

## **A migration system for Australia's future**

### **Executive Summary**

This paper documents the views of Group Colleges Australia (GCA) with regard to specific questions in relation to migration. Part I is the introduction to Mr Alan Manly OAM CEO of GCA. Part II provides a short history and context of GCA. Part III addresses the specific questions in relation to migration.

### **Part I – Introduction to Alan Manly OAM<sup>1</sup>**

Alan Manly is an entrepreneur, company director, innovator and international businessman with over 40 years' experience in the technology and education sectors<sup>2</sup>. He has had over 40 years' experience as a company director. His directorships cover public companies, private companies and not for profit organisations<sup>3</sup>.

He has owned and managed a wide range of education institutions ranging from Senior High Schools, Registered Trading Organisations (RTOS) and an Institute of Higher Education<sup>4</sup>. At its peak GCA has been successfully educating over 5000 overseas students at any one time.

Alan previously owned an English College by way of a joint venture in Shandong China for ten years that was authorised by the PRC government. He also owned and operated an English College in Kathmandu, Nepal, which was government accredited.

Alan is a prolific writer on the subject of entrepreneurship and education. As an industry thought leader he has been featured in over 500 articles<sup>5</sup>. He appears regularly in the media on channels, including Sky News, 2GB, ABC News, Ticker News, Australian Financial Review and Kochie's Business News. He is also active on LinkedIn with more than 3000 followers<sup>6</sup>.

His commitment to the tertiary education sector has further been demonstrated by his work on the boards of both industry bodies in education being -

- Founding Director of the Australian Council of Private Education (ACPET) now Independent Tertiary Education Council of Australia (ITECA);
- Member of the State Committee of ACPET; and
- Director of the Council of Private Higher Education (COPHE) now the Independent Higher Education Association (IHEA)<sup>7</sup>.

He was a participant for the Current and Future Directions of Australia's Service Export Sector in 2007 on behalf of ACPET.

In 2009, he was honoured with an award from Tourism and Training Australia for support and leadership in tourism and hospitality in Australia<sup>8</sup>.

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<sup>1</sup> <https://au.linkedin.com/in/alanmanly>

<sup>2</sup> <https://www.alanmanly.com.au/>

<sup>3</sup> <https://www.alanmanly.com.au/>

<sup>4</sup> <https://www.alanmanly.com.au/the-founder>

<sup>5</sup> [https://en.wikipedia.org/wiki/Alan\\_Manly](https://en.wikipedia.org/wiki/Alan_Manly)

<sup>6</sup> <https://au.linkedin.com/in/alanmanly>

<sup>7</sup> <https://honours.pmc.gov.au/honours/awards/2009147>

<sup>8</sup> [https://en.wikipedia.org/wiki/Alan\\_Manly](https://en.wikipedia.org/wiki/Alan_Manly)

He is a Fellow of the Australian Institute of Company Directors, Fellow of the Institute of Managers and Leaders and a registered Justice of the Peace<sup>9</sup>.

Alan's contributions have been recognised in the achievement of the Medal of the Order of Australia for services to tertiary education<sup>10</sup>.

In 2021 he was also appointed to serve on the Ministerial Advisory Council on Skilled Migration<sup>11</sup>.

## Part II- Introducing Group Colleges Australia

Group Colleges Australia (GCA) was established in 1998. GCA currently trades as Universal Business School Sydney (UBSS)<sup>12</sup> - an institute of higher education, registered and accredited by the Tertiary Education Quality Agency (TEQSA)<sup>13</sup>. This allows UBSS to deliver select Bachelor and Master level programs to domestic and overseas students across campuses in Sydney and Melbourne. UBSS is now the 7<sup>th</sup> largest MBA School in Australia<sup>14</sup>. To date UBSS has educated over 1296 students in the MBA program. In addition, it was ranked as the Number 1 Business School in the Sydney CBD for Teaching Quality and Learner Engagement in the Quality Indicators for Learning and Teaching QILT (Government endorsed survey) in 2021<sup>15</sup>.

