

Chinese student's English 'talent' not enough

BY: BERNARD LANE From: [The Australian](#) May 07, 2013 12:00AM

A CHINESE student who secured two degrees from an Australian university, and then a job in his chosen field, has failed to persuade a tribunal that he has competent English.

The migration review tribunal said it simply could not take into account Hao Shen's apparent success after almost seven years in an English-speaking environment.

Mr Shen went to the tribunal after the immigration department refused his application for a skilled graduate visa.

Under the visa rules, the criterion for competent English is an IELTS test result with a score of at least six in each of the four sections on speaking, reading, writing and listening.

In his first IELTS test, taken in September 2010, Mr Shen fell short in speaking, only scoring five, and in his January 2011 test it was reading that let him down. In both tests, his overall score was six.

There have been reports of overseas students taking test after test, frustrated that the visa rules do not allow them to pull together their best results in speaking, writing, reading and listening from their various attempts. The charge for an IELTS test in Sydney is \$330. Mr Shen clearly had the "talent" to achieve a score of six in all four sections of the test, his migration agent told the tribunal.

However, the tribunal gave Mr Shen several opportunities to take a third IELTS test, which he failed to do.

Arguing Mr Shen's case, his agent said the manual used by immigration officers, known as PAMS, indicated that test results were not the only evidence of competent English.

And the manual made clear that the main reason for insisting on competent English was to do with the job prospects of the person applying for a visa, he said.

Mr Shen had a Master of Computing Technology Extended and a Bachelor of Information Technology from the University of Southern Queensland.

He had a successful skills assessment from the Australian Computer Society, a job directly related to his qualifications, and another job on offer, the agent said.

Mr Shen had been living and working in an English-speaking environment for nearly seven years.

But tribunal member Denise Connolly said she could not waive the rule that to show competent English Mr Shen had to score six in all four sections of a single IELTS test.

"The tribunal does not have any discretion to make its own assessment and form its own view of (Mr Shen's) English capacity based on his studies, his employment, language usage and job offers he has received," she said.

Academic language consultant Alex Barthel said USQ had "failed Mr Shen".

He said federal education department standards made it the university's responsibility to ensure "students are appropriately proficient in English when they graduate".

Mr Barthel said an IELTS language test score of 6.0 was considered the absolute minimum to start a university degree.

"(So) how did student Hao Shen manage to successfully complete written and spoken assignments to qualify for two university degrees?," Mr Barthel asked.

Mr Barthel said 2007 research by Monash University's Bob Birrell had identified "hundreds of international students graduating from Australian universities with English language proficiency levels considerably below those required, both to enter university and to obtain permanent residence".

The education department standards for English proficiency were "an indirect consequence" of Dr Birrell's work, Mr Barthel said.

He said Mr Shen's former university should be held accountable.