



ISLPR
LANGUAGE SERVICES

**Submission in response to the Productivity Commission's
Draft Report, *Migrant Intake into Australia***

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PREAMBLE

This response assumes without repetition the original submission by the same writer on behalf of ISLPR Language Services Pty Ltd (Submission 16). It makes brief comments on particular points or requests for information largely sequentially through the report with relevant pages indicated. The comments made are numbered to facilitate cross-referencing to minimise repetition.

There were some errors of interpretation of the original submission in the Draft Report and these are pointed out. Specifically, some statements concerning the original submission seem to assume that it was referring mostly to international students whereas most of the submission related to candidates in general and tests not only for international students but also for temporary and permanent immigrants.

The comments here are mostly limited to observations in relation to language testing and the proficiency levels specified for particular purposes.

COMMENTS IN RESPONSE TO THE DRAFT REPORT

1. A fundamental issue is that language is not a unitary or uniform entity, proficiency in which can be tested by a single test that has a particular content unrelated to the language experienced or needed by the candidate. Rather, any language is a complex set of different forms, more accurately termed varieties and registers, produced or comprehended by different people in different situations for different purposes using different skills. The features of those forms demonstrably differ and, although there are certain common features that enable one to say this is English or this is French, within each identifiable language there are many different varieties (e.g. American English, British English, Australian English, etc) and even more genres and registers (e.g. the language of science, of Primary School teaching, of history, of engineering, of medicine, of nuclear physics, or, indeed, of the various disciplines within any such fields). No one, native speaker or second language speaker, is equally proficient in all the varieties and registers and a test whose language content focuses on the language of a register that a candidate has not experienced inevitably will fail to accurately assess that candidate's actual proficiency. Consequently, a test such as those currently

listed as acceptable for all visa purposes, most¹ of which adopt a “one-size-fits-all” approach with one language content in each version of the test taken by all candidates at that sitting, inevitably discriminates against those candidates whose experience of English has been in a different area (i.e. in a different variety or register).

Proponents of those tests (indeed, the present writer was one of the developers of the most important of the accepted tests, viz. IELTS) may argue that the test is testing language common across all varieties or registers, i.e. some notion of general ability or general proficiency that extends across all varieties and registers; however, demonstrably each version of the test selects language within a particular field or fields and, if it so happens that particular candidates have not experienced that field or those fields, then they will be unable to perform to their maximum extent and may fail to demonstrate their actual proficiency level or the level that they would have been able to demonstrate if the language content had been more closely related to the area of the language that they have experienced or that they will need in their studies or work.

The only way to overcome this critical problem without abandoning such readily available tests as IELTS is to also allow candidates who find that they cannot perform to their maximum ability in IELTS or another “one-size-fits-all” test to choose to take an adaptive test such as the International Second Language Proficiency Ratings (ISLPR[®]) that better identifies and measures their actual language proficiency. This is not a matter of lowering standards or accepting lower proficiency levels but rather of correctly measuring a person’s real language ability whether that is in general proficiency or proficiency in their vocational or other interest area of the language or in both.

This is not an unusual proposal but one which would barely warrant discussion in areas other than language. If you are aspiring to be a physicist, you would not expect to do a test in history or chemistry; if your aim is to be a cardiologist, you would not expect to do a test in engineering or even in gynaecology; yet it seems to be accepted that someone who has trained as a nurse, and has learned and used English in the context of nursing can reasonably be asked to do a test whose language content might be mechanical engineering or a variety of fields unrelated to nursing or even to the broad area of health.

In brief, candidates need the option of taking an adaptive test such as ISLPR[®].

It is also important to realise that references to particular candidates in the original submission and in this response are to actual persons who have suffered because of the inappropriateness of the test they have had to do; those references are exemplary and based on the actual experience of the present writer with many candidates.

