

## Migrant Intake into Australia Public Inquiry ETS Submission on the Productivity Commission Draft Report

### Introduction

Educational Testing Service (ETS), the non-profit creator of the global English proficiency measurement the *TOEFL iBT*<sup>®</sup> test, appreciates this opportunity to contribute to the consideration of policy and regulatory settings for skilled migration. For more than 50 years, the *TOEFL*<sup>®</sup> test has been the global standard for measuring English-language communication skills - accepted by more than 9,000 institutions, organisations and governments in more than 130 countries, including Australia.

Australia's economic success has been underpinned by its ability to access a global marketplace of skills and talent. By placing appropriate structures around the pathways for temporary and permanent entrants into Australia, it can continue to reap the benefits of attracting high-quality migrants and maintain a world-class education system.

This submission will focus exclusively on a single component of the migration programme - the area of ETS's expertise – English-language proficiency requirements and testing.

Employee English proficiency is a critical success factor for nations, as well as for individual businesses. Businesses are less apt to be successful when employing individuals with inadequate English-language proficiency and risk greater errors on projects, misunderstandings with customers, increased training costs and loss of clients. As a result, on a global scale, a country with a workforce with strong English skills is more likely to be able to compete in global markets for business opportunities. In addition, as the Commission correctly states in the Draft Report, English-language proficiency is essential not only for successful labour market outcomes, but also for social integration.

In addition to providing evidence of the prospective applicant's language competence and ability to perform in study or work settings, since the early 2000s English proficiency has formed a key risk management tool for the Department of Immigration<sup>1</sup>. Thus English proficiency forms an important element of the visa regulatory framework.

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<sup>1</sup> For the sake of consistency and simplicity, the various iterations of the Immigration Department's name will be referred to as the "Department of Immigration" or "Department."

## Key Points

- The Government's changes to the English testing regime for student visas (in 2011) and skilled visas (in 2014) have provided five approved English-language proficiency tests for students and skilled migrants, including the TOEFL iBT test, thus ensuring Australia's continued ability to compete in the global markets for students and skills.
- These visa reforms to English-language requirements have helped to create competition amongst a range of English test providers with global reach. Providers must meet the necessary security and quality conditions, benefiting both test takers and score users.
- The TOEFL iBT test is available in 180 countries, with thousands of test centres globally. Thus test takers can have access to testing facilities in a timely and accessible manner. Combined with the four other global English tests, Australia offers test takers multiple opportunities to access English language testing for visa purposes.
- It is important to ensure that there is rigorous, evidence-based policy behind Australia's English-language proficiency requirements for various skilled visa levels.
- This can be accomplished by establishing minimum English language requirements through standard setting, a judgement-based process involving government, representatives of relevant professions, employers and English language testing providers.
- Businesses should be supported in their efforts to understand and embed English-language proficiency standards, as this is not an area of expertise for most employers.

## Background

In 2008-2009, the Department of Immigration invited English proficiency test providers to demonstrate that their globally available English test could meet 24 benchmarks set by the Department in conjunction with industry. At that time the Department only recognised the IELTS® and the OET® (for health professionals) tests for visa applications.

The English tests which were successful through this rigorous process in 2008-2009 would be approved to assess English proficiency for student and skilled migration visas. In November 2011, the Australian Government accepted the TOEFL iBT test along with two other global English proficiency tests, as alternative tests of English language proficiency (ELP) for student visas. From that date, students were allowed to use the TOEFL iBT test to demonstrate their English-language proficiency when making a visa application to study in Australia.

In 2013, the Department of Immigration carried out an extensive review of the 2011 ELP testing reform for the student visa. The Review of the implementation of alternative English language proficiency tests in the student visa programme report made a clear finding - based on an analysis of submissions,

quantitative data, interviews and survey results - that the TOEFL iBT test met the objectives of the student visa programme. The report found that the regulatory changes had “delivered more choice” and were “undertaken in accordance with the Department’s standards complying with the high integrity requirements and content of tests”<sup>2</sup>. As part of the review, the TOEFL iBT test was able to demonstrate to the Department the rigorous processes behind the development and delivery of test content, training of invigilators and test-taking conditions.

Given that English language testing (ELT) is a key aspect of Australia’s visa regime, the TOEFL iBT test also had to demonstrate its security credentials, including storage and delivery of test materials, and minimising the risk of identity substitution or document fraud. In order for the Department to accept the TOEFL iBT test, these had to be demonstrated as being of a very high standard.

In November 2014 the Government announced that the three additional tests, including the TOEFL iBT test, could now also be used to demonstrate the English requirements for temporary and permanent skilled visas.

