



**COUNCIL OF  
INTERNATIONAL  
STUDENTS  
AUSTRALIA**

Committee Secretary  
Joint Standing Committee on Migration  
PO Box 6021  
Parliament House  
Canberra ACT 2600

**31 March 2021**

**Submissions to the Inquiry in Australia's Skilled Migration Program**

To whom it may concern,

The Council of International Students Australia (CISA) welcomes the opportunity to contribute to the Committee's inquiry into the Australia skilled migration program. CISA is the national peak student representative body for international students in Australia. Formed in 2010, we are a non-profit, non-partisan and noncommercially aligned organization in response to the need for a national voice and unified advocacy for the more than 650000 international students in Australia.

This is a joint submission between CISA and the ANU Law Reform and Social Justice Research Hub (ANU LRSJ Research Hub). Members of the ANU LRSJ Research Hub are students of the ANU College of Law, who are engaged with a range of projects with the aim of exploring the law's complex role in society, and the part that lawyers play in using and improving law to promote both social justice and social stability.

Our submissions will address Terms of Reference 1B, 6 and 7. We will first provide a summary of our submissions. We will then proceed to outline our submissions addressing each of the terms in order.

We welcome the opportunity to answer any questions from the Committee regarding this submission. We can be contacted via [REDACTED]

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## Summary of Our Submissions

**Submission 1** To ensure that the Program is able to effectively meet its intended objectives, more investment is needed to combat false and misleading narratives about the program and prospective skilled migrants including international students.

**Submission 2** More investment is needed to ensure the prompt processing of skilled migration visa applications, as the long wait times makes the program unnecessarily complex.

**Submissions 3.1** That the Committee recommends the extension of the eligibility period for the Subclass 485 visas for international students affected by COVID-19 travel restrictions.

**Submissions 3.2** That the Committee recommends an introduction of a temporary visa subclass equivalent to Subclass 485 that applies to international students affected by COVID-19 travel restrictions who are enrolled in Australian institutions before the travel restrictions are lifted.

## Terms of Reference 1B

The permanent migration program has evolved over time in line with economic imperatives, political attitudes and societal expectations. However, it has retained a consistent focus on selecting migrants with the skills to complement the domestic workforce.<sup>1</sup> We submit that international engagement and connection are essential for Australian domestic talent to reach its maximum capacity. Public backlash against skilled migration potentially discourages highly skilled migrants from choosing Australia as the destination of their choice. This is also a threat to Australia's research capabilities and leaves Australia in a vulnerable place in certain academic fields. To address this, false narratives related to long term migration needs to be addressed. As they make less than one per cent of Australia's workforce, migrant workers are not a threat to wages or employment rates of local workers. In fact, a percent increase in the shares of migrants within an industry sector results in an increase of 2.4 percent in the wages of Australian workers<sup>2</sup>. A study conducted

<sup>1</sup> Committee for Economic Development, 'A GOOD MATCH: OPTIMISING AUSTRALIA'S PERMANENT SKILLED MIGRATION, Committee for Economic Development Australia (Web Page, 29 March 2021)

<https://www.ceda.com.au/ResearchAndPolicies/Research/Population/A-good-match-Optimising-Australia-s-permanent-skill>

<sup>2</sup> Dockery, AM, Duncan A, Nguyen T and Seymor R 2019, 'Finding a Place to Call Home: Immigration in Australia', Bankwest Curtin Economics Centre, Bentley, Focus on the States Series, Issue #7, November 2019, p. 37





by CEDA is also concluded that the recent waves of migrants have not had an adverse impact on the wages or jobs of Australian-born workers.<sup>3</sup>

As significant amounts of skilled migrants in Australia are graduates from Australian universities, we submit that Australia's international competitiveness in regard to migration does depend on international student to a high degree. As such, they will also be key to Australian economic recovery and we submit that it should be concerning that international student arrival have declined by 99.6%.<sup>4</sup> It is, however, important to challenge the assertion that all international students come to Australia with the sole intention of obtaining permanent residency. A 2018 Treasury Paper has found that only about 16% of international students remain in Australia over long term.<sup>5</sup>

Therefore, we submit that in order to ensure that the Australian Skilled Migration Program can achieve its intended objectives effectively in the long-term, there needs to be more investment in combatting false or misleading narratives and myths about the program as well as current and prospective migrants, particularly international students.

### **Terms of Reference 6**

With Australia being one of the world's major immigration nations<sup>6</sup>, the competitiveness of Australia's skilled migration program needs to be re-evaluated, particularly in the context of a global pandemic that significantly impacts Australia's migration program.

Considering lower population numbers compared to the USA and Canada, as well as the relocation of skilled Australians to overseas, Australia is depending on skilled workers from overseas to fill essential roles in the labour market. The difficult pathway to permanent residency in Australia, other than by having obtained a university degree in Australia first, is a major impediment in attracting skilled workers from overseas. Migrants have less certainty in terms of their future as they may be eventually forced to leave again, with Australia missing

<sup>3</sup> Committee for Economic Development, 'A GOOD MATCH: OPTIMISING AUSTRALIA'S PERMANENT SKILLED MIGRATION, Committee for Economic Development Australia (Web Page, 29 March 2021) <https://www.ceda.com.au/ResearchAndPolicies/Research/Population/A-good-match-Optimising-Australia-s-permanent-skill>

<sup>4</sup> "Overseas Arrivals And Departures, Australia, January 2021". 2021. <https://www.abs.gov.au/statistics/industry/tourism-and-transport/overseas-arrivals-and-departures-australia/latest-release#arrivals-international-students>.

