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## **CONSULTATION ON THE ENGLISH LANGUAGE COMPETENCY STANDARD FOR LICENSED IMMIGRATION ADVISERS**

### **Introduction**

#### **Background**

1. The Immigration Advisers Licensing Act 2007 (the Act) requires anyone giving advice about New Zealand immigration matters to be licensed (unless they are exempt from the licensing requirements). In order to become licensed, advisers must meet the Immigration Adviser Competency Standards 2015 relating to qualifications, knowledge, business practice and communication in English.
2. Performance indicators 5.1 – 5.5 of Competency Standard 5, “Communicating in English” are set as a prerequisite to enrolling in the Graduate Diploma in New Zealand Immigration Advice, the required qualification for new licensed advisers. This qualification and the English language entry requirements are administered by the Waiariki Bay of Plenty Polytechnic (the Polytechnic) on behalf of the Immigration Advisers Authority (the Authority) under a Memorandum of Understanding.
3. Section 36 of the Act requires the Registrar of Immigration Advisers to develop and maintain competency standards to be met by licensed immigration advisers. The competency standards must be approved by the Minister of Immigration.

#### **Purpose and structure of this document**

##### ***Purpose of this document***

4. Following some issues encountered with the administration and settings of Competency Standard 5, the Registrar is undertaking a review of the standard.
5. In developing competency standards, the Registrar must consult with:
  - (a) the Minister and the Ministry of Business, Innovation and Employment; and
  - (b) persons or representatives of persons who engage in the provision of immigration advice; and
  - (c) appropriate bodies or persons representing persons seeking or receiving immigration advice.
6. This consultation document facilitates the Registrar’s obligation to consult. In particular, we are seeking submissions on any aspect of this consultation document, including on the specific questions raised at the end of relevant sections, by no later than **5.00pm, Tuesday, 5 July 2016**. Submissions can be made [here](#).

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***Structure of this document***

7. The remainder of this consultation document is organised as follows:
- The English language competency standard and its purpose;
  - Language acquisition, maintenance and attrition;
  - Problem definition;
  - English language requirements for immigration adviser regimes in other countries and other occupational regulatory regimes;
  - Factors and criteria to consider in developing English language standards;
  - Options to address identified issues;
  - Submission process;
  - Appendices.

## **The English competency standard and its purpose**

8. Competency standards for regulating occupations ensure a minimum standard in the core competencies required to provide the service being regulated. The English Competency Standard 5 (the Standard) focuses on the ability to complete written documentation and to communicate orally in English to a professional standard.
9. The standard required is based on the need for licensed immigration advisers to understand and interpret often complex legislation and guidance on immigration matters, document client files clearly, and to communicate effectively, especially in writing, on sometimes complex immigration matters.
10. Competency Standard 5 relating to English language proficiency is set out below.

### **Competency Standard 5 – Communicating in English**

5.1 Completion of an International English Language Testing System (IELTS) test with minimum academic scores of Reading 6.5; Listening 6.5; Speaking 6.5; and Writing 6.5 with a minimum overall IELTS academic band score of 7.0 or over (evidence of IELTS test scores achieved in more than one sitting is acceptable if the applicant has taken the second and any subsequent IELTS tests within 12 months of the first test and the applicant has achieved a minimum overall IELTS academic band score of 7.0 in each test); OR

5.2. Completion of a Test of English as a Foreign Language (TOEFL) paper-based test (pBT) with a minimum total score of 600 and a minimum score of 5 in the Test of Written English (TWE); OR

5.3. Completion of a Test of English as a Foreign Language (TOEFL) internet-based test (iBT) with a minimum total score of 100 and a minimum score of 24 in writing; OR

5.4. Completion of primary schooling (or equivalent) and at least three years' secondary schooling (or equivalent) in schools where the education was conducted in the English language; OR

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5.5. Completion of five years' secondary schooling (or equivalent) in schools where the education was conducted in the English language.

