:

Condition 8202 - Meet Course Requirement

- Remain enrolled in a registered course
- Maintain enrolment in a registered course that is the same level as, or at a higher level than the registered course for which you were granted a visa

Condition 8516- Continue to satisfy the criteria for the grant of the visa

- You must continue to satisfy the criteria for the grant of the visa.

Condition 8518- Maintain adequate arrangements for your education

- If you want to change courses, you need to make sure you continue to meet the conditions. In some cases, you might need to apply for a new visa.
- If you are no longer studying or going to your course, you might be breaching your visa conditions

To receive an Australian student visa, all students must prove that they have enough money to support themselves throughout their stay. Many students avail an education loan to study in Australia for their course fee. These education loans are shown as evidence of funds and to meet the financial requirement under the sub-class 500 visa. Education loans are granted based in various factors to and one such is the course or program the student is opting for and the institute the students is going to study.

Once the student changes the course or provider then their education loan becomes immediately void. This clearly means that the student is not able to meet the financial capacity as outlined in the legislation and not able to meet the GTE requirements. Therefore, the student is not GTE compliant and not able to satisfy Condition 8202, Condition 8516 and Condition 8518 of the student visa legislation

The Solution:

1) Link student visa to institutes

2) Introduce the need for fresh student visa onshore and this to be extended for all students changing courses and institutes irrespective of the level of study



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Immediate Fix:

- Plug the concurrent coe loophole on PRISMS
- Apply condition 8202 which is already existing (For students that go to AAT the outcome must be faster)

Medium Term:

- Link student visas to institutions (as in NZ, UK or Canada) and so genuine students needing to change providers can lodge student visas onshore again and prove that they meet the other requirements
- Restrict student transfers to one-year

Long Term:

- Clearly define the responsibility of onshore and offshore agents
- To ban commissions for on-shore recruitment of students

Conclusion

We strongly believe that the above-mentioned solutions (or simple amendments) in the student visa regulations or policy will help to quickly address many concerns. While it will have many benefits including:

- Will protect the visa integrity issues
- Will address market fairness and protect students' rights
- Will ensure education provider and offshore education agent's sustainability
- Will address issues related to onshore poaching of young and gullible international students and course hopping, would cease to a large extent.
- Serious education institutes / universities and other quality VET providers will benefit
- The associated Immigration Risk Rating liability and negative statistics will be permanently transferred from the initial education provider and reputable offshore agent who recruited them, to the new education provider and the onshore agent solving yet another conflict for serious education providers and reputable offshore education agents.

AAERI sincerely requests you to kindly look into the above concerns in the broader interest of Australian international education. We would be happy to provide you any further details if required and we welcome an opportunity to discuss these issues with the department face to face or virtually.

Thanking You

Yours sincerely

Nishidhar R Borra (Nishi Borra)

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2. Matthew Johnston, Minister Counsellor (Education & Research)- South Asia
3. Nathaniel Webb, Counsellor (Education and Research) - South Asia
4. Monica Kennedy, Sr Trade and Investment Commissioner, Austrade
5. John Wellard, Policy Director, Universities Australia
6. Vicki Thomson, Chief Executive- Group of Eight
7. Jogvan Klein, Chair, AUIDF
8. AAERI Executives