<sup>5</sup> <https://research.treasury.gov.au/sites/research.treasury.gov.au/files/2019-08/Shaping-a-Nation-1.pdf>, p. 21

<sup>6</sup> [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp1617/Quick\\_Guides/MigrationStatistics](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1617/Quick_Guides/MigrationStatistics)



out on their skills. In addition to that, other competing countries do have lower entry requirements which challenges Australia's competitiveness in certain occupations even further.

In context of the ongoing pandemic, we also submit that Australia's global competitiveness has been severely impacted due to the increasingly prolonged waiting times for visas.<sup>7</sup> Faster and optimised application processing as well as extending visas of those skilled migrants and graduates most effected is essential if Australia's skilled migration program is to remain competitive. For example, the wait-time for the Subclass 189 visa, a pathway through which many international students seek permanent residency, was 6-8 months pre-pandemic; currently, the wait is over a year (13 months).<sup>8</sup> The Post-Study work stream visa, another pathway through which international students live and work in Australia after completing study at an Australian institution, currently has a wait-time of 12 months.<sup>9</sup>

We submit that the delay in processing times may cause skilled migrants to choose a different destination other than Australia, as living life in limbo and with little to no certainty with regards to their future for a prolonged period of time is unreasonable. We also argue that increased wait-times and uncertainty about eligibility to work in Australia long-term frustrate international students and discourage them from studying and working in Australia. We also respectfully ask for further clarification as to whether the delay in processing times due to migrants being unable to undergo health screening and English language tests, given that to our understanding these already have to be submitted at the time of application. We also note that as Australia's economy recovers from the COVID-19 pandemic, it is more important than ever to make Australia a competitive option for international students and other skilled migrants and encourage these individuals to choose Australia. Efforts and investment are needed to ensure the prompt processing of all skilled migration-related visa applications.

<sup>7</sup> Kumar, Vivek. 2021. "189 Visa: Processing Time Jumps To 20-24 Months As Many Wait For Over A Year". *SBS Hindi*, 2021. <https://www.sbs.com.au/language/english/audio/189-visa-processing-time-jumps-to-20-24-months-as-many-wait-for-over-a-year>.

<sup>8</sup> "Skilled Independent Visa (Subclass 189) Points-Tested Stream", 2021. *Immi.Homeaffairs.Gov.Au*. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-independent-189/points-tested#Overview>.

<sup>9</sup> "Temporary Graduate Visa (Subclass 485) Post-Study Work Stream", 2021. *Immi.Homeaffairs.Gov.Au*. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-graduate-485/post-study-work>.





## **Terms of Reference 7**

As discussed, a key aspect of the Australian Skilled Migration Program is the availability of the Subclass 485 Temporary Graduate Visa ('TGV') to international student graduates in Australia. As the committee are aware, the TGV would allow international student graduates to stay and work for 2-5 years after their graduation.<sup>10</sup> As skilled migrants, international students have the advantage of an Australian education and a pre-existing link to their local community. The TGV would allow international students to apply skills learned in Australia to contribute to the Australian community and economy after their graduation. Should they choose to migrate permanently, the TGV would allow them to gain valuable workplace experience. After all, there is no migrant more ready to work in Australia than one already employed in Australia.

However, we note with concern that the TGV has not been amended to consider the impact of COVID-19 on international students. Due to COVID-19 travel restrictions, about 20% of all international students in Australia are currently offshore. Furthermore, there are also new students who would have enrolled after the border closed. It remains uncertain when these students would be able to return to Australia.

This presents a problem when it comes to TGVs. To be eligible for a TGV, a person would need to, among other things, hold a current student visa or has held a student visa within the last 6 months and is currently a holder of a bridging visa or another substantive visa.<sup>11</sup> If the person impacted by COVID-19 Travel Restriction does not currently hold a student visa, they can apply for a TGV if they have held a student visa within the last 12 months.<sup>12</sup>

<sup>10</sup> <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-graduate-485/post-study-work>

<sup>11</sup> *Migration Regulations 1994* (Cth) Sch 1 Item 1229 Subitem 1229 (4) (i), (ii), (iii)

<sup>12</sup> <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-graduate-485/post-study-work#Eligibility>



We submit that linking eligibility to apply for TGVs with a prior student visa when it comes to offshore international students is problematic. As mentioned above, it is uncertain when these students will be able to return. A TGV is not itself a permanent visa, so it is unclear if these students would be allowed to travel to Australia unless they meet an exemption.<sup>13</sup> However, if a student defers applying for a TGV, they could lose their eligibility to apply once the 12 months period is over. Therefore, a student may be forced to make the difficult choice: apply for a TGV but risk only being in Australia for only a fraction of the granted period or not apply at all and lose their chance to improve their skills through Australian graduate work.

We submit that the Committee should recommend changes to the TGV program as a matter of improving the viability of the Australian Skilled Migration Program in the age of COVID-19. At the very least, we submit that the Committee should recommend that the eligibility period for students affected by COVID-19 travel restrictions be significantly extended. Alternatively, the Committee should recommend the creation of a TGV-equivalent visa subclass that would apply to students who are enrolled in Australian institutions before the COVID-19 travel restrictions are lifted. This would prevent international students from having to make a difficult and inequitable choice, and the loss of potential valued skilled migrants.

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<sup>13</sup> <https://covid19.homeaffairs.gov.au/travel-restrictions><https://covid19.homeaffairs.gov.au/travel-restrictions>