Note: In any case of doubt relating to 5.4 or 5.5 the applicant may be required to complete a test to the standard set out at 5.1, 5.2 or 5.3.

5.6. The ability to complete written documentation in English to a professional standard including: forms; letters; emails; client file notes; written agreements; and detailed and well-structured written submissions, arguments or presentations.

5.7. The ability to communicate orally in English to a professional standard including: conducting telephone and face-to-face interviews; active listening; dealing with conflict; and delivering detailed and well-structured oral presentations, submissions or arguments.

## **Language acquisition, maintenance and attrition**

11. To provide some understanding of language proficiency and the basis for the Standard, some fundamentals of language acquisition, maintenance and attrition are outlined below.
12. A language may be acquired through 'natural acquisition', that is the speaker has 'internalised' the language and can be described as a native speaker of a language or a person's first language. A native speaker of a language has acquired the language throughout their formative years and maintained its use. It is their primary language of concept formation and communication and usually means being raised in that culture or environment, so that the language is absorbed effortlessly.
13. Alternatively, a language may be acquired as a second (or subsequent) language through deliberate instruction/learning. Proficiency in the second language will likely depend on the quality, intensity and duration of the language instruction and its use or immersion outside the instruction environment.
14. A language, whether acquired naturally or learned, needs to be used in order to be maintained. Decline in a person's language from lack of use is called language attrition. The rate and degree of language attrition will depend on several factors - the age of and duration of language acquisition, frequency of current use, and time since the language was learned or last used. Research has shown that speakers of a language which was embedded, and who had been immersed in, from early childhood to around adolescence are unlikely to lose that language.

## **Problem definition**

15. There have been a number of problems in the application of the English proficiency requirements and its coverage and settings.

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**Indicators of English proficiency**

16. The Standard notes that in any case of doubt relating to an applicant having completed required schooling in the English language, the applicant may be required to complete a prescribed test. To provide a transparent process for administering cases of doubt, the Authority and Polytechnic have agreed that unless schooling is completed in an agreed list of countries<sup>1</sup>, there is doubt and the applicant must complete a test. Problems have been encountered with the list of countries from which English schooling is accepted and the lack of recognition of tertiary studies or employment in English.

***Countries not on the list***

17. The countries from which schooling in English is accepted are the countries in which English is the only language of instruction in schools in that country<sup>2</sup>. Thus, Canada, Ireland and South Africa are not included because French, Gaelic and Afrikaans, respectively, are also languages of instruction in these countries. Some applicants to the Graduate Diploma - typically from South Africa - have queried why they must sit an English proficiency test when all their schooling has been in English and they are fluent.

***English proficiency in some countries on the list and non-alignment with Australia***

18. There has also been an instance which raised questions about English proficiency and/or the quality of English schooling in some countries on the list and whether New Zealand's list of countries should be more aligned with that of Australia's immigration advisers licensing regime. An Australian resident failed to meet the Australian English language standard to become an Australian Migration Agent, as he received English schooling from a country that is not on the Australian regime's list of accepted countries and he failed the prescribed English language test. As New Zealand does recognise schooling in that country, the person was able to become an adviser in Australia through meeting New Zealand's Standard and the Trans-Tasman Mutual Recognition Arrangement (TTMRA).

***Limited pathways to meet the Standard***

19. The limited criteria for meeting the Standard results in a compliance burden and inefficiencies for both prospective advisers and the Polytechnic (administering the Standard on behalf of the Authority). The English language tests take about four hours and cost \$300-400. Some applicants who were clearly proficient in English but had to sit a test challenged the Polytechnic about the criteria, citing it as unfair or discriminatory. Handling many complaints about the same issue (which could be addressed by more appropriate settings) is an inefficient. The issue also poses a risk to the reputation of the qualification and licensing regime.

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<sup>1</sup> Australia; Barbados; Belize; Botswana; Commonwealth of Dominica; Gambia; Grenada; Guyana; Jamaica; New Zealand; Nigeria; Saint Kitts & Nevis; Saint Lucia; Trinidad & Tobago; the United Kingdom; the United States of America.

