



# Discussion Paper

for Public Comment

English Language Competency Levels for  
Migration Advice Professionals

March 2009



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## **English Language Competency Levels for Migration Advice Professionals**

### **MIGRATION AGENTS REGISTRATION AUTHORITY**

“Getting on in the twentieth and twenty-first century has increasingly required knowing how to speak, write and read English.”

Professor Glyn Davis  
Vice-Chancellor University of Melbourne  
Menzies Lecture  
King’s College London

Prepared by Michael Fay  
Published by the Migration Institute of Australia

# GLOSSARY/ABBREVIATIONS

ACPET	Australian Council for Private Education and Training
APEC	Asia-Pacific Economic Cooperation
AUSAID	Australian Government Overseas Aid Program
CSIC	Canadian Society of Immigration Consultants
DIAC	Department of Immigration and Citizenship
ETS	Educational Testing Service
ELICOS	English Language Intensive Courses for Overseas Students
iBT	TOEFL Internet-based Test
IDP	IDP Education Pty Ltd
IELTS	International English Language Testing System
MARA	Migration Agents Registration Authority
MAPKE Examination	Migration Advice Professional Knowledge Entrance Examination
MIA	Migration Institute of Australia Limited
NAATI	National Accreditation Authority for Translators and Interpreters Ltd
PTE	Pearson Test of English
SMH	<i>Sydney Morning Herald</i>
TOEFL	Test of English as a Foreign Language
TWE	Test of Written English

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## EXECUTIVE SUMMARY

The English language level of those working in professional service sectors in Australia is under increasing scrutiny. It is argued by some that the level of English of some migration advice professionals is not high enough for them to discharge their duty in a fully professional manner. The Migration Agents Registration Authority (MARA) is seeking to address this concern by raising its benchmarks for measuring the English language level of Registered Migration Agents across the four skill areas of speaking, listening, reading and writing.

Other professional registration organisations in Australia and New Zealand, such as those covering nurses, engineers and radiographers, have already reviewed their English language levels for professional registration and have adopted as their benchmark level 7.0 on the Academic Module of the International English Language Testing System (IELTS).

MARA recognises that registered migration professionals can benefit from having communication skills in languages other than English. However, migration agents have an essential need to communicate effectively in English with key stakeholders including with professional colleagues, business organisations, government authorities and community bodies.

The current MARA-listed English language requirements were introduced in May 2001 and offer a number of equivalencies that are difficult to check for validity, transparency and security. MARA proposes that there be stricter and higher-level English language benchmarks for Registered Migration Agents.

MARA is mindful of the need to retain its world best practice reputation and to maintain, as a minimum, parity with the English language standards that apply to migration advice professionals in New Zealand and Canada. Once finalised, the arrangements anticipated under the *Trans-Tasman Mutual Recognition Act 1997* will lead to automatic recognition of Australian registered agents by New Zealand authorities and vice versa.

MARA proposes that updated English language standards apply to both new entrants to the profession and existing Registered Migration Agents who are seeking reregistration. This requirement applies in both Canada and New Zealand. When applied in Australia it will help harmonise migration services' quality assurance provisions across the three countries under the Asia-Pacific Economic Cooperation (APEC) protocols. APEC is working to facilitate practical policy formulation in APEC economies and is also encouraging economic, educational and technical cooperation.

It is possible that non-introduction by MARA of more stringent English language standards for registration could lead to a diminution of the reputation of the migration advice profession as a whole and of migration advice professionals. The nexus between migration advice professionals and the international student recruitment sector is another context where Australia's international reputation could likewise be compromised by substandard English language skills of migration advice professionals.

It is likely that over the next five years postgraduate qualifications in Australian Migration Law and Practice will develop beyond the current Graduate Certificate to Graduate Diploma and Masters level programs. English language entry requirements for these courses could be harmonised with those proposed by MARA for registration of migration agents.

MARA has advised that initial registration applicants will be required to show evidence that they have reached the new standards from 1 January 2010. MARA has not decided on when and what standards would apply to existing agents seeking reregistration.

## 1.0 INTRODUCTION

This discussion paper provides an opportunity for stakeholders in the migration advice sector to understand the context of the recent proposal by MARA to introduce stricter and higher-level English language benchmarks for Registered Migration Agents. In addition, it provides an opportunity for all stakeholders to have further input into the implementation of these English language benchmarks.

Registered Migration Agents are required to give advice on migration matters, including advice to clients seeking to apply for permanent residency in Australia. This role requires them to be able to understand complex and changing legislation and to prepare detailed submissions. They must be able to communicate effectively in English with clients, colleagues, government organisations and industry bodies, as well as with professional and business organisations. Appropriate and measurable English skills are needed in the four areas of speaking, listening, reading and writing.

