



The International Student Education Agents Association is a not-for-profit association dedicated to the promotion of Australian education following the Australian ESOS Act National Code Guidelines and the Agent Code of Ethics (ACE).

Creating a World-Class Migration Advice Industry

ISEAA supports the aim of the enquiry *“The Australian Government is committed to making the Australian migration advice industry world-class.”* ISEAA is committed to best practice of education agents and to ensure Australia remains a leader in protection of international students. ISEAA participated in the 2019 Joint Standing Committee on Migration’s inquiry into the efficacy of current regulation of Australian migration and education agents by submission and giving evidence to the committee in Canberra.

ISEAA would like to contribute the current inquiry with a submission addressing **Theme 3: Combatting misconduct and unlawful activity** and giving of immigration advice on student visas as it pertains to education agents that are not Registered Migration Agents (RMAs). ISEAA would also like to touch on the **qualified and professional themes 1 & 2** concerning this vital area.

ISEAA proposes rather than trying to stamp out education agents giving immigration advice relating to student visa matters, the Australian Government should have a world-class education agent certification system. A certification on student visas only to build competency and capabilities of education agents who are the front line in promoting Australian education.

Education Agent Industry Overview

The Australian Government has confirmed that education agents are an essential part of the international education industry and are responsible for 75% of all enrolments to Australia¹. The education industry is Australia's third-largest export valued at over \$32 billion per year. Education agents promote education and support students on their journey, including student visa related matters. The Australian Government provides training for education agents, including migration-related issues such as how the Genuine Temporary Entrant Requirement functions (one of our own RMA members has previously assisted with this training of education agents in the LATAM region). Education agencies operate outside Australia, but there is also a significant number in Australia supporting students throughout their experience onshore.

Thousands of education agents operate offshore outside the direct jurisdiction of the Australian Government's authority; in contrast, the majority of migration agents and their

¹ <https://ministers.dese.gov.au/tehan/strengthening-integrity-international-education-sector>

potential clients are based in Australia. Migration agents have a schedule of fees that are paid upfront and on an ongoing basis for services.

The business model of migration agents and education agents is very different. Education agents deal with education providers via a commission-based agreement with the providers. Education agents are effectively the frontline marketing and sales partners of institutions in attracting students to Australia and aligning the right student with the right course. As well as assisting students to choose and enrol in a course, there is a universal expectation from students and providers that education agents will aid in lodging the student visa. The education agent should know how to lodge a student visa successfully while staying compliant with Australian migration regulations.

A majority of education agents work on a no upfront fee for the students, relying on payment by providers via commission based on the gross fee of the tuition paid. This 'pay in arrears' model takes up to 6 months or more to see a return on time invested by education agents for institutional partners.

Importantly, the education agents usually maintain an ongoing welfare relationship with the student beyond their successful enrolment and visa outcome. Agents often provide 'welcome and arrival services', job support/placement services, career coaching services, even psychological and mental health support; all for free, as part of their commitment to student support.

Students and parents generally go back to the education agent for ongoing advice or if they have issues with the education provider, and agents act as a media for academic, and payment related issues. During the COVID-19 crisis, education agents have been sources of valuable information and welfare when students are in distress.

Education Agents Do Support Student Visa Related Matters

The only overlap between the roles of education agents and migration agents is around assisting students to gain a student visa. International students naturally expect their education agent to be able to guide them through the whole process of finding an institution and visa lodgement. Education agents acknowledged by the Government as an essential conduit of 75% of the 700,000+ international students to Australian institutions².

The Department of Education, Skills and Employment (DESE) monitors education agent performance monitoring by the using the key metrics of agent performance - a **low percentage of visa refusals and cancellations**.³

² https://docs.education.gov.au/system/files/doc/other/policy_paper_agent_data_publication_1.pdf

³ <https://internationaleducation.gov.au/Regulatory-Information/Pages/IE-Agent-Performance-Report-data.aspx>

Agency Performance by Institution Summary

Agency Performance by Institution Summary							
Provider Code: XXXXXX							
Report data calculated Tuesday, 15 May 2018 6:04 AM							
Report generated Tuesday, 15 May 2018 11:40 AM							
Agency Business Name	Total Number Of CoE	Number Of Incomplete CoE	Completion Rate%	Earliest Date For CoE Involvement	Recent Date For CoE Involvement	Visa Refusal %	Visa Cancelled %
Agency 1	108	29	73.10	12/07/2012	18/04/2018	0	11.1
Agency 2	10	2	80.00	09/05/2016	09/01/2018	0	0
Agency 3	6	2	66.70	14/08/2013	18/02/2015	0	100
Agency 4	2	0	100.00	24/03/2016	26/07/2016	0	0
Agency 5	5	0	100.00	04/11/2016	04/03/2017	0	0
Agency 6	10	0	100.00	23/08/2016	16/11/2017	0	0
Agency 7	30	8	73.30	13/08/2014	08/06/2017	20	36.7
Agency 8	59	16	72.90	06/02/2013	16/03/2018	0	0
Agency 9	7	3	57.10	22/11/2012	24/01/2014	28.6	0
Agency 10	24	3	87.50	17/03/2017	14/12/2017	12.5	0
Agency 11	3	2	33.30	27/07/2012	27/07/2012	66.7	0
Agency 12	37	7	81.10	06/11/2012	06/04/2018	13.5	5.4
Agency 13	59	13	78.00	07/11/2012	17/11/2016	0	0
Agency 14	27	14	48.10	30/10/2013	11/02/2016	70.4	0
Agency 15	18	8	55.60	20/07/2012	26/03/2014	38.9	5.6
Agency 16	2	0	100.00	03/12/2012	03/07/2013	0	0
Agency 17	6	6	0.00			100	0
Agency 18	7	2	71.40	08/09/2016	20/03/2017	28.6	0
Agency 19	33	4	87.90	15/08/2014	22/09/2016	0	60.6

