

To the

Senate Education, Employment and Workplace Relations Committee

for

Inquiry into the Welfare of International Students

by

FEDERATION of INDIAN STUDENTS *of* AUSTRALIA (FISA)

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Background

In the past five years, we have noted a significant increase in reports of exploitation, violence and harassment against Indian students across Australia with the rapidly rising number of Indian students studying in Victoria, these issues are amplified, and have resulted in the present crisis. This has prompted Indian community organisations to form a joint committee to attempt to rectify these concerns by collating information from across various community organisation, Victorian universities and educational institutes. At FISA we have always pushed for policy change with relevant university, TAFE and government bodies to improve the life of Indian students but sadly they have been ignored. We at FISA are concerned about the statements flouted in the media by people of nefarious designs¹. They are propagating misinformation and myths about international students. FISA finds itself ill prepared and underfunded to counter these attacks. These misinformation campaigns if left unabated will result in an undercurrent of resentment that may strike at the core of harmony in multicultural Australia. We must not let these malignant saboteurs of cultural harmony find a flock of ill informed citizens. We call upon the government to realise the gravity of situation and stop this nascent tide of social ostracization of international students before the cornering of communities based on their culture and religious beliefs occur and pose a threat to the communal harmony of our society.

Introduction

Recent wave of attacks, violence and harassment against International student has brought an issue long ignored by the Australian government to the front pages of newspapers around the world. The issue is not just harassment of students but it is the institutionalised apathy towards international students that has raised concerns among foreign governments and international student organisations.

International students are owed a duty of care and fair treatment by the Australian government and educational institutes, this duty is at risk of being in serious

¹ *'Multicultural radio presenter linked to anti-immigration Facebook groups'* Sydney Morning Herald, 2 July 2009

breach. FISA stands by the Indian students and is determined to seek avenues to remedy this present crisis of violence and harassment against Indian students from deteriorating further. We seek to engage stakeholders in meaningful negotiations with outcomes that structurally resolve these issues to ensure their eradication in the long-term. It is our view that the failure to address some lingering issues has severely damaged the reputation of Australian education in India and across the Indian diasporas around the world.

This damage to Australian reputation may not have an immediate impact on Australia's third biggest export but in medium term we expect a sharp and gradual decline in the number of students preferring Australian over other developed economies². This departure of potential scholars will not only come from Indian but also from other Asian countries who had received similar reports of their citizens being harassed and are likely to take remedial action. In the likely hood that this results in a 'domino effect', Australia's reputation will be tarnished beyond repair for some time to come.

Australia's reputation has further plunged as a preferred destination of Indian research scholars. The majority of Indian students who choose Australia are enrolled in professional courses e.g. Medicine, Engineering, Software Developers, Accountants and Chefs. Australia has grappled with serious skill shortages in these professions. Students prefer to settle in Australia after completing their education in these areas to fill in the skill shortages and contribute towards the economic prosperity and diversity of Australia. However, many educational institutes and universities are exploiting this relationship to their malignant and rapacious ways.

The *modus operandi* of these institutes and their agents is replete with fraudulent acts, rip offs and misinformation. They scream '*caveat emptor*' when confronted but fail to explain or justify misleading information and resort to violence and harassment. These agents target students from rural and developing part of India where information is not easily available and internet access is not possible. These students on arrival in

² 'Indian Student Enrolment Enquiries Drop 80%, Australian Says' Bloomberg 29 July 2009.

Australia are forced to fend for themselves with little or no help by any student support services. Most institutions fail to provide initial accommodation and support. Support in the first few weeks of arrival is critical to international students and their view of Australian hospitality. The US has successfully managed this cultural transition and as a result some of the finest scientists, researchers, doctors and professionals of Indian origin call US their home unfortunately Australia has failed to reap the benefit of Indian scholarship. Australian government seems to have completely overlooked the enormous benefit of building long term relationship with Indian students who will be representing the second fastest growing economy in the world in the near future. This apathetic behaviour may result in sluggish trade and complete disregard of Australian Education in the second most populous nation in the world.