Over the past five years there has been increasing concern about the English language level of some migration agents. There has been a long-term concern about the English language level of those applying for permanent residency, even after completion of tertiary studies in Australia, as well as those applying for permanent residency while overseas. The latter concern has resulted in an International English Language Testing System (IELTS) score being required, in certain cases, by Australia's Department of Immigration and Citizenship (DIAC), as part of the skilled migration application process.

There has been additional interest in measurable English standards by professional registering bodies and by employers in Australia. Included in these are the Australian Nursing and Midwifery Council, the Australian Institute of Radiography, Engineers Australia, Speech Pathology Australia and major accounting employer organisations. The professional registration bodies for nurses, radiographers, speech pathologists and engineers may require an IELTS score for applicants from non-English-speaking countries even if they have completed their university studies in Australia.

A majority of Registered Migration Agents who are giving advice and interacting with various stakeholder groups are now aware that they must have appropriate English language competency skills. MARA has sought feedback from Registered Migration Agents on its proposal to adopt IELTS 7.0 on the Academic Module or equivalent as the required English language level for registration from the beginning of 2010.

Both MIA and MARA are determined to ensure that Australia adopts international best practice benchmarks in measuring the English language level of Registered Migration Agents. This requires that Australia compare favourably with other key English-speaking migration destination countries, specifically New Zealand, Canada and the United Kingdom.

In the recently released 2007-08 Final Report of the Review of Statutory Self-Regulation of the Migration Advice Profession, the External Reference Group recommended that new and reregistering migration agents be required to prove that they have an English language proficiency of at least IELTS 7.0.

This discussion paper compares current international benchmarks for English language levels across educational institutions and by migration agent registering authorities in key English-speaking countries; clarifies the issues involved in establishing benchmarks for measuring the English language level of Registered Migration Agents; reviews the submissions received from Registered Migration Agents; and proposes for discussion appropriate equivalencies across various measuring instruments and other qualifications.

## 1.1 Making submissions

The purpose of this paper is to promote discussion with all stakeholders and to stimulate further informed input into setting and implementing a new English standard for the migration advice profession. It invites submissions from key stakeholders, from the public, private and community sectors, employer and employee associations and migration agents themselves.

Submissions may address some or all of the issues raised in this paper, or may raise other issues in relation to the minimum English language standard for the migration advice profession, with a view to improving the operations of the profession. A comment form is available for this purpose.

Submissions can be forwarded to: [submissions@mara.com.au](mailto:submissions@mara.com.au)

Submissions should be made by 30 April 2009.

## 2.0 MIGRATION REGISTRATION AUTHORITIES AND RECOGNITION OF ENGLISH LANGUAGE LEVEL

### 2.1 Australia: the current situation

As at 8 July 2008 MARA had 3784 registered migration agents; 1121 or 29.6% of these had never been required to demonstrate English language ability although 372 of them had a legal practising certificate.

Of the remaining 2663 or 70.4%:

- 461 had the Graduate Certificate in Australian Migration Law and Practice which met MARA's English language requirement;
- 675 passed the MAPKE Examination and also met MARA's English language requirement;
- 811 met earlier course requirements and also met MARA's English language requirement; and
- 716 had a legal practising certificate and met MARA's English language requirement primarily by having a law degree.

Since 2001 MARA's English language policy has required Registered Migration Agents to meet certain benchmarks but MARA has not been responsible for always checking the validity of documents provided. The current benchmarks are as follows:

### EDUCATION

1. a pass in English in the Higher School Certificate (or equivalent) final year of secondary education in Australia or New Zealand; or
2. a pass in English in the final year of secondary education in selected English-speaking countries; or
3. the award of a Diploma (or higher) from an Australian university or New Zealand university; or
4. the award of a Diploma (or higher) for study at a tertiary institution other than a university in Australia and New Zealand; or
5. the award of a qualification from a country other than Australia or New Zealand where the qualification has been assessed by a relevant assessing authority as equivalent to a Diploma qualification (or higher) AND confirmation from the tertiary institution that tuition was conducted in English; or

## QUALIFICATIONS

6. NAATI accreditation with English listed as a language within the professional scale as an: Interpreter (Level 3) or Advanced Translator or Conference Interpreter (Level 4); or Advanced Translator (Senior) or Conference Translator (Senior) (Level 5); or

## TESTS

7. a computer-based TOEFL test score of 213 from an approved country; or
8. an Overall Band of 6.0 from an IELTS test; or
9. a 'pass' score in the Occupational English Test; or

## OTHER

10. a Commonwealth Statutory Declaration confirming that the applicant has been employed or educated or both for 10 out of the last 20 years in one or more of the selected English speaking countries.