<sup>2</sup> International Bureau of Education 2004: World data on education, UNESCO (latest edition <http://www.ibe.unesco.org/en/document/world-data-education-seventh-edition-2010-11>)

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### Quality of written English

20. Written English is the main mode of communication in both the Graduate Diploma and immigration adviser interactions with Immigration New Zealand. Anecdotal evidence from the Polytechnic, the Authority and Immigration New Zealand has raised concerns that the quality of English, in particular, written English, is sometimes not of the standard required for effective communication. This results in delays, confusion, rework and inefficiencies for consumers, advisers and Immigration New Zealand in handling immigration matters.
21. The Polytechnic reports that applicants from non-English speaking backgrounds often only achieve the minimum scores required. In addition, some students struggle with the Graduate Diploma because of difficulty in adjusting to New Zealand's academic culture and to the online medium of instruction. For students with just adequate English ability, coping with these challenges will be even more difficult.
22. The current standard for the English tests set a minimum total or overall score with minimum scores for the subtests covering reading, writing, speaking and listening. The current scoring system can result in a lower score being achieved for Writing relative to the other subtests. This is counter to the importance of English writing skills.

#### The problem

- A. *Do you agree with the problems set out? Yes/No*
- B. *Please make comments on what problems, if any, you see with the current English language competency requirements.*

### Other Countries and Regimes

23. Appendix One shows the English language standards for immigration adviser regimes in Australia, UK and Canada and examples of other occupational regulatory regimes in New Zealand.
24. Of note are:
  - Australia's list of countries from which English schooling is accepted includes only Australia, Canada, Ireland, New Zealand, South Africa, United Kingdom and United States;
  - Australia accepts completion of tertiary qualifications in the above countries. It also requires at least four years of secondary school to year 12 prior to the tertiary studies in one of those countries. This in effect means that a prospective adviser, who was either not raised in an English speaking country or did not live in an English speaking country from early secondary school, would be required to sit a test;
  - All immigration adviser applicants in Canada and all international applicants for nursing registration in New Zealand must sit an English language test regardless of country of origin or native language;
  - Lawyer, accountant and nursing English language requirements specify notably higher minimum scores in English language tests.

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## **Factors and criteria to consider in developing English language standards**

25. Any measure or indicator, or package of measures and indicators, of English proficiency is unlikely to either provide total certainty, or cover all situations, that English proficiency is clearly of the required standard. However:
- a) Individual measures or indicators should be:
    - Transparent;
    - Fair and equitable;
    - A reasonably accurate indicator of proficiency;
    - Easy to administer; and
  - b) The package of requirements for the English language competency should:
    - Include multiple pathways e.g. should provide for English proficiency whether it is acquired as a first language or it has been learned;
    - The pathways are of comparable proficiency levels;
    - Cover most instances where English would clearly be of the required proficiency;
    - Consider linguistics fundamentals including the potential for language attrition
    - Align with Australia because of the TTMRA where appropriate or be of a comparable standard.

### **Potential individual measures and indicators**

26. We note that it can be difficult to determine what is required to achieve proficiency in English to a specified level and some of the concepts around the subject are controversial. Linguistics experts and theorists, and many immigration authorities, tertiary institutions and occupational regulatory regimes grapple with defining terms such as English-speaking countries, and native speaker and non-native speaker of a language. With English increasing as a global language and used to varying degrees formally and informally and in many forms, there are questions as to what is proficient English and who sets it.

### ***English language tests***

27. English language proficiency tests, such as those currently prescribed in the Standard would be transparent, fair, reasonably accurate and easy to administer. However, as noted earlier, achievement of required language proficiency scores does not always mean that individuals are prepared for the language demands of the task at hand in practice.