2. (PP. 8 - 10) The report comments that labour market outcomes depend on age, education and skills including English language proficiency and that immigrants

¹ The Occupational English Test, OET, is different from the others in that it caters for candidates in the broad area of Health ranging from Medicine to nursing, dentistry to Veterinary Science with some opportunity for differentiation amongst the various health-related fields.

contribute to productivity. However, they can contribute to the Australian economy only if they are not prevented by an irrelevant English test that fails to accurately measure their real language skills.

3. (PP. 10 – 11) In discussing economic and social integration, the report notes that the effects of social cohesion are driven by how well immigrants fit in and the extent to which they and the community accept diversity. Undoubtedly this is correct; however, if individuals believe that they have the appropriate skills in their discipline and in English but they are precluded from fitting in to the society in their legitimate activity by the inappropriate nature of the test that they are required to take, then this seriously risks producing alienation, a sense of being discriminated against with social and psychological distance being increased, social cohesion being reduced and alienation from Australian society inevitably occurring. Again, this has been witnessed by the present writer amongst candidates ranging from nurses to foreign beekeepers, all people who had real skills to contribute but who were prevented from working in their area not because of inadequate language skills but because the test they were required to take used language content irrelevant to their experience and vocational area.
4. (P. 11) The report states that the current “one-size-fits-all” English language training fails some immigrants. Certainly, the current “one-size-fits-all” English language testing regime fails many immigrants. In contrast, the language content of an ISLPR[®] test, correctly administered, reflects the language background and needs of each individual candidate.
5. On p. 12, the report lists some key factors that influence whether an immigrant is a net fiscal contributor or beneficiary but, to that list, one could add whether or not they are excluded by the inappropriateness of their test. In the earlier submission, for example, a case is quoted of a chef who clearly had sufficient English to survive in the community and to perform his duties but who “failed” to achieve ISLPR 6. The present writer has also personally interviewed many nurses who, again, demonstrated that they had sufficient English to be able to work in their chosen profession but who had been prevented from doing so by taking a test (IELTS) that failed to assess their real proficiency in the language of nursing.

Subsequently, on p. 13, the report notes that immigration oriented to younger people in the 25 to 45 age group can boost labour supply and reduce the impact of population ageing but this can happen only so long as the testing regime does not exclude them because it uses irrelevant language in irrelevant situations and tasks.

6. On p. 22, the report recognises the inappropriateness of the English testing regime for 457 visas. Since persons coming on 457 visas come specifically to work in particular areas, the relevance of the test to the English skills they require is especially important. The original submission referred to a draft report on this issue as it relates to foreign beekeepers who have a vital role to play in the beekeeping industry on which a large part of Australian agriculture depends. That report has now been finalised and illustrates the absolute necessity for the

testing regime to be amended if this vital industry, which relies heavily on foreign workers, is not to decline.

7. On p. 30, the report questions the appropriateness of having different English requirements for former 457 visa holders applying for a permanent visa. This writer doesn't want to question that proposal but to emphasise that that is a different issue from the question of the proficiency required to obtain or renew a 457 visa, the proficiency requirement for which, most desirably, should be related to the proficiency needed to survive in Australia and to work in the relevant area. Indeed, one could argue that, if 457 visa holders aspire to remain in Australia, it is a reasonable expectation that they will seek to develop their English proficiency accordingly and, in the final report on beekeeping, recommendations were made proposing steps that might be taken to assist such workers to develop their English skills.
8. On pp. 24-25 and again 30-31, there is reference to tightening the English proficiency requirements for students applying for skilled migration. Elsewhere in the report (p.386), a number of reasons are given why it is not appropriate to assume that students will have attained a certain level of proficiency in the course of their study. The reasons given for possibly tightening requirements are reasonable but, whether or not the proficiency requirements are raised, the test taken must be appropriate to the field or fields in which they have been experiencing English. One hears frequent complaints that students graduate but are still unable to achieve high scores on IELTS. Again, this is not surprising: if they have been studying for 3 or 4 years in a particular field but the language content of the test is irrelevant to that field and hence to the language within which the student has been living and studying, then it is inevitable that their performance on the test will fail to demonstrate their real proficiency. In other words, the report's proposals are reasonable so long as the test that measures the students' proficiency is relevant to their real language skills and if, for example, they have been studying a health science for 3 or 5 years, they are not expected to take an English test whose language content might be history or mechanical engineering or mechatronics.
9. On pp. 31-32, there is discussion of visa charges but the cost of English tests is also an issue and can be a serious problem if the test is inappropriate and leads to candidates' taking multiple tests without feedback or any other means of knowing where they are going wrong and what they should do to improve their language proficiency. As noted in the original submission, this leads to candidates' taking multiple tests at great cost when, not working in their vocation but being unemployed or working in a lesser paid job, they have limited resources.
10. On p. 35, Information Request 6.1 asks for information on how the AMEP can be amended to better meet the individual needs of immigrants and it specifically suggests conversation classes. Undoubtedly, conversation classes can help and the present writer's own approach to language teaching particularly emphasises the necessity for learners to go beyond the classroom and to use the language in real life situations [see, for example, Ingram, D. E. *et al.* 2008. *Fostering Positive Cross-Cultural Attitudes through Language Teaching*. Tenerife: PostPressed].