**Source:** <http://www.themara.com.au/Online/Default.asp?DeptID=281>

## 2.2 Proposed changes in Australia

MARA has announced that from 2010 it will increase the IELTS level from an overall score of level 6.0 to level 7.0 with a minimum score of 6.5 in each subtest in speaking, listening, reading and writing. Applicants will be required to sit the Academic Module of IELTS rather than the General Training Module. MARA has also proposed to determine what will be deemed equivalent to this result for the purposes of registration.

As well as introducing a higher level of IELTS, MARA could take responsibility for verifying any documentation. This would place a further responsibility on MARA. However, verification checking procedures are provided by IELTS as part of its testing service. Verification is also provided by the other international tests referred to in this discussion paper, namely TOEFL and the Pearson Test of English.

## 2.3 New Zealand:

The New Zealand Immigration Advisers Authority requires immigration advisers to demonstrate evidence of their English language competency. This can be shown by achieving:

- an overall IELTS 7.0 Academic test score with a minimum 6.5 in each skill area; or
- completing primary schooling (or equivalent) and at least 3 years secondary schooling (or equivalent) in schools where the language of instruction was English; or
- completing 5 years secondary schooling (or equivalent) in schools where the language of instruction was English.

The Registrar may consider other evidence of English language competency on a case-by-case basis.

**Source:** <http://www.iaa.govt.nz/english-language-policy.htm>

In New Zealand, where the applicant has completed the specified educational requirements the assessor may still decide, based on the written and oral submissions made by the applicant as part of the general application competency assessment process, that the applicant needs to complete the IELTS test. This introduces a significant degree of

subjectivity into the assessment process and is not recommended in the Australian context. It does not meet the requirement for validity, transparency and security (see section 3.1-3.4 below).

Only requiring completion of primary school and three years of secondary school where the instruction was in English is too low a standard. Completion of five years of secondary school with no requirement to show evidence of passing in English is also of concern.

It is, however, helpful for both New Zealand and Australia to use the IELTS test or an acceptable equivalent as a measure of English language ability. This will assist in implementing the Trans-Tasman Mutual Recognition Arrangement and make it easier for agents licensed with the Immigration Advisers Authority in New Zealand to gain registration to operate in Australia and vice versa. The *Trans-Tasman Mutual Recognition Act 1997* recognises the regulatory standards adopted in Australia regarding equivalent-registered occupations.

## **2.4 Canada**

The Canadian Society of Immigration Consultants (CSIC) requires all members to meet the English or French language requirement before sitting the membership exam and gaining full membership of the CSIC. The rationale is that for immigration applicants to be properly represented to government, to professional colleagues and any authorities, the immigration consultants must be both competent and effective in expressing themselves. The only international English test referred to by Canadian authorities that is widely available in Australia is IELTS on the Academic Module. A level of 6.5 is required in each subtest in speaking, listening, reading and writing.

## **3.0 ISSUES INVOLVED IN ESTABLISHING BENCHMARKS AND MEASURING COMPETENCY**

### **3.1 What are the appropriate benchmarks?**

MARA needs to ensure that any English language test(s) it adopts are recognised by educational institutions, government bodies and professional registration authorities as being valid, transparent and conducted in a secure testing environment.

### **3.2 Validity**

This means that the test has been designed by acknowledged experts in language testing after extensive international research and is international in its application. There should be a number of versions of the test in the test bank and the test bank should be continually updated. Qualified examiners should be screened, trained, tested and continually monitored by the accrediting test organisation. They should re-qualify at least every two years.

### **3.3 Transparency**

This means that the method of assessment is clearly defined with clear statements about what the various scores mean. It should be noted that in some internet-based tests, speaking and writing are machine-marked using writing and voice recognition software.

### **3.4 Security**

This means that testing is done in a secure testing environment, measures are in place to check the identity of the test taker and results are provided in a secure format.

### **3.5 What tests meet these criteria?**

IELTS and TOEFL currently meet these criteria and the Pearson Test of English will also meet the requirements of validity, transparency and security.

## **4.0 SUBMISSIONS RECEIVED BY MARA FROM REGISTERED MIGRATION AGENTS REGARDING THE INTRODUCTION OF IELTS TESTING**

### **4.1 Initial registration applicants**

MARA received 125 submissions from Registered Migration Agents to its proposal to introduce level 7.0 IELTS or equivalent by mid-2009 for new applicants wishing to join the profession. A majority (60%) recognised that there was a need to improve the English language standards and that the IELTS test would be appropriate. Only 12 disagreed.