### ***Schooling in English***

28. An indicator of English ability and especially of a native English speaker is that they have been raised and schooled in English in an English-speaking culture/environment. New Zealand, Australia, United Kingdom, United States, Canada (English-speaking provinces)

and Ireland are considered to be English-speaking countries. South Africa is also sometimes included in this group.

29. There are other countries that have all schooling, commerce and government conducted in English but the first language of its people is not English or is an English creole. In these countries, people may naturally use their native language with friends and family, and in daily life outside of the formal school instruction or business environment. As discussed earlier, proficiency in a language often requires immersion in that environment. It is not clear whether the English proficiency level required for immigration advisers could be achieved if English is only taught and used in the formal schooling situation.

***Tertiary studies in English-speaking country***

30. Many people undertake tertiary studies abroad in English speaking countries. Another pathway for English proficiency is completion of tertiary studies (where the language of instruction is English) while living in an English speaking culture/environment. Under this indicator, non-native English-speaking international students will have already had to demonstrate a specified level of proficiency in order to be admitted to the course of studies. Additionally, the English ability of these students will have likely improved through the studies and immersion in the country.

***Employment in English-speaking country***

31. Employment in an appropriate occupation and for some duration in an English-speaking environment may also provide and indicate proficiency. However, employment as the only indicator of English ability may not be reliable as there are no formal frameworks associated with English in employment as with English schooling and tertiary studies. In addition, it may be difficult and costly to provide and assess evidence of work that indicates the required English skills.

## **Options for change**

***Mandatory English proficiency test for all applicants***

32. A mandatory English language proficiency test for all prospective Graduate Diploma applicants, irrespective of their country of origin or native language would be the fairest across applicants, most equitable and transparent measure for entry to the immigration adviser occupation. However, native English speakers (with also education to the requisite level) may consider a mandatory test to be unfair and an unnecessary cost and time burden.

***Mandatory English proficiency test***

- C. Would a mandatory English language test for all prospective licensed immigration advisers be acceptable? Yes/No***
- D. Please make any comments you have regarding this option.***

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***More discretion***

33. It is highly desirable to assess the applicant's English language ability prior to them embarking on the Graduate Diploma, to give them certainty that they are eligible to become a licensed adviser and an indication that they have the required level of English for the course of study. It follows that for the Polytechnic to administer the Standard as entry criteria, on behalf of the Authority, a clear and transparent standard is necessary for assurance, accountability and administrative efficiency purposes.
34. Many organisations such as Immigration New Zealand and tertiary institutions have some discretion to consider applications on a case-by-case basis. Providing the Polytechnic more discretion to consider applications on a case-by-case basis may allow cases which are outside the specified criteria but clearly demonstrating English proficiency to be accepted. This is not considered desirable as there is no formal avenue for appeal and the Polytechnic may be pressured into accepting students who do not meet the Standard. In general, increased discretion can mean less transparency and less accountability. Transparency and accountability are important in the Authority's context as it relies on the Polytechnic to administer the Standard.

***More discretion***

- E. Would discretion to consider applications on a case-by-case basis provide a better approach to assessing English proficiency than a clear and transparent Standard?  
Yes/No***
- F. Please make any comments you have regarding this option.***

***List of acceptable English qualifications***

35. Immigration NZ and some universities have 'lists' that specify acceptable English qualifications from a greater number of countries, including those that are considered non-English speaking countries. Amending the Standard's English schooling criteria to be English qualifications-based rather than country-based, and thus potentially less discriminatory, would entail considerable work and expense to determine acceptable qualifications and required scores. The Authority would not be able to adopt another organisation's list of qualifications as the immigration adviser proficiency requirement is generally higher. For an occupational regulatory regime of the size of the immigration adviser industry (1085 licensed advisers in May 2016), the cost and effort to develop an English qualifications list would be difficult to justify.