Conversation classes can be one component of such methodology but they must be supported by other classes where specific **individual** assistance can be provided and by a range of out-of-class experiences that extend the demands on their language. Without such support and extension experiences, there can be real danger of learners' "errors" becoming entrenched and their language stabilising or even fossilising at a lower proficiency level.

11. On p. 38 and p. 299, Information Request 9.1 seeks information on how widespread and valid are the concerns raised in the present writer's original submission. All that can be said here is that the statements made were based on many years of involvement with candidates, not only international students but many other candidates, overseas trained teachers, nurses, and people in other vocations or none. In addition, migration lawyers, especially in Sydney, have reported similar concerns and, in some cases, have referred clients to ISLPR Language Services because they had taken IELTS many times without success and because the language content of the test had always been irrelevant to them.

The second part of Information Request 9.1 asks the likely benefits and costs of introducing ISLPR[®] or other tests. The present writer can comment only on ISLPR[®]. The main benefits will, first, be for candidates who find the language content of IELTS irrelevant to their experience and future needs whereas the ISLPR[®], as an individual test, if correctly administered, will match the language content to each candidate's background and needs. The proficiency level requirement will not be reduced but candidates will be tested on their real language. Second, candidates who are able to demonstrate their real language proficiency matched to their needs (hence, to their vocational area) will be able to contribute to Australian industry and business instead of "failing" on a test whose language content is irrelevant to their background and needs with the result that the individual is unnecessarily lost to Australia. In this way, one significant benefit to Australian productivity is the retention of valuable workers, as is illustrated by the case studies in the original submission where a chef, many nurses and some beekeepers were seen to be lost to Australian productivity despite the evidence that they either were already making significant contributions or could have done if allowed to practise. Third, giving immigrants another means by which to demonstrate their proficiency reduces the risk of alienation from Australian society if candidates are obliged to take tests that they see as irrelevant to the language they have learned or that they need for their chosen vocation and for which they are qualified and experienced.

It is not suggested here that ISLPR[®] should replace the other tests, least of all IELTS, since it is not designed as a mass test but the option of taking ISLPR[®] overcomes the issues just referred to, especially the perception and sense of alienation that candidates report because they see themselves as being discriminated against and pre-doomed to failure by having to take a test with irrelevant language content.

Fourth, if a centre administers ISLPR[®] as its developers and owners (i.e. ISLPR Language Services Pty Ltd) do and teach, then feedback is available to let candidates who do not achieve the desired results know where they have gone

wrong and what they need to do to improve their English proficiency. The other tests do not provide such feedback.

Fifth, the cost of an ISLPR[®] test is similar to that of IELTS as advertised by the Australian owners (IDP) and for tests that require GST, ISLPR is less. In ISLPR Language Services the current test fees are \$320 or \$340 including GST whereas the advertised fees for IELTS in Australia are \$330 or, if GST is payable, \$363. Part tests are also available with the ISLPR[®] which, if candidates are permitted by the end-users to combine test results, saves them considerable cost.