Some respondents suggested registration should require IELTS 8.0 while some thought there should be exemptions for people who had been educated in English-speaking countries.

### **4.2 Existing agents**

MARA received 125 submissions regarding the reregistration testing proposal and not surprisingly it was more controversial with 40 supporting its introduction in mid-2010 and 58 disagreeing.

Some thought that it was not necessary at all as agents were practising in the profession. Others thought it was discriminatory towards agents who were themselves migrants and from multicultural backgrounds.

The requirement for older agents (60 years of age) to undertake a test was considered unfair by one respondent.

## **5.0 PROPOSED EQUIVALENCIES FOR MEASURING ENGLISH LANGUAGE COMPETENCY OF APPLICANTS FOR REGISTRATION AND REREGISTRATION AS MIGRATION AGENTS**

MARA has taken notice of the submissions received from currently registered migration agents and has noted what applies in New Zealand and Canada. The English language criteria could involve the following “test-based” equivalencies:

1. IELTS: 7.0 overall in the Academic Module of IELTS with a minimum of 6.5 in each subtest;  
or
2. TOEFL: total score of 600 and Test of Written English (TWE) score of 5.0 on the paper version of TOEFL;  
or
3. a score of 102 on the TOEFL–iBT with an essay rating of 5.0, a writing and speaking score of 24 and a reading and listening score of 22;  
or

4. an equivalent level on the Pearson Test of English (to be advised).

These are the equivalencies that apply for those required to show evidence of English language level prior to undertaking postgraduate law programs at selected Australian universities, including the Australian National University, the University of Sydney and the University of Adelaide. It should, however, be noted that Griffith University, which offers the Graduate Certificate in Australian Migration Law and Practice, while recognising 7.0 overall on IELTS and a minimum of 6.5 in each subtest will accept 580 on the paper version of TOEFL and 92 on the TOEFL-iBT with no score less than 22.

Some or all of the following exemptions could be considered for existing agents and/or initial applicants:

5. graduates of senior high school in Australia or New Zealand with a pass in English in the Higher School Certificate (or equivalent)<sup>1</sup>;  
or
6. the award of a Bachelor degree (or higher) from an Australian or New Zealand or Canadian or United Kingdom or United States of America or Republic of Ireland University (this would include such qualifications as the Graduate Certificate in Australian Migration Law and Practice, Bachelor of Laws, Bachelor of Accounting, Bachelor of Engineering, etc)<sup>2</sup>;  
or
7. the award of a qualification from a country other than those listed above where the qualification has been assessed by a relevant assessing authority as equivalent to a Bachelor degree (or higher) AND confirmation from the tertiary institution that all tuition and assessment was conducted in English;  
or
8. Those who have NAATI accreditation with English listed as a language as an:
  - Advanced Translator or Advanced Translator (senior) in both directions AND
  - Conference Interpreter or Conference Interpreter (senior) in both directions.

As with tests, it is recommended that options for exemptions be acknowledged by government bodies and professional registration authorities as being valid, transparent and secure.

Certified copies of any qualifications must be provided and MARA may, at its discretion, require applicants to provide further evidence through IELTS or TOEFL or another test of English to be advised.

## 6.0 COMPARING INTERNATIONAL ENGLISH LANGUAGE BENCHMARKS

### 6.1 English language tests

Australian universities may require students from non-English-speaking countries to demonstrate proficiency in English in order to gain entry to undergraduate and postgraduate

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<sup>1</sup> It is possible for high school graduates from Australia and New Zealand to graduate with a pass in English or English as a Second Language and not have the English required to operate a “good” level of professional competency in an English-speaking country.

<sup>2</sup> While many Australian and New Zealand university graduates may have advanced English skills, current research by Professor Bob Birrell referred to below (section 7.0) indicates that significant numbers of graduates are in fact graduating with English language skills that are not sufficient to operate at a “good” level of professional competency in an English-speaking country. This criticism applies particularly to those Faculties where English skills are less visible such as Accounting, IT and Engineering.

programs. They may not require students from English-speaking countries to demonstrate their proficiency in English in order to gain entry. All universities currently recognise IELTS (jointly owned by Australian and British partners the British Council, the University of Cambridge Local Examination Syndicate and IDP Education) and the Test of English as a Foreign Language (owned by an American company, Educational Testing Service ETS). This test is commonly known by the acronym TOEFL.