***List of acceptable English qualifications***

- G. Would a comprehensive list of English qualifications provide a better approach to assessing English proficiency than a list of countries? Yes/No***
- H. Please make any comments you have regarding this option.***

***List countries in Standard, add tertiary pathway and increase test scores (preferred option)***

36. The preferred approach is to amend the list of countries from which English schooling is accepted and include them in the Standard explicitly, add a new tertiary pathway which widens the circumstances in which an English language test may not be required, and increase the minimum test scores for those who are required to complete a test (see Appendix Two for the full proposal and comparison with the current Standard). Additional English language test providers are also being considered.

**Proposal 1: Amend list of countries from which English schooling is accepted**

37. It is proposed that the list of countries from which English schooling is accepted is amended to Australia, Canada (English speaking provinces), Ireland, New Zealand, South Africa, United Kingdom and United States. The list of countries will be included in the Standard (it does not currently do so).
38. This proposal would align New Zealand’s standards more closely with Australia’s and the countries that are most commonly considered to be English-speaking. It would also address the problem the Polytechnic currently faces of fluent English-speaking South African applicants being required to complete an English language test.
39. It is arguable that the proposed criteria for an applicant’s English language competency are discriminatory on the basis of ethnicity or nationality under the Human Rights Act 1993. This is because some criteria are based on the completion of schooling in listed countries where education is conducted in English. However, if it is determined to be discriminatory, the Authority’s view is that the discrimination is justified, particularly because the Immigration Advisers Licensing Act 2007 requires advisers to be able to communicate in English proficiently.

***Proposal 1***

- I. Do you support aligning the list of countries from which English schooling is accepted with that of Australia (Australia, Canada (English speaking provinces), Ireland, New Zealand, South Africa, United Kingdom and United States) and explicitly including these countries in the Standard? Yes/No***
- J. Please make any comments you have regarding Proposal 1.***

**Proposal 2: Tertiary qualification in an English speaking country**

40. It is proposed that a new pathway is added to the Standard to cover the common scenario that many prospective advisers have not been raised in New Zealand but have migrated and completed tertiary qualifications here (or in another English speaking country).
41. The proposed new pathway is:
- i. Completion of a Bachelor (or equivalent tertiary qualification) or higher degree of at least three years’ duration with English as the language of instruction; **and**
  - ii. At least three years in total from one or any combination of the following:
    - a) secondary schooling with English as the language of instruction to equivalent of Year 12 prior to the tertiary studies; **or**

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- b) postgraduate studies with English as the language of instruction; **or**
- c) employment, before or after completion of a degree, in a position that demonstrates practical and professional experience in verbal and written communication in English; **and**
- iii. (i) and (ii) must have been met while living in New Zealand, Australia, Canada (English speaking provinces), the Republic of Ireland, South Africa, the United Kingdom or the United States.
42. This option requires six years in total in an English-speaking environment to ensure immersion in the English language. It is considered that study for a three year tertiary qualification alone may not provide the required English ability because of both the duration and the variability of English use across degree subjects. Therefore, a further three years in an English-speaking environment is proposed. It is considered that Australia's equivalent tertiary pathway is too restrictive; this approach allows some flexibility as to how immersion may be achieved.
43. As with Proposal 1, it is arguable that the proposed criteria for an applicant's English language competency are discriminatory on the basis of ethnicity or nationality under the Human Rights Act 1993. This is because some criteria are based on the completion of schooling and/or tertiary studies in listed countries where education is conducted in English. However, if it is determined to be discriminatory, the Authority's view is that the discrimination is justified, particularly because the Immigration Advisers Licensing Act 2007 requires advisers to be able to communicate in English proficiently.

**Proposal 2**

- K. Do you support introducing a new pathway that recognises tertiary education combined with other time spent in an English speaking country as set out in Proposal 2? Yes/No**
- L. Please make any comments you have regarding Proposal 2.**

**Proposal 3: English language tests – increase minimum scores**

44. It is proposed that the scores for the prescribed tests be amended to the following:
- IELTS: Minimum academic scores for writing 7.5; reading 7.0; speaking 7.0; listening 7.0;
  - TOEFL: Minimum scores for writing 29; reading 24; speaking 24; listening 24.
45. Minimum total scores or overall scores have been eliminated and replaced with higher minimum sub-test scores to ensure minimum standards across all aspects and address the need for a higher standard in Writing.
46. The minimum score for Writing is the same as that for international applicants for lawyer registration and the remaining minimum scores align with those for international applicants for accountant and nursing registration.