The decision meant the end of an English testing monopoly, which was not serving Australia’s interests in attracting the best and brightest applicants. It opened a competitive testing market – with better access and more opportunities for test takers. Employers and skilled migrants were now able to choose an English test appropriate to their circumstances.

Additionally, this change repaired the continuum between student and skilled visas – with graduates now able to use the same test to transition from a student to a post-study work visa, rather than being forced to change to the single test, as was formerly the case.

This is an important factor in Australia’s ability to compete for international students and retain their skills once they have been trained - as has been stated by both the peak body for international education (International Education Association of Australia) and the peak body for international students (Council of International Students Australia).

### **Information Request 9.1 – Suitability of English language tests**

Suitability of particular tests for the purposes of student or skilled migration visas should be assessed against the key criteria of language proficiency assessment approach and suitability, and risk management capability.

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<sup>2</sup> *Review of the implementation of alternative English language proficiency tests in the Student visa programme*, Department of Immigration and Border Protection 2013, p.28

## Assessing language proficiency

Language test providers have very different ways of approaching the challenging task of assessing an individual's English proficiency.

ETS believes that in establishing a person's language proficiency, it is essential to consider the interplay of the four communication skills. It is seldom the case that a language learner will develop listening, speaking, reading and writing skills at the same speed. In many countries, the receptive skills of listening and reading are more quickly acquired than the productive skills of speaking and writing.

The TOEFL iBT test takes an integrated approach to the development of test questions for both the Speaking and Writing sections. Integrated tasks require the test taker to combine skills for communication. For example, a test taker will be asked to read, listen and then provide a written or spoken response to what they have read and heard. These integrated questions reflect real world communication situations. Integrated tasks deter rote learning of test responses and provide a more accurate depiction of an individual's language skills – showing their ability to successfully summarise, evaluate and synthesise information.

Performance on the TOEFL iBT test results in separate scores for the Listening, Speaking, Reading and Writing sections. These four scores are then added to obtain a Total Score. Data-based research into the equivalence between IELTS® Academic and the TOEFL iBT test has been undertaken, with the results being used by educational institutions, professional bodies and the Department of Immigration.

All TOEFL iBT test takers have their speaking and writing responses assessed by multiple scorers. ETS believes that the use of multiple scorers, who must pass their own calibration test daily before scoring commences, leads to more consistent and objective score outcomes. Performance feedback is provided to all test takers with their test scores. ETS provides extensive assistance to test takers wishing to prepare for their English proficiency test. These prep materials are designed to improve test taker communication skills, not simply deliver test-taking strategies.

Quality assurance measures are built into all ETS processes. ETS has carried out a robust, rigorous research-programme since its inception with more than 240 peer-reviewed research reports, books, journal articles and book chapters published supporting test validity. The development of the test is overseen by an international TOEFL Board, representing test users, and a committee of eminent international language testing researchers advising on test development through the TOEFL Committee of Examiners.

The TOEFL approach is also able to generate consistent results, with research showing that for those who repeat the TOEFL iBT test within a short period of time, only small mean score changes are observed between performances<sup>3</sup>.

### Risk management

The Department of Immigration's approval of English language tests for student and skilled visas was not arrived at quickly or easily. Given the importance of maintaining the integrity of Australia's immigration system, the Department had to be convinced of tests' robust risk management policies and practices.

In order to be considered for use in the Australian visa system, the TOEFL iBT test had to meet the following requirements<sup>4</sup>

1. Regular updating of content minimises the potential for prior knowledge of test material;
2. Measures in place minimise the risk of identity substitution;
3. Suspected or proven incidents of fraud have been reported in a timely fashion to the Department, and reports have included the steps taken by the Service Provider to address them;
4. Document fraud measures have been in place, including test reports incorporate security features to prevent tampering and forgery;
5. Standardised testing conditions have been implemented including invigilators trained in detection of inappropriate use of electronic devices, maximum invigilator: candidate ratio of 1:25, and secure and independent test centre locations;
6. If computer-based testing has been used, in addition to the requirements at (d) above, measures have been put in place to prevent candidates accessing other tools such as the internet;
7. Standardised training and ongoing certification of test markers have been undertaken;
8. Secure storage and control of test material have prevented unauthorised access;
9. Systems have ensured that clerical test markers, examiners and invigilators have a competent level of English that has enabled them to fully understand the test marking policy and/or have been able to understand and comply with directions concerning relevant security practices;
10. Systems have been implemented to ensure that clerical markers, examiners and invigilators have avoided any potential or perceived conflict of interest (that is, by not marking, assessing or invigilating candidates they have taught or with whom they have any personal connections); and
11. Storage facilities and procedures are in place so that records of tests may be kept for a minimum of two (2) years for audit purposes and integrity checks.