Sixth, there should be no cost implications for Immigration since test fees are paid by the individual candidates.

Seventh, ISLPR[®] is an Australian test, developed and owned by Australians. All fees for tests administered in Australia remain in Australia in contrast to most of the other tests on the current approved list (OET is also Australian).

12. (P. 39) With regard to Draft Recommendation 10.1, the recommendation is appropriate so long as the data is based on English levels relevant to the required skills with two issues to be considered: the proficiency level required for the vocation and the appropriateness of the test.
13. On p. 41, the Commission seeks information (Information Request 11.2) on the benefits and costs of exempting immigrants who have undertaken 5 years of education with all tuition in English. This depends on several factors including where the 5 years of tuition was and hence the likely quality of the English that was experienced and, second, the fact noted elsewhere that the English proficiency achieved from a course depends on a variety of factors; one cannot just assume that, because candidates have spent 5 years in such a course, they will have an appropriate level of proficiency. The only way to be sure is for the candidate to take an appropriate test.
14. We would agree with Draft Recommendation 12.1 but it should be noted that the present situation where some candidates take IELTS many times is a de facto price-based mechanism since, if candidates cannot afford to go on repeating IELTS until they happen to get what they require, then they have no choice but to leave the country.
15. The ABS data is interesting (e.g. pp. 88-90) but, as I recall the census questions, because people self-assess on a simplistic scale, it is probably unreliable. In particular, one has to be sceptical about the student data, which, in any case, would depend on what stage they were at (i.e. in ELICOS classes or in their formal course having met entry requirements). In addition, students confronted with courses which focus on English achievement or who have had multiple attempts to take tests become more pessimistic about their proficiency and this may lead to distortion of the data.
16. In several places (e.g. p. 96), there is reference to a wealth gap between immigrants and Australian-born people. A number of reasons are given for this

but one not given that is very probable and frequently attested is that some immigrants have been unable to get into their chosen area of employment and consequently are working in lower paid positions such as taxi driving because they have been unable to cope with the required English test.

17. Similarly, on p. 137, the Draft Report states that *one of the factors attenuating the value of many migrants' skills and qualifications is their inadequate English-language skills*. This may well be the case but one also has to consider whether the nature of the test, if it is irrelevant to their language experience and needs, may not be contributing to this situation. Further on (p. 138), the Report refers to immigrant degree holders being paid somewhat less than their Australian-born counterparts and it suggests that this may be because of lower productivity. Again, this may well be the case for the reasons also given (p. 138) but it may also be because the nature of the test is irrelevant to their language experience (including being irrelevant to the language of their degree programme) and that this also contributes to their being prevented from obtaining employment in their chosen field or at the appropriate level; hence they end up being employed in lesser paid positions or being unemployed, as is acknowledged on p. 157 for "skill stream immigrants". Similar comments are made on p.154 but, again, it is necessary also to consider whether, in some cases, it may not be a matter of low proficiency but that the test has not properly assessed their proficiency in fields relevant to their professional skills. (It might be noted that this is perhaps less likely in the health professions if candidates can take the OET which, to some extent, is more closely related to their vocational area).
18. Throughout the report, there is reference to the importance of social cohesion and, *inter alia*, the Report refers to social cohesion reflecting the level of trust and engagement between members of the community and perceptions of discrimination. It has become evident to the present writer, interacting on a regular basis with candidates (whether immigrants, 457 workers or international students), that many candidates who have become frustrated as they take IELTS time after time start to feel that it is an insuperable and discriminatory barrier when they perceive that the language content is irrelevant to their previous language experience and present and future needs.
19. On pp. 190-191, the Report refers to the importance of "the three Es". The statements made in this section are undoubtedly reasonable but it should also be noted that the English testing regime is also a contributory factor since, if the content of the test is not relevant to the candidates, they clearly become disillusioned, feel discriminated against, feel that they can't learn and use English and they may very well withdraw from the community. This in turn aggravates their language learning problem since interaction with native and other fluent speakers makes a major contribution to language development. It is aggravated also in the situation where candidates do not receive feedback on their tests and, hence, they don't know where their language is letting them down nor what to do about further developing it. Other pathways offered by alternative tests (such as ISLPR[®]) that are designed to be more relevant to individuals' language experience and needs and that provide opportunities for individual tuition and feedback are desirable as available options.