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47. The required test scores must have been achieved within two years of the application. This is to take into consideration the potential for language attrition if English is not used sufficiently to maintain the required standard.
  48. Evidence of test scores achieved in more than one sitting would be acceptable if the applicant has taken the second and any subsequent tests within 12 months of the first test.

**Proposal 3**

- M. Do you support increasing the minimum scores for those who must complete an English language test as set out in Proposal 3? Yes/No*
- N. Please make any comments you have regarding Proposal 3.*

**General comments**

- O. Are there any other common scenarios in which English proficiency would clearly meet required standards that are not covered by the proposed amendments?*
- P. Please make any other comments or observations you have here.*

## **Process for submission**

49. You are invited to make a submission on this consultation document. Specific questions are listed at the end of relevant sections, and the full set is listed in Appendix Three.
50. Submissions will be considered by the Registrar of Immigration Advisers. The Registrar will then provide advice to the Minister of Immigration.
51. You can make a submission by responding to the consultation questions via this [link](#). The closing date for submission is **5.00pm, Tuesday, 5 July 2016**.

**Appendix One: English language proficiency requirements – comparison of immigration adviser regimes from other jurisdictions and other occupations**

	Schooling in English	Tertiary Qualification	English Language Test
<b>New Zealand</b>	<ul style="list-style-type: none"> <li>Completion of primary schooling (or equivalent) and at least three years' secondary schooling (or equivalent) in schools where the education was conducted in the English language; <b>OR</b></li> <li>Completion of five years' secondary schooling (or equivalent) in schools where the education was conducted in the English language.</li> </ul>		<ul style="list-style-type: none"> <li>Completion of an International English Language Testing System (IELTS) test with minimum academic scores of Reading <b>6.5</b>; Listening <b>6.5</b>; Speaking <b>6.5</b>; and Writing <b>6.5</b> with a minimum overall IELTS academic band score of <b>7.0 or</b></li> <li>Completion of a Test of English as a Foreign Language (TOEFL) internet-based test with a minimum total score of 100 and a minimum score of <b>24</b> in writing.</li> </ul>
<b>Australia</b>	<p>You have successfully completed:</p> <ul style="list-style-type: none"> <li>secondary school studies either to the equivalent of Australian Year 10 or Year 12; <b>and</b></li> <li>at least 10 years of primary and/or secondary schooling; where English was the language of instruction at your school or schools; <b>and</b></li> <li>your schooling was undertaken and completed in Australia, Canada, Ireland, New Zealand, South Africa, the United Kingdom and/or the United States; <b>and</b></li> <li>you were living in Australia, Canada, Ireland, New Zealand, South Africa, the United Kingdom or the United States throughout the schooling.</li> </ul>	<p>You have successfully completed:</p> <ul style="list-style-type: none"> <li>secondary school studies to the equivalent of Australian Year 12, with a minimum of four years' study at secondary school or equivalent; <b>and</b></li> <li>a Bachelor degree or higher degree, with a minimum of three years' equivalent full-time study; where your secondary school and degree studies were completed at educational institutions in Australia, Canada, Ireland, New Zealand, South Africa, the United Kingdom and/or the United States; <b>and</b></li> <li>English was the language of instruction at these educational institutions; <b>and</b></li> <li>your study was undertaken while you were living in the country where your degree was awarded and your schooling was completed.</li> </ul>	<p>Achieved no more than 2 years before application:</p> <ul style="list-style-type: none"> <li>IELTS (academic) – minimum overall score of 7, minimum score of <b>6.5</b> in each subtest (speaking, listening, reading, writing); or</li> <li>TOEFL (internet) – minimum total score of 100 with minimum score of <b>22</b> in each subtest</li> </ul>