In late 2009 it is likely that a new test offered by Pearson Language Tests owned by the Pearson Group from the USA will also be accepted by Australian and international universities. This is known as the Pearson Test of English (PTE) and will be available in an internet version from October 2009.

Any test or equivalency adopted by MARA needs to meet standards of transparency, validity and security.

## 6.2 TOEFL

TOEFL and the companion Test of Written English (TWE) are offered in 130 countries around the world and are recognised by over 6000 educational institutions including over 80 in Australia. It is available in both an internet (iBT) and paper-based version.

TOEFL tests the three sub-skills of speaking, listening and reading and through the Test of Written English (TWE) it tests writing skills.

## 6.3 The Pearson Test of English

This test is designed by Pearson Language Tests which is a division of Pearson Ltd, one of the world's leading education and testing companies. It is targeted at universities and other higher education institutions as well as professional and government bodies requiring a measure of academic-level English. Test registration is done online and the test is taken at flexible times in a single sitting, over a three-hour period, at secure Pearson testing centres. It is scheduled to start in October 2009 after three years of research, piloting and analysis.

## 6.4 IELTS

IELTS is offered in over 120 countries around the world and is recognised by over 6000 educational agencies, government organisations and professional bodies. It is widely recognised by universities and colleges in Australia, New Zealand, Canada, USA and the UK. In 2008 over 1,000,000 candidates worldwide sat for IELTS, mainly in the paper-based version. The computer-based IELTS test is not yet available in Australia and IELTS still requires a face-to-face test of speaking and pronunciation to be valid.

IELTS tests four sub-skills and provides nine band scores for an overall mark and in each of the four subtests. A score of 9 equates to an expert user while any score under 6 is usually not acceptable for university undergraduate entry. (See appendix 4.)

*“A score of 7.0 indicates a good user who has operational command of the language, though with occasional inaccuracies, inappropriacies and misunderstandings in some situations. Generally handles complex language well and understands detailed reasoning.”*

**(Source: IELTS English for International Opportunity Handbook 2007)**

Applicants can sit for an Academic Module (university entry) or a General Training Module (migration purposes). The speaking and listening tests are the same for each; however the

reading and writing tests for the Academic Module are more challenging. Universities using IELTS require Academic Module scores. DIAC accepts the General Training Module for migration purposes.

## 6.5 PROFESSIONAL RECOGNITION OF IELTS

IELTS is increasingly used internationally by professional registration authorities in the UK, Canada, New Zealand and Australia. Medical registration authorities recognise IELTS:

*"Good communication between doctors and patients is essential to effective care and relationships of trust. This must be underpinned by a high standard of proficiency in English. IELTS provides a reliable and internationally accessible means for doctors coming to the UK from overseas to demonstrate their language proficiency before they start work."*

**Amanda Watson, Director of Registration and Education - General Medical Council (UK)**

**(Source: [http://ielts.org/general\\_pages/testimonials/amanda\\_watson,\\_director\\_of\\_reg.aspx](http://ielts.org/general_pages/testimonials/amanda_watson,_director_of_reg.aspx))**

It should be noted that even Australian-trained doctors seeking to practice in the UK have to sit for the IELTS Academic Module.

Registration boards for certain professions in Australia, New Zealand and the Pacific may require an overall IELTS Academic Module score between 6.0 and 7.0 in the four skill areas. Only after achieving this benchmark can applicants from non-English-speaking backgrounds gain professional registration, even if they have completed tertiary studies in Australia. The professions are:

- nurses
- doctors
- pharmacists
- dental technicians
- engineers
- psychologists
- speech pathologists
- veterinarians

The nursing profession is particularly rigorous in its application of English language benchmarks.

*"Section 31 of the Nurses and Midwives Act directs that a person is not entitled to be registered or enrolled unless she/he proves to the satisfaction of the Board that she/he has knowledge of the English language adequate for the practice of nursing or midwifery, as applicable."*

*Any applicant for registration or enrolment may be required to undertake an English language test. However the Board may waive this requirement where it considers that there is other evidence of adequate language skills.*

*The language test requirements may be satisfied by achieving, within the two year period prior to application, either:*

- \* *International English Language Testing System (IELTS) academic modules, a score of:*
  - *7.0 overall*
  - *at least 6.5 on the individual bands of listening and reading, and*
  - *at least 7.0 on the individual bands of writing and speaking.*

- \* *A Pass at "B" level in each of the four components (reading, writing, listening and speaking) of the Occupational English Test (OET) for Nurses.*

*Some applicants whose education was undertaken in Australia, New Zealand, United Kingdom, Ireland, United States or English-speaking parts of Canada, may not be required to undertake an English language test. Professional experience in one of these countries is not sufficient to waive the test requirement. A language test may be required of any applicant even if educated in Australia or one of the other named countries."*

**(Source: NSW Nurses and Midwives Board)**

## **7.0 AUSTRALIAN TERTIARY INSTITUTIONS AND RECOGNITION OF IELTS AND TOEFL TEST SCORES**

While Australian tertiary institutions recognise an IELTS Academic Module score between 6.0 and 7.0, most require an overall IELTS 7.0 for entry to those Faculties which require high-level writing and reading skills such as Education and Law. These Faculties generally insist on no score lower than 6.0 or 6.5 in any subtest (speaking, listening, reading and writing).