This report presents our viewpoint of the crisis, however China and other nations, who are other major stakeholders, have unequivocally voiced the same concerns. We plead attention to the issues by the Senate Committee and request accelerated response by the government.

FISA's view on education providers who recently 'shut shops'.

The recent events where malefactors of education have shut shops days after collecting fees are not only a display of arrogant hegemony but also an extreme example of financial exploitation of students by these institutions. They are thriving on the apathetic behaviour and denial of the government towards safeguarding innocent adolescent children who are thousands of miles away from home. Student at this impressionable age had to live through a nightmare while the government woke up only when their screams 'mastered' with music and beamed on the screens in homes of unsuspecting and unaware Australians by the '*objective and free from bias*' media. Students were told that it would take anywhere between 28 days to 3 months to relocate them into another college, a college selected by the authorities of the failed institution at their whim. It is appalling and insidious that the institution, on the day before shutting down, sent an SMS to the students that if they pay their fees for the next semester in

the next 24 hours they would receive a discount of \$200. The students obliged and paid fees in time only to find that the college has shut shop after taking their loot.

These despicable, incorrigible and shameful fraudsters have left students in most unfortunate situation. Their visa will expire in December not only they have to go through the excruciating process of reapplying for the visa but they also have to support themselves with no value addition to their education. They will have to live in penury and presentiment for the next three months. We plead to the committee members to ensure these miserable conditions are not repeated in the future.

Issues

As a voluntary organisation with no funding and no permanent staff we find ourselves incapable of undertaking extensive research into these issues. Instead, we act as a conduit for the issues and problems of Indian students as they perceive them. We believe this is an important starting point, the submission attempts only to initially identify the responsible stakeholder in regard to each issue with a view to understanding fully the underlying causes and triggers of each issue. This will help to achieve a long-term resolution of the issues. We will monitor stakeholders' responses to these issues and we will commit to an on-going process of evaluation. The committee will continue to intervene and highlight matters raised as appropriate if it establishes that these issues are not being dealt with as agreed. The submission aims to list issues identified by Indian student representatives across Victorian university campuses.

1. Pre-arrival

FISA observes a burgeoning number of education agents representing educational institute of questionable integrity are exploiting students from vulnerable backgrounds in India. These students have little or no access to internet and independent information. These agents are involved in production of illegal and fraudulent documents to the Australian authorities. FISA lauds the recent implementation of laws which will lead to stricter scrutiny of valid documentations. We believe that students are lured into the trap of permanent residency via courses they have no intentions to pursue a career into. The only

people who benefit from this abhorrent practice are the educational institute, their agents and Immigration Department through fees. The Australian society suffers as a whole from these serious lapses in immigration policy, highly skilled Indian professionals and valid students are trapped in a dogma and hysteria of unwanted immigrants, while the society suffers from people with no qualification or intention to contribute to prosperity and diversity of Australia.

Following are some issues related to Pre-Arrival misinformation and its consequences:

- a. Certain universities are acting dishonestly with and providing misleading and deceptive information onto their websites e.g. uploading photographs of the main campus located in a state other than the campus at which the student is applying to.
- b. State and Australian governments fund and/or accredit Australian universities. Students are entitled to rely upon fiduciary duty of the Australian government in their dealings with universities. These prevalent malpractices create an impression that the Australian government condones these issues and is a part of the misinformation campaign.
- c. Education Agents facilitate the doctoring of documents to meet Australian immigration requirements (e.g. documents showing 5 Million rupees) assets as part of the self-support requirement or the student's statement of purpose.
- d. We have been informed of instances where students are advised by agents that if their visa is universities will accommodate this and accept them as new students past orientation period. This means they miss out on critical information on course structure and instruction in relevant academic and support services policies e.g. Referencing, Plagiarism and Counselling services. It is our view that the information received during orientation week is of critical importance to a student's ability to successfully settle.