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<b>UK</b>	English language proficiency is a competency. All competencies are assessed by the Office of the Immigration Services Commissioner.		
<b>Canada</b>			<p>Achieve minimum score on recognized language ability test completed within the past 2 years e.g. IELTS (academic) – minimum score of <b>6.5</b> in each subtest (speaking, listening, reading, writing).</p> <p>There are no exceptions regardless of place of birth, how long have lived in Canada or some other English speaking country, ancestry, mother tongue, instructional language.</p>
<b>Lawyer (NZ)</b> (Assessment of overseas law qualifications)		Completion of a law degree that was taught in English while residing in an English-speaking country	Completion within the last 2 years of the IELTS Academic Module test obtaining minimum scores of <b>7.5</b> for each of writing, speaking, reading and listening

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<b>Accountant (NZ)</b> (for migration purposes)			There are no exemptions from a test for migration purposes. <ul style="list-style-type: none"><li>• IELTS (Academic) – minimum score of <b>7.0</b> in each subtest; or</li><li>• TOEFL – Writing <b>27</b>, Reading <b>24</b>, Listening <b>24</b>, Speaking <b>23</b>.</li></ul>
<b>Nurse (NZ)</b> (International registration)			International applicants from all countries (except Australia) are required to sit an English Language assessment before submitting an application. An applicant must achieve a minimum score of <b>7.0</b> for each subtest.

**Appendix Two: Proposed Competency Standard 5**

Proposed	Current
<p>5.1 Completion of an International English Language Testing System (IELTS) test within the last two years with minimum academic scores of Reading 7.0; Listening 7.0; Speaking 7.0; and Writing 7.5 (evidence of IELTS test scores achieved in more than one sitting is acceptable if the applicant has taken the second and any subsequent IELTS tests within 12 months of the first test); OR</p>	<p>5.1 Completion of an International English Language Testing System (IELTS) test with minimum academic scores of Reading 6.5; Listening 6.5; Speaking 6.5; and Writing 6.5 with a minimum overall IELTS academic band score of 7.0 or over (evidence of IELTS test scores achieved in more than one sitting is acceptable if the applicant has taken the second and any subsequent IELTS tests within 12 months of the first test and the applicant has achieved a minimum overall IELTS academic band score of 7.0 in each test); OR</p>
<p>Option to sit paper-based TOEFL test will be removed.</p>	<p>5.2. Completion of a Test of English as a Foreign Language (TOEFL) paper-based test (pBT) with a minimum total score of 600 and a minimum score of 5 in the Test of Written English (TWE); OR</p>
<p>5.2. Completion of a Test of English as a Foreign Language (TOEFL) internet-based test (iBT) with minimum scores of 24 in Reading, Listening, and Speaking; and 29 in Writing; OR</p>	<p>5.3. Completion of a Test of English as a Foreign Language (TOEFL) internet-based test (iBT) with a minimum total score of 100 and a minimum score of 24 in writing; OR</p>
<p>5.3. Completion of 5.1 or 5.2 may not be required if satisfactory evidence is provided of completion of primary schooling (or equivalent) of and at least three years' secondary schooling (or equivalent) in schools where the education was conducted in the English language in one of the following countries: Australia, Canada (English speaking provinces), Ireland, New Zealand, South Africa, United Kingdom and United States; OR</p>	<p>5.4. Completion of primary schooling (or equivalent) and at least three years' secondary schooling (or equivalent) in schools where the education was conducted in the English language; OR</p>
<p>5.4. Completion of 5.1 or 5.2 may not be required if satisfactory evidence is provided of completion of five years' secondary schooling (or equivalent) in schools where the education was conducted in the English language in one of the following countries: Australia, Canada (English speaking provinces), Ireland, New Zealand, South Africa, United Kingdom and United States; OR</p>	<p>5.5. Completion of five years' secondary schooling (or equivalent) in schools where the education was conducted in the English language.</p> <p>Note: In any case of doubt relating to 5.4 or 5.5 the applicant may be required to complete a test to the standard set out at 5.1, 5.2 or 5.3.</p>