Over the past 20 plus years, GCA has successfully operated a market leading, innovative and compliant institution, teaching over 25,000 students across a diverse portfolio of programs ranging from vocational education, English training through to Masters' level higher education.

## Part III

### Suggestions as directed in the Ministerial Briefing Paper

- How can migration contribute to these challenges and opportunities?
- How do we best use the migration program to grow our economy?

The purpose of the skilled migration program as defined by the Department of Home Affairs is: "...to attract migrants who make a significant contribution to the Australian economy, and fill positions where no Australian workers are available...The Skilled stream also plays an important role in regional development through providing skills and labour which can't be sourced locally, as well as encouraging investment and promoting local spending in regional areas."<sup>16</sup>

The current policy settings favour migrants of working age who have skills and experience that contribute to the economy<sup>17</sup>.

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<sup>9</sup> <https://www.gca.edu.au/ExecutiveListing.aspx?pid=32>

<sup>10</sup> <https://honours.pmc.gov.au/honours/awards/2009147>

<sup>11</sup> [https://en.wikipedia.org/wiki/Alan\\_Manly](https://en.wikipedia.org/wiki/Alan_Manly)

<sup>12</sup> <https://www.teqsa.gov.au/national-register/provider/group-colleges-australia-pty-ltd>

<sup>13</sup> <https://www.teqsa.gov.au/national-register/provider/group-colleges-australia-pty-ltd>

<sup>14</sup> <https://www.ubss.edu.au/mba-rankings/?tab=Top%20Ranked%20MBA%20Schools>

<sup>15</sup> <https://www.ubss.edu.au/student-satisfaction-qilt/?tab=QILT%20SES%202021>

<sup>16</sup> Department of Home Affairs; Skilled migration program home page; <https://immi.homeaffairs.gov.au/what-wedo/skilled-migration-program>

<sup>17</sup> The Treasury and Department of Home Affairs, Shaping A Nation: Population growth and immigration over time; April 2018; <https://research.treasury.gov.au/external-paper/shaping-a-nation>

A key sector that should be considered when discussing migration is the independent higher education sector. Before the COVID-19 pandemic, the independent higher education sector realised approximately \$2.64 billion, making the sector Australia's 21st largest export<sup>18</sup>.

There are 569,204 overseas students in Australia in 2022<sup>19</sup>. The independent higher education sector accounts for over 120,000 students<sup>20</sup>.

Overseas students who wish to apply for a student visa must submit a statement called a Genuine Temporary Requirement (GTE). We consider the GTE to have been a major success for Australia.

The facts demonstrate that The GTE statement has been successful in discouraging overseas students from staying on in Australia.

A recent report titled 'Migrants in the Australian Workforce'<sup>21</sup> stated that only one in five overseas students transitioned to permanent visas<sup>22</sup>. Treasury data suggests that 84% of overseas students return to their home countries with Australian skills, experience and networks<sup>23</sup>.

It is of note that Australia is the third largest international education destination in the world just after the United Kingdom<sup>24</sup>. Australia is the only country that insists upon this statement. In contrast many other countries have streamlined visa classes to offer permanent residency. See for example, Canada and the UK<sup>25</sup>.

The GTE statement must be in English totalling 300 words addressing this requirement<sup>26</sup>. This statement must indicate that the student -

- Is not coming for any other purpose other than to study;
- Provides reasons for their course;
- Resides in Australia for the duration of the visa<sup>27</sup>; and
- Returns to their home country rather than planning to immigrate or stay illegally in Australia<sup>28</sup>.