- e. Students who arrive only to find they have missed majority of classes with examinations around the corner having spent money on enrolment and travel costs, they are often left in the hands of 'education consultants' who advise them on how to be 'released' from the university they are currently enrolled. These agents are paid by other universities/colleges/TAFE's to refer students to their courses with the lure of permanent residency points (these institutions typically offer cookery, hairdresser and other skills in demand courses). In negotiating a release from the university typically these situations occur:
 - i. University releases their enrolment but keeps all enrolment fees paid by the student;
 - ii. University agrees to release them with a 50% refund on enrolment fees paid;
 - iii. Student is forced to continue to pursue the course regardless of the disadvantaged position they find themselves in when a late enrolment is accepted by the university. Where they manage to barely pass, they are left jobless.
- f. There is a perception emerging among students that universities have indirect policies of failing students as a means to raise revenue i.e. collecting two sets of fees when the student invariably fails and is forced to repeat subjects. Unfortunately this perception is exacerbated where universities and TAFE keep 100% of student fees in situations where students have attempted to change courses. For example, if the duration of the course is for two years, the student is forced to pay for the full two years.

Recommendations:

1. The federal government should restrict Australian universities to use only Australian-government approved agents.

2. The government must take stringent action against “Degree Shops” and stop them from soliciting innocent and vulnerable students by misrepresentation and misinformation.
3. An independent regulatory authority with mandate to monitor education agents of Australian educational institutes Overseas.
4. We recommended that DIAC ensure its presence in Australian Education Fairs overseas, where it should disseminate information on independently confirming information provided by education agents.
5. The committee does not believe that the Australian government can treat the student visa category in the same way it treats other visa categories e.g. Tourist visa or business visa. This is because a fiduciary relationship exists between this innocent group and the government. These adolescent students had to take huge education loans with their family home as collateral and fair employment opportunities it can leave them in a financially crippling situation in terms of repaying these debts. Such choices have long-term implications for their career and families. The decision to study in Australia cannot be taken lightly, and without access to accurate information.
6. A single document (in electronic and hard copy format), with relevant links and standardized information should be provided by the Australian government while issuing visa approval.
7. A toll-free hotline set up by the Australian consulate for all student queries (with pre-recorded ‘frequently asked questions’ which would greatly reduce any administrative burden).

2. Settlement

Some institutes and their agents have shown complete disregard of moral and ethical responsibility towards student settlement. Apart from the being completely unfair and disgraceful, such practices can raise extremely serious health and safety issues for students.

- a. Certain institutes promise students an airport pick-up 'meet and greet' service but we found that in a number of instances, no one was available to receive them. Students had to stay at the airport for the night or sleep at railway stations in case train service has terminated for the night. We see student with their entire luggage with nowhere to stay and no access to a contact person. They are extremely vulnerable target of assault and theft on their first day in Australia. This situation is totally unacceptable and is a complete breach of the fiduciary obligations owed to these students.
- b. There is a rampant discrimination against international students when it comes to rental accommodation. Students cannot be expected to provide references on their arrival in Australia for rental properties. This situation is being exploited by mushrooming real estate agents to force students in unhealthy living conditions, where many students are cramped in small rooms. Perpetrates of these moral crimes should be brought to the forefront and publicly disgraced for their unethical and immoral behaviour and opportunism.
- c. Residential halls do not make provision for short-term stays which often forces students into exorbitant and often inconvenient private accommodation. This places international students in an extremely precarious situation when they are at their most vulnerable and has obvious health and safety issues.
- d. There is a particularly pressing issue that has been brought to the committee's attention relating to minors and the appointment of a guardian. The committee has been informed of instances where the appointed guardian has failed to turn up at the airport. The home-stay that has been provided to the students often has inadequate facilities -tiny rooms with no space to study. Many students are strict vegetarians or have other special dietary needs. One student representative reports that he was told he'd get 'some vegetables and a bit of bread'. It is not acceptable that meat is simply and literally 'cut out from the meal,' but that

students receive nourishing and healthy food in accordance with their specific dietary needs. Additionally, we have been informed that some guardians are allotted up to twenty students each which makes proper supervision unrealistic.