<p>5.5 Completion of 5.1 or 5.2 may not be required if satisfactory evidence is provided of:</p> <ul style="list-style-type: none"> <li>i. Completion of a Bachelor (or equivalent tertiary qualification) or higher degree of at least three years' duration with English as the language of instruction; AND</li> <li>ii. At least three years in total from one or any combination of the following: <ul style="list-style-type: none"> <li>a) secondary schooling with English as the language of instruction to equivalent of Year 12 prior to the tertiary studies; or</li> <li>b) postgraduate studies with English as the language of instruction; or</li> <li>c) employment, before or after completion of the degree, in a position that demonstrates practical and professional experience in verbal and written communication in English; AND</li> </ul> </li> <li>iii. i. and ii. were met while living in New Zealand, Australia, Canada (English speaking provinces), the Republic of Ireland, South Africa, the United Kingdom or the United States.</li> </ul>	
<p>5.6. The ability to complete written documentation in English to a professional standard including: forms; letters; emails; client file notes; written agreements; and detailed and well- structured written submissions, arguments or presentations.</p>	<p>5.6. The ability to complete written documentation in English to a professional standard including: forms; letters; emails; client file notes; written agreements; and detailed and well- structured written submissions, arguments or presentations.</p>
<p>5.7. The ability to communicate orally in English to a professional standard including: conducting telephone and face-to-face interviews; active listening; dealing with conflict; and delivering detailed and well-structured oral presentations, submissions or arguments.</p>	<p>5.7. The ability to communicate orally in English to a professional standard including: conducting telephone and face-to-face interviews; active listening; dealing with conflict; and delivering detailed and well-structured oral presentations, submissions or arguments.</p>

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## **Appendix Three: Questions**

### ***The problem***

- A. Do you agree with the problems set out? Yes/No*
- B. Please make comments on what problems, if any, you see with the current English language competency requirements.*

### ***Mandatory English proficiency test***

- C. Would a mandatory English language test for all prospective licensed immigration advisers be acceptable? Yes/No*
- D. Please make any comments you have regarding this option.*

### ***More discretion***

- E. Would discretion to consider applications on a case-by-case basis provide a better approach to assessing English proficiency than a clear and transparent Standard? Yes/No*
- F. Please make any comments you have regarding this option.*

### ***List of acceptable English qualifications***

- G. Would a comprehensive list of English qualifications provide a better approach to assessing English proficiency than a list of countries? Yes/No*
- H. Please make any comments you have regarding this option.*

### ***List countries in Standard, add tertiary pathway and increase test scores (preferred option)***

#### ***Proposal 1: Amend list of countries from which English schooling is accepted***

- I. Do you support aligning the list of countries from which English schooling is accepted with that of Australia (to Australia, Canada (English speaking provinces), Ireland, New Zealand, South Africa, United Kingdom and United States) and explicitly including these countries in the Standard? Yes/No*
- J. Please make any comments you have regarding Proposal 1.*

#### ***Proposal 2: Tertiary qualification in an English-speaking country***

- K. Do you support introducing a new pathway that recognises tertiary education combined with other time spent in an English speaking country as set out in Proposal 2? Yes/No*
- L. Please make any comments you have regarding Proposal 2.*

#### ***Proposal 3: English language tests – increase minimum scores***

- M. Do you support increasing the minimum scores for those who must complete an English language test as set out in Proposal 3? Yes/No*
- N. Please make any comments you have regarding Proposal 3.*

***General comments***

- O. Are there any other common scenarios in which English proficiency would clearly meet required standards that are not covered by the proposed amendments?*
- P. Please make any other comments or observations you have here.*