The irony in this situation is that DESE now publishes data on student visa refusal rates from education agencies, a role technically they are not responsible for or legally able to provide advice. ISEAA see this as both contradictory and hypocritical situation in which education agents held accountable for student visa outcomes while being prohibited from actually delivering the information on how to complete the student visa application correctly.

Yet, in a recent factsheet from DHA⁴ it states.

1. Education Agents

Education agents are not exempt and **cannot provide immigration assistance in Australia unless they are also registered as a migration agent.**

2. Penalties for giving immigration assistance if not registered

It is an offence for a person to give immigration assistance in Australia unless that person is a registered migration agent (or an exempt person). This offence can attract a penalty of up to **two years imprisonment**. If the person received money or a reward for their services, the penalty can be up to **10 years imprisonment**.

These are significant and severe penalties.

Note: The caveat of 'in Australia' whereby if the education agent is outside Australia, these cannot be enforced.

⁴ https://www.migration.tas.gov.au/_data/assets/pdf_file/0011/214103/HA_Factsheet_-_Giving_immigration_assistance_in_Australia_-_Nov_2019.pdf

This contradiction is a case of 'the left hand not talking to the right hand' from a Government perspective and leads to very confused expectations across all levels of the education industry.

Education agents' duties are many and varied and have extended well beyond the primary role of simply helping choose the right course. This situation is further confused by education providers who now expect and require education agents to screen students for compliance with Genuine Temporary Entrant (GTE) requirements. GTE includes background profiling students and determining their future intentions with regards to post-graduate work and migration opportunities.

ISEAA strongly support removing the ambiguity of this Catch-22 situation by ensuring that suitable training and continuing professional development is undertaken by education agents in Australia and around the world to ensure they can continue to provide essential support for international students and grow this vital sector of our economy.

Proposed Solution: Registered Student Visa Advisor (RSVA)

There is a need to ensure students are getting the best information so they can find success in their education journey in Australia. For the last two years, ISEAA has advocated a solution which involves having a level of certification to become a Registered Student Visa Advisor (RSVA). ISEAA submitted a proposal to DESE and DHA in February 2020 on the topic (*supplied if needed by the committee*).

This RSVA certification would exclude any other visa category and clarify that education agents have no expertise with other visas and must hand on enquiries on migration and other visa matters outside student visas to an RMA.

Given the numbers of education agents in Australia (DESE estimates there are over 8000 education agencies supporting students and 21,000 individuals registered on PRISMS) and the many more that are outside Australia, is not practical or feasible that all education agents must have an RMA in the office or start the process to be an RMA. The expense and vast numbers of education agents offshore preclude this ever happening.

A certification of RSVA would be a step to oversee education agent's delivery of migration assistance in the narrow area of the student visa. It would allow education agents to confidently and accurately discuss student visa related matters as they have had training and access to resources. RSVA would be a certification worth having as it would reduce the delivery of incorrect advice and student complaints. Students ask education agents and the providers expect them to provide information on how to get their student visa approved. This current expectation places all education agents at risk of breaking the law.

ISEAA acknowledges that immigration advice outside the student visa is sometimes given by education agents, especially if that agent is offshore. There have been cases where education agents provided immigration advice as it relates to matters outside the realm of student visas. Where there is an unlawful practice found onshore the regulator or other law enforcement should be able to act swiftly to investigate and prosecute. ISEAA has provided

evidence to the DHA and ABF on several occasions where individuals have unlawfully encouraged students to apply for humanitarian visas.

Conclusion

Australia's education industry relies on the hard work of education agents who provide information on the entire student journey. The reality is that this includes student visa related questions. Students with limited English skills rely on education agents to break down the complex institution selection, enrolment process as well as visa and life-style related matters for their experience in Australia.

Education agents provide a vastly different service to migration agents but do have a cross over in the area of student visa matters. It is the opinion of ISEAA and our industry peers that Australia would be far better served to educate and empower education agents to give accurate and correct information to their clients, to build the industry and ensure students have a positive experience.

ISEAA believes that using a certification process for a Registered Student Visa Advisor will not impinge on RMAs business or cause any confusion regarding the roles of each type of professional service. To the contrary, it will clarify the position of an education agent and allow for ongoing professional development, data collection and outcomes analysis to ensure Australia's international education industry remains world class .

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