*"IELTS tests give a thorough picture of a candidate's abilities and skills."*

**Manman Jones, University of Wales, Bangor**

**(Source:[http://www.ielts.org/general\\_pages/testimonials/manman\\_jones,\\_uni\\_of\\_wales.aspx](http://www.ielts.org/general_pages/testimonials/manman_jones,_uni_of_wales.aspx))**

All Australian universities also recognise TOEFL in both the paper-based and internet-based format. A total score of 550 and a TWE of 4.5 are usually a minimum for entry into an undergraduate degree, while postgraduate courses in high-level communication Faculties such as Law require up to a total of 600 and a TWE of 5.0.

TOEFL also has an internet-based test known as iBT, which is available in Australia. This has a different measuring scale. A total of 80 is usually the minimum required for entry to an undergraduate degree with 20 in writing and speaking and 18 in reading and listening.

Postgraduate courses in high-level communication Faculties such as Law require a total of between 92 (Griffith University) and 102 (University of Sydney) with 22 in all the sub-skills (Griffith University), or 23 or 24 in writing and speaking and 22 in reading and listening (University of Sydney).

Most Australian and New Zealand universities allow international students who do not meet the English language requirements for postgraduate study to enrol in one of their own English language programs. This may allow either international or local students, who need to evidence an English language level, to gain direct entry to undergraduate or postgraduate study via an English for Academic Purposes direct entry program, without needing to sit IELTS or another test. This practice may apply for entry to the Graduate Certificate in Australian Migration Law and Practice.

It is these Direct Entry English and Pathway programs that have been under increasing scrutiny by those critical of the current English language levels of some overseas students and those seeking to change from student to permanent migration visas. One of the most vocal critics has been Professor Bob Birrell, a Monash University researcher, who has recently completed a study of the English language level of international students educated at Australian universities who have applied for skilled migration visas, including those applying as accountants. His research revealed that in 2006/07, of the 8130 foreign accountants granted Australian visas, the majority studied their degrees at Australian tertiary institutions. Only 38% of these were able to score level 5.0 or higher on the IELTS General Training Module **after** graduation.

*“The fact that such a large majority of overseas student graduates possess poor English indicates that Australian universities are conferring graduate credentials on students who do not have the skills needed to practise their profession.”*

**Professor Bob Birrell**

**Source: SMH January 14<sup>th</sup> 2009**

It is not recommended that MARA recognise completion of a University Direct Entry English Pathway course as an equivalent to achieving IELTS 7.0 overall, and 6.5 in each subtest. This could change once a common framework is set for university-run Direct Entry Pathway courses and evidence presented on the equivalency of these courses as well as their validity, standardisation, transparency and security. It should be noted that AusAID, the Australian aid agency, requires all scholarship students undertaking postgraduate studies at Australian universities to demonstrate achievement of an IELTS score.

## **8.0 GOVERNMENT AGENCIES AND RECOGNITION OF IELTS**

A number of international government agencies require IELTS band scores for immigration, and award points for achieving certain scores. The English level required for a student visa application varies by country and the type of study to be undertaken.

Government agencies requiring IELTS include:

- Australian Department of Immigration and Citizenship (DIAC)
- New Zealand Immigration Service (NZIS) which requires an IELTS score of 5.0 in the General Training or Academic Module for the Skilled Migration category
- Citizenship and Immigration Canada (CIC)
- UK Border Agency - accepts IELTS since November 2008

## **9.0 CRITICAL ISSUES THAT MAY AFFECT THE IMPLEMENTATION OF THE NEW STANDARD FOR NEW APPLICANTS FOR REGISTRATION AND THOSE SEEKING REREGISTRATION USING IELTS**

### **9.1 Registering for an IELTS Test**

Due to high demand there have been some difficulties in booking places at short notice to undertake an IELTS test in busy Australian locations. Bookings should be made three months in advance.