The immigration department then assesses this statement with the application. The assumption being that the student will not breach their student visa conditions. The GTE is to be assessed in accordance with Direction 69, which is to exclude any student who expresses interest in post study outcomes such as permanent residence, work visa or any other visa for that matter. <sup>29</sup>

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<sup>18</sup> <https://ihea.edu.au/wp-content/uploads/2022/11/IHEA-Position-Paper-Regarding-Visa-Processing-Nov-2022-Final.pdf>

<sup>19</sup> <https://www.austrade.gov.au/australian/education/education-data/current-data/summaries-and-news>

<sup>20</sup> <https://ihea.edu.au/wp-content/uploads/2022/11/IHEA-Submission-to-PC-Productivity-Inquiry-Interim-Report-1.pdf>

<sup>21</sup> <https://grattan.edu.au/wp-content/uploads/2022/05/Migrants-in-the-Australian-workforce.pdf>

<sup>22</sup> <https://www.sbs.com.au/language/hindi/en/article/australian-permanent-residency-tougher-for-international-students-report/6pzrdxyx8>

<sup>23</sup> <https://research.treasury.gov.au/external-paper/shaping-a-nation>

<sup>24</sup> <https://www.ieaa.org.au/about-us/sector-stats>

<sup>25</sup> <https://www.gov.uk/skilled-worker-visa> and <https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/need-permit.html>

<sup>26</sup> <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/student-500/genuine-temporary-entrant>

<sup>27</sup> <https://www.linkedin.com/feed/update/urn:li:activity:7003599653552238592/>

<sup>28</sup> <https://news.aibtglobal.edu.au/2021/02/genuine-temporary-entrant-statement-gte-how-its-assessed-requirements-and-more/>

<sup>29</sup> <https://immi.homeaffairs.gov.au/visa-subsite/files/direction-no-69.pdf>

Presumably this is covered in Direction 69s directive for officers to consider ‘any other relevant matters’ when assessing a GTE<sup>30</sup>.

This broad statement allows officers to consider any broad elements in the opinion of the officer on the day expressing bias and/or prejudice of the same. Not surprisingly, cases exist where if a student expresses an interest to reside in Australia their student visa application is rejected as a ‘non genuine student’<sup>31</sup>. The off shore student visa applicants have limited review rights<sup>32</sup>.

It is perplexing that direction 69 inherently contradicts current and previous Government decisions to promote post study work rights and permanent stay options to students and graduates<sup>33</sup>. Australian employers are encouraged to sponsor and employ International Students<sup>34</sup>. Note, for example, the Victorian Government is running specialised initiatives for employers to employ international students<sup>35</sup>.

Market feedback from within the international education sector has revealed that students are being refused student visas based on subjective conclusions formed by the migration officer often on discretionary grounds<sup>36</sup>. There have been instances where students were rejected for vague reasons such as ‘insufficient research into other education providers’<sup>37</sup>. Many other conflicting and unfathomable anecdotes exist<sup>38</sup>. However, **if the intent of the GTE was to make it more difficult to apply for a student visa then this, has been a great success not withstanding that Australia still remains as a destination of choice**<sup>39</sup>.

We note that in November 2022, the Department of Home Affairs revised the GTE guidelines by providing more clarity on what students need to include in their GTE statement. This included changing the word limit to 300 words<sup>40</sup>. Presumably, the Department is in fact endorsing the idea of the GTE. If the GTE was not achieving its policy objectives it is unlikely the Department of Home Affairs would have issued more significant instructions. Again, this suggests that the GTE is a great success for Australia.

Based on the statistics - **GTE seems to have achieved its aim of deterring students from staying on after their studies. Which is apparently contrary to current skills need in Australia**<sup>41</sup>. At the present time, Australia is unique in the world in wanting skilled migrants, and accepting the monetary benefits of international education,<sup>42</sup> whilst at the same time seemingly discouraging graduates to

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<sup>30</sup> <https://immi.homeaffairs.gov.au/visa-subsite/files/direction-no-69.pdf>

<sup>31</sup> <http://www7.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCCA/2015/1971.html>

<sup>32</sup> <https://paxmigration.com.au/migration-info-centre/australian-student-visa-rejection/>

<sup>33</sup> <https://www.studyaustralia.gov.au/english/why-australia/after-graduation>

<sup>34</sup> <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/employer-nomination-scheme-186>

<sup>35</sup> <https://www.studymelbourne.vic.gov.au/industry/news-and-updates/improving-international-student-employment-outcomes>