20. On p. 192, the Report notes that, with the increased mobility of labour, some workers move across countries for short periods of work. This raises the question as to whether high levels of proficiency as required for persons wishing to settle in Australia and permanent residents are as necessary for the more itinerant workers. In the example of beekeepers referred to in one of the case studies of the original submission, the needs analysis indicated that they needed a somewhat lower level of proficiency for both work purposes and for everyday survival than is currently required for a 457 visa².
21. On pp. 194 – 195, the report notes that, though immigrants have on average higher levels of education, their employment outcomes are poorer than for the Australian-born population. The Report gives three reasons for this but, as already noted several times, another reason is undoubtedly that the test predominantly used is not relevant to the immigrants' English language experience or needs, as was illustrated in the original submission with reference to nurses and to the chef in the case studies. As the Draft Report notes, the consequence of this includes that their professional skills may degenerate and the likelihood of their ever gaining employment reduces with a consequential decrease in their "sense of social inclusion" and hence an increase in their sense of alienation. In this regard, the Draft Report notes on p. 204 that immigrants' sense of social inclusion may depend on their obtaining work at a level commensurate with their qualifications and experience and that their English language is relevant to this (as undoubtedly is the nature of the testing of English proficiency). Again the issue is not whether or not it is appropriate to set English proficiency requirements (it is) but whether the level set and the test required are appropriate.
22. On pp. 298-299, the Draft Report discusses "English-language proficiency", with particular reference to the original submission by ISLPR Language Services Pty Ltd. The main point to be noted here is the comment made in the Preamble to this response: this text reads as though the ISLPR Language Services' submission related to international students only but that submission referred more widely than that to all the tests taken for migration and other purposes. In fact, IELTS was specifically designed originally by the developers (including the present writer) to test the English readiness of international students to undertake studies in English-speaking universities and other training programmes (such as TAFE). The test has been changed from its original format in which there were several versions of the academic test to allow candidates to take a test in language that was broadly relevant to their discipline area; however, it now has a "one-size-fits-all" design. Nevertheless it was designed for international students and, in principle, is appropriately used with them. It was not designed and has not been re-developed to test for vocational purposes.

Most of the comments made in this section are reasonable so long as they are seen as applying to all test takers and not just international students though some comment is required on certain points:

² Note that, to better correlate with the Immigration Department's IELTS-ISLPR alignment for Functional English, the final report on the beekeepers project kept the same ISLPR recommendations but amended the IELTS recommendations included in the Executive Summary of the beekeepers report in Appendix One of this writer's original submission to the *Migrant Intake* inquiry.