### **9.2 Finding an IELTS test centre**

There are now more IELTS testing centres in capital cities in Australia but limited locations in regional areas. For a list of current IELTS testing centres in Australia see [www.ielts.org](http://www.ielts.org).

### **9.3 The cost of the IELTS test**

This is currently AUD 280.00.

#### **9.4 Meeting the proposed implementation date for the new English language requirements**

MARA proposes introducing the new English requirement from January 1<sup>st</sup> 2010 for all initial applicants for registration. The new IELTS level was published in December 2008. It was also advised that equivalent requirements would be determined by the MARA and published on the MARA website later in 2009. It is recommended that at least six months' notice be given of the equivalencies, which would mean that all issues would need to be resolved by July 1<sup>st</sup> 2009.

University providers of the Graduate Certificate raise the concern that some graduates might claim that the requirements to become a Registered Migration Agent were not accurately represented to them prior to enrolment. The secondary concern is that graduates might not be able to reach the requirement within 12 months of graduation. It should be noted that IELTS is available at least twice monthly in capital cities and in a number of locations in each city (Sydney for example has 5 test locations). Candidates can resit IELTS as often as they like and a test score is valid for two years.

#### **9.5 Harmonising MARA's English language requirements with those of the universities offering the Graduate Certificate in Australian Migration Law and Practice**

Each university can at its own discretion require an IELTS or IELTS equivalent entry standard. It is likely that in the future new entrants to the profession will need to have a Graduate Diploma in Australian Migration Law and Practice and this will require strong English language competency. The University of Sydney for example requires IELTS 7.0 overall with a minimum score of 6.0 in each subtest for those international candidates wishing to enrol at Graduate Diploma level who are required to show their English language competency.

#### **9.6 Setting higher English language entry requirements for the Graduate Certificate**

Setting IELTS scores for entry may impact on the viability of some courses as numbers may be affected.

#### **9.7 Dealing with any challenges to the new requirements**

It is possible that some Registered Migration Agents may dispute the new English requirements.

#### **9.8 Assisting current and potential Registered Migration Agents with access to IELTS preparation courses**

Candidates who do not familiarise themselves with the format of the IELTS test and other equivalent tests prior to sitting for a test may be at a disadvantage. The Migration Institute of Australia could assist members by arranging for access to suitable, high-quality IELTS preparation courses and other English language support programs, offered either face-to-face or online. The IELTS and TOEFL websites listed in the Appendix provide detailed background on the tests, including access to practice test materials.

## 9.9 Reducing the number of exemptions

The current MARA exemption list is too lenient and MARA should delete a number of the exemptions that do not meet the criteria of English testing that is valid, transparent and secure.

## 9.10 Not reaching the required level 7.0 on the IELTS Academic Module test with each subtest score at 6.5

It may be challenging for some currently registered migration agents to reach the required level if it is to be implemented for reregistration. It may also be challenging for many new applicants seeking initial registration.

Candidates can pay to sit again for IELTS as many times as they wish; however, they should be encouraged to undertake adequate preparation before resitting the test. Care needs to be taken in choosing suitable IELTS preparation courses.

## 10.0 ISSUES FOR DISCUSSION

### FOR INITIAL REGISTRATION APPLICANTS

- 10.1 Do the English language standards for entry to the profession need to be increased and/or tightened? Why?
- 10.2 Recognising that one of the standards currently in place is IELTS 6.0; should the required IELTS standard be increased from an overall score of level 6.0 to an overall score of 7.0 with a minimum score of 6.5 in each subtest in speaking, listening, reading and writing for all initial applicants?
- 10.3 Should MARA require the Academic Module of IELTS rather than the General Training Module?
- 10.4 Should other tests be recognised as equivalent to IELTS 7.0 with a minimum of 6.5 in each subtest (speaking, listening, reading and writing)? If yes, what other tests should be recognised?
- 10.5 Are there other ways (i.e. not a test) that should be recognised as meeting the MARA standard for speaking, listening, reading and writing in English? How does this method meet the standard of validity, transparency and security? For example:
  - (i) should MARA determine as equivalent a qualification to interpret and translate English and another language in both directions? Would this be sufficient for demonstrating that the person speaks, listens, reads and writes English to a standard that will allow them to discharge their professional duty?
  - (ii) should MARA determine an equivalent standard of education in certain or all English-speaking countries? What level or type of education should be recognised and what should not be recognised? For example primary school education, secondary school education, pass in English in the final exams of secondary school, TAFE education, private tertiary or vocational institution education, university education, certain types of Bachelor degrees or higher. Should Law or Engineering or IT or Accounting Bachelor degrees or the Graduate Certificate in Australian Migration Law and Practice be accepted as meeting the standard?