<sup>36</sup> <https://ihea.edu.au/wp-content/uploads/2022/11/IHEA-Position-Paper-Regarding-Visa-Processing-Nov-2022-Final.pdf>

<sup>37</sup> <https://ihea.edu.au/wp-content/uploads/2022/11/IHEA-Position-Paper-Regarding-Visa-Processing-Nov-2022-Final.pdf>

<sup>38</sup> <https://ihea.edu.au/wp-content/uploads/2022/11/IHEA-Position-Paper-Regarding-Visa-Processing-Nov-2022-Final.pdf>

<sup>39</sup> <https://www.ieaa.org.au/about-us/sector-stats>

<sup>40</sup> <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/student-500/genuine-temporary-entrant>

<sup>41</sup> <https://www.afr.com/policy/economy/these-are-australia-s-most-in-demand-jobs-20221005-p5bnfp#:~:text=Registered%20nurses%2C%20software%20and%20application,each%20of%20these%20three%20areas.>

<sup>42</sup> <https://www.ieaa.org.au/about-us/sector-stats>

stay post study. For example, some 16% of overseas students stay in Australia compared to 27% in Canada<sup>43</sup>.

In contrast, our competitor countries of New Zealand<sup>44</sup>, Canada and the United Kingdom have no such requirement. The process is relatively straightforward with students required to have a letter of acceptance<sup>45</sup> and evidence of English or health requirements<sup>46</sup>. We also note that the Canadian government has publicly stated that international students are ideal immigrants<sup>47</sup>.

We also note that no other Australian visa has such a requirement. For example, the Business Visitor Stream (Subclass 600) has no such impediment. Instead, visitors are required to adhere to the conditions of the visa, which includes not working in Australia and a maximum of three months study<sup>48</sup>. This is similar to the regime of other ASEAN countries such as Thailand<sup>49</sup>, New Zealand<sup>50</sup> and Singapore<sup>51</sup>. For other competitor nations, it is relatively straightforward to move from a student visa to another visa while on shore. See for example, New Zealand<sup>52</sup>, USA<sup>53</sup> and Canada<sup>54</sup>.

**In conclusion**, the GTE has been a great success in terms of policy. If the policy intent was to deter overseas students from staying on after studies - it has been a success. Perhaps better known as the Go To Everywhere (but here) approach this has forced qualified overseas students to go home (or elsewhere). Should the government now wish to encourage students to stay and make a contribution to Australia and the economy it would be wise to stop telling them to Go To Everywhere, but here (which is bureaucratic speak for "go back to where they came from!") and address the issue more appropriately.

Thank you for the opportunity to comment.

Please contact the undersigned if you require any additional information.

Alan Manly OAM  
CEO  
Group Colleges Australia

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<sup>43</sup> <https://www.smh.com.au/politics/federal/tens-of-thousands-of-international-graduates-to-work-in-australia-longer-20220902-p5betx.html>

<sup>44</sup> <https://www.immigration.govt.nz/about-us/covid-19/border-closures-and-exceptions/covid-19-information-for-student-visa-holders#:~:text=You%20can%20travel%20to%20New,conditions%20of%20your%20student%20visa.>

<sup>45</sup> <https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/study-permit/apply.html>

<sup>46</sup> <https://www.gov.uk/student-visa/apply>

<sup>47</sup> <https://theconversation.com/canada-identifies-international-students-as-ideal-immigrants-but-supports-are-lacking-191105>

<sup>48</sup> <https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/see-your-visa-conditions?product=600-31#>

<sup>49</sup> <https://sydney.thaiembassy.org/en/publicservice/non-immigrant-visa-type-b>

<sup>50</sup> <https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/about-visa/business-visitors-visa>

<sup>51</sup> <https://www.dbs.com/digibank/in/study-abroad/student-visa/student-visa-for-singapore>

<sup>52</sup> <https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/about-visa/post-study-work-visa>

<sup>53</sup> <https://www.alllaw.com/articles/nolo/us-immigration/applying-for-student-visa-while-on-tourist.html>

<sup>54</sup> <https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/work/after-graduation.html>