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<sup>3</sup> [http://www.ets.org/research/policy\\_research\\_reports/rm-08-05](http://www.ets.org/research/policy_research_reports/rm-08-05)

<sup>4</sup> *Review of the implementation of alternative English language proficiency tests in the Student visa programme*, Department of Immigration and Border Protection 2013, p.32

Given the high risk of adverse outcomes for education providers and employers, and confidence in the Australian immigration system, it is important that test providers meet these requirements.

ETS has long been at the forefront of combatting test security concerns. ETS's strategy is a three-pronged approach of prevention, detection and communication, which is designed to protect the integrity of test scores.

In addition, the ETS Office of Testing Integrity constantly monitors testing, investigates security issues and strives to ensure score validity worldwide, maintaining its long-standing commitment to reliable and secure test scores.

ETS conducts announced and unannounced audits of test sites, as well as visits by mystery shoppers, to observe and confirm that ETS standards are being applied properly at test centres around the world.

ETS uses biometric voice identification software similar to technologies used in the banking, law enforcement and healthcare industries. This technology helps ETS identify suspected impersonations and cancel those TOEFL iBT scores before they are reported.

ETS reviews and analyses scores after each test using statistical analysis methods to help identify invalid scores. The ETS Statistical Analysis team monitors score trends by test centre, country and region.

To further safeguard against test takers obtaining unfair advantages, scoring does not occur at the test centre. ETS separates the scoring process from the testing process, eliminating many security issues that would arise from giving test administrators access to scoring tools. Also, test administrators cannot be directly involved in English-language instruction or test preparation, and they cannot administer the test to an individual where it could present the appearance or actual possibility of a conflict of interest.

Because ETS separates scoring from test administration, raters receive spoken and written responses from test takers worldwide; there is no possibility they will know the individuals whose responses they are given to score.

### **Information Request 10.1 - Setting appropriate English language requirements**

Whilst strong English language proficiency is not a guarantee of employee success, it is a critical contributing factor. It is important to look at broad communication skills and their integration when making assumptions about the broader suitability of candidates for a position.

The Department of Immigration's Policy settings related to ELP requirements would benefit if they were based on guidance and evidence from experts in language testing, assessment standards and employers.

This approach would provide Government and professional representatives with a better understanding of what English language proficiency tests are able to measure and how this relates to employer needs. Employers have frequently expressed concern about skilled migrants’ “communication skills” which, on examination, encompass a much wider set of competencies than just English language proficiency.

The TOEFL programme, for example, has collaborated with a number of professional bodies in Australia, such as the three peak accounting bodies (CPA Australia, IPA and CAANZ), Engineers Australia and the Australian Health Practitioner Regulation Agency, by providing detailed information about the test and relevant examples from other jurisdictions on the use of the TOEFL iBT test by professional bodies.

ETS has delivered standard setting exercises to establish English-language requirements for university-wide undergraduate entry at University of Western Australia and University of Adelaide, and for a specific faculty at the Australian Catholic University.

In the U.S., ETS has also worked with peak bodies such as the National Council of State Boards of Nursing, the National Association of Boards of Pharmacy, the Federation of State Boards of Physical Therapy and the National Association of Physical Therapy Association to help inform their members on communication requirements in the recruitment of skilled migrants. One of these studies has been published by the association and can be made available to the Productivity Commission upon request.

This approach reflects ETS’s global practice of supporting professional bodies, education providers and major employers to use evidence-based standard setting processes – to help determine minimum relevant ELP requirements.

Professional assistance in developing requirements in conjunction with users for professional or industry clusters produces a more informed and accurate outcome. This approach provides an opportunity to take the industry’s global English proficiency requirements into consideration.

### **About ETS**

At ETS, we advance quality and equity in education for people worldwide by creating assessments based on rigorous research. ETS serves individuals, educational institutions and government agencies by providing customised solutions for teacher certification, English language learning, and elementary, secondary and postsecondary education, and by conducting education research, analysis and policy studies.

Founded as a non-profit organisation in 1947, ETS develops, administers and scores more than 50 million tests annually — including the TOEFL iBT test — in more than 180 countries, at thousands of locations worldwide.

The TOEFL iBT test is the most widely accepted English-language assessment worldwide, recognised by more than 9,000 institutions, organisations and governments in more than 130 countries, including Australia. To date, more than 30 million people have taken the TOEFL test.