#### FOR EXISTING AGENTS

- 10.6 If the existing English language standard is too low should existing agents demonstrate that they meet the new standard either through successful completion of a test or through other means?
- 10.7 Should there be differences between what MARA recognises as meeting the English standard for existing agents versus initial registration applicants? What should those differences be? Why should there be a difference? Why should initial registration applicants not be able to access any “exemption” or “lower standard”? (See 10.4 (ii) above for examples of education being another way to demonstrate their English language standard.)
- 10.8 If a standard should be introduced, when should it start for existing agents? Should it be linked to reregistration? How long should an agent be given to meet the standard if they don't meet it at the time they apply for reregistration? Should agents be refused reregistration if they fail to meet the standard?

## APPENDIX 1 - Extracts from the 2007-08 Review of Statutory Self-Regulation of the Migration Advice Profession

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Some submissions also commented on the English language requirement for registration (currently International English Language Testing System (IELTS) 6). The submission from the department noted concerns that some migration agents demonstrate very poor levels of English, and the anonymous migration agent claimed that:

*‘...many Registered Migration Agents would fail to achieve even Functional English Language ability scores on an IELTS test.’*

The MIA submission acknowledges concerns about English language proficiency, noting however that the successful completion of the Graduate Certificate should require English language proficiency. To improve the standards of those entering the profession, the MIA recommends that the standard be increased to IELTS 7.

Some of the submissions discuss whether changes to entry requirements should be applied retrospectively – for example, whether existing Registered Migration Agents who entered the profession prior to the Graduate Certificate should be required to complete it in order to be eligible for continued registration. The anonymous migration agent submitted:

*‘...further, I believe that such a measure should be introduced retrospectively so that it applies to all current and intending registered migration agents. This will help weed out the older registered migration agents who have managed to avoid meeting any standards.’*

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Levels of English language proficiency were also discussed in submissions. The Review noted the MIA’s recommendation that the standard for entry to the profession be increased from IELTS 6 to 7, and supported this recommendation. However, some existing migration agents have an apparent lack of English language proficiency, which impacts significantly on the levels of service they appear able to provide their clients. Accordingly, it would appear that agents applying for repeat registration as well as existing migration agents should be required to prove their English language proficiency.

### Recommendation

That new and re-registering migration agents be required to prove that they have English language proficiency of at least IELTS 7.

## APPENDIX 2 - Helpful websites

[www.pearson.com](http://www.pearson.com)  
[www.ielts.org](http://www.ielts.org)  
[www.ets.org](http://www.ets.org)  
[www.toefl.org](http://www.toefl.org)  
[www.english4today.com](http://www.english4today.com)  
[www.csic-scci.ca](http://www.csic-scci.ca)  
[www.iaa.govt.nz](http://www.iaa.govt.nz)  
[www.australianetwork.com/studyenglish](http://www.australianetwork.com/studyenglish)

## APPENDIX 3 - IELTS bands

### *Interpretation of results*

Each band corresponds to a descriptive statement giving a summary of the English competence of a candidate classified at that level. Overall band scores can be reported in either whole or half bands.

The nine bands and their descriptive statements are as follows:

#### **9 Expert User**

Has fully operational command of the language: appropriate, accurate and fluent with complete understanding.

#### **8 Very Good User**

Has fully operational command of the language with only occasional unsystematic inaccuracies and inappropriacies. Misunderstandings may occur in unfamiliar situations. Handles complex detailed argumentation well.

#### **7 Good User**

Has operational command of the language, though with occasional inaccuracies, inappropriacies and misunderstandings in some situations. Generally handles complex language well and understands detailed reasoning.

#### **6 Competent User**

Has generally effective command of the language despite some inaccuracies, inappropriacies and misunderstandings. Can use and understand fairly complex language, particularly in familiar situations.

#### **5 Modest User**

Has partial command of the language, coping with overall meaning in most situations, though is likely to make many mistakes. Should be able to handle basic communication in own field.

#### **4 Limited User**

Basic competence is limited to familiar situations. Has frequent problems in understanding and expression. Is not able to use complex language.

#### **3 Extremely Limited User**

Conveys and understands only general meaning in very familiar situations. Frequent breakdowns in communication occur.

#### **2 Intermittent User**

No real communication is possible except for the most basic information using isolated words or short formulae in familiar situations and to meet immediate needs. Has great difficulty understanding spoken and written English.

#### **1 Non User**

Essentially has no ability to use the language beyond possibly a few isolated words.

#### **0 Did not attempt the test**

No assessable information provided.

**(Source: IELTS English for International Opportunity Handbook 2007)**