- The second paragraph should refer to all test takers and not just to “international students”.
- In the third paragraph, again the reference should be to all visas, not only to students. The present writer accepts that it is reasonable, for the reasons often stated throughout the Report, for English proficiency levels to be required but they should be relevant to the real purpose of the candidates’ testing and relevant to the requirements of their field: the tests should be appropriately designed to achieve these purposes. IELTS and the other tests have not been designed for these purposes.
- As the Report acknowledges, ISLPR Language Services Pty Ltd does not argue that IELTS should be abandoned but immigrants (whether permanent or temporary) should have the option of taking a test that can be seen to be more relevant to their language and needs.
- In the seventh paragraph starting “However”, the Report says that it is not clear whether the listed tests address the deficiencies claimed by ISLPR Language Services. The answer is that they do not, most adopt again “one-size-fits-all” approaches (but see Footnote 1 above) and some tests seem even further removed from real-life language use than is IELTS.
- In the same paragraph, the Report asks what impediments there are to the use or general availability of ISLPR®. Several comments are appropriate:
 - First, ISLPR is already used for testing Functional English for visa purposes and has been for many years.
 - Second, it is true that ISLPR was not designed for mass administration but for individual testing. However, already around Australia there are many centres that administer the ISLPR though further comment will be made in the fourth dotpoint below.
 - Third, at present, ISLPR has limited use in other countries since, for various historical reasons, it was not promoted internationally. However, this is now changing with vigorous international promotion taking place and centres shortly to be established in other countries, initially in those countries where it has started to be accepted for, in particular, university entry.
 - Fourth, for historical reasons, ISLPR has been freely available for use around Australia since its first release in February 1979 and, as already noted, is currently used in many institutions. However, a serious problem has existed in this widespread usage, viz. in many testing centres, it has been used without quality control. To address this problem (and because of the growing international usage), the ISLPR International Accreditation Authority has been established to oversight all quality related matters from tester training to the issuing of moderated and accredited test results. Now, only results that carry the words “IIAA accredited” should be accepted and end users (including the Immigration Department) should now insist on accepting only accredited results. If this is done, the availability of the ISLPR around Australia will be assured and the validity and reliability of the test will equally be assured. The insistence on an appropriate form of quality assurance to match the nature of the test is no different from the existence of

quality assurance or 'standardisation' processes imposed by the owners on the other tests listed.

- At the end of the eighth paragraph in this section (p. 299), reference is made to the suitability of ISLPR for assessing the language proficiency of international students but this should refer to the testing of candidates for all visa purposes.

23. Comments were made earlier in relation to Information Request 9.1, on p. 299. See Note 11 above.

24. On pp. 311-312, there is discussion of English language skills for employability. ISLPR Language Services acknowledges the need for the many reasons stated in the report to set standards but, if the aim of the testing is to ensure that immigrants (whether temporary or permanent) have sufficient English for survival and vocational purposes, then the test and the proficiency levels required should be relevant to those purposes. The level required will differ from vocation to vocation and will also depend on the everyday living situation of the workers. On the basis of the needs analysis the present writer did for the beekeeping industry, it seemed that the current 457 requirements of IELTS 5 with no score below 4.5 was excessive and was having the effect of needlessly losing skilled workers to the Australian industry. ISLPR Language Services welcomes the recommendation in the Azarias report that "the manner in which proficiency might be assessed and the tests that might be used to assess that proficiency" be re-considered. At the same time, we would recommend that consideration be given to the actual language requirements and the most effective and relevant ways of assessing them.

25. On p. 332, there is brief discussion of the English language requirements for permanent migrants. The Report states that English language requirements are appropriate especially in light of the importance of English if migrants are to integrate effectively into the Australian community. This is a reasonable statement but the next question is whether the levels and the test are appropriate. In our original submission, for example, a case study refers to a Sydney chef who could not meet the requirements for his visa (IELTS 6) despite being successful and promoted in his work and having adequate English skills for everyday survival purposes. Again, the fundamental question is the relevance of the standards set, i.e. the appropriateness of the level required and the test used for the purposes requiring that the applicant be tested: the problems arise from the "one-size-fits-all" approach, not from the fact of requiring that relevant standards be met.

Elsewhere, Draft Recommendation 10.1 recommends a "tightening of English-language proficiency" – that may well be justified so long as the test to identify the candidate's level is relevant and that the proficiency requirement set is related to the actual needs and not just an arbitrary "one-size-fits-all" decision.

26. On pp. 385 -386, there is discussion on English language requirements especially in the context of temporary to permanent migration. Relevant comments have been made in what precedes in this response and won't be

repeated here, in particular comments in relation to the desirability of setting proficiency requirements in light of the purposes of the testing and the needs to be met. Comments were also made earlier (see Note 13) concerning the appropriateness or otherwise of assuming adequate proficiency has been achieved simply by virtue of an applicant's having spent 5 years in an educational programme taught in English.

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