- e. We have been informed of the rapid increase in the home-stay accommodations which often targets international student market but we are unaware of any probity checks being taken on home-stay providers (including sub-letting arrangements).
- f. Vegetarian and other special dietary options can be a problem on campus too where students can be driven off campus to more expensive food options as a result of a lack of vegetarian food (which can be subsidised on campus).
- g. International students also need guidance in advance about casual work opportunities including rights at work e.g. occupational health and safety. While most universities and institutes have career & employment guidance units, we are informed that the advice given is often inadequate and unsympathetic.
- h. Universities/TAFE require payment in advance for the semester and while internal policies state there is discretion to look at students in special circumstances, in practice we are informed it is inconsistently applied, assuming students are aware that this discretionary category exists at all.

Recommendations:

- 1. It must be mandatory that all education providers organise a minimum of two weeks short-term accommodation or until such time that the orientation period is concluded. Such accommodation requires a yearly quality assurance audit by the Department of Education or other relevant government department.

2. A probity check undertaken by the Department of Education or other relevant government department on providers of home-stay or sub-letting arrangements.
3. Home-stay arrangements should similarly be audited by the Department of Education or other relevant government department. The audit should focus on appropriate room size/habitability, conditions imposed by the landlord/guardian, food options, cost and other facilities. Strict penalties should apply in the event of non-compliance.
4. A schedule of home-stay provider and student meetings to be provided to the parents/guardian of the student with a written report to be prepared by the provider summarising any problems and their resolution, a copy of which is to be provided to the student.

3. Enrolment issues

Universities and Educational Institutes divide course delivery between different campuses. These campuses are often a considerable distance from each other and can involve zone 1 and 2 travel which, given international students are not entitled to concession travel, results in significant increase in living expenses. Compulsory courses which are required to meet visa conditions means international students are forced to undertake these distant courses. This situation is compounded by the fact that a higher percentage of international students rely on public transport and spend more time travelling, which often means students are travelling on transport later at night and for longer periods with obvious safety issues. Students are not informed of recognition of prior learning (RPL) in terms of exemptions from certain subjects previously within the same field of study till after the student is enrolled in the course. Once informed of the decision in respect of RPL, policies vary between institutions on a student's right to have that decision reviewed. This results in unnecessary financial burden on a student considering the heavy fee for learning the RPL subject/s.

Recommendations:

1. Full disclosure of all the campuses a student is required to attend for the completion of a course should be communicated to the student prior to confirmation of enrolment.
2. Where multiple campuses are used, full cost disclosure of potential travel costs should be provided to the guardian of the student for due consideration.
3. Education providers should be required to standardise enrolment cut off dates and declaration of results dates.
4. The education provider must provide students with information that clearly sets out individual accreditation policies and carry out a detailed assessment of RPL prior to the student confirming enrolment.
5. People suffer tragedies in their lives like the death or injury of a family member. Even in these circumstances students are still expected to continue with a full course load despite the often devastating emotional impact. Universities/TAFE's have inconsistent hardship policies in place on issues such as students being allowed to pay fees in instalments until such financial situation can be rectified.
6. A more humane approach should be adopted in cases of bona fide personal tragedies. The affected student must be allowed to reduce their course load and be provided the option of a flexible payment plan (for example two or three instalments instead of an upfront, lump-sum payment).

4. Representation and Rights

International students avoid representative organisations unless a problem develops due to cultural and social pre-conditioning. Most students are not aware of relevant policies governing the operations of the university e.g. grievance procedure, academic policies, plagiarism and their rights in relation to anti-discrimination policies. Students are not introduced to members of management and are unaware of the university hierarchy, and the responsibilities delegated

within this structure. They are not made aware of the inter-departmental structure, or services that may assist them in employment, immigration, accommodation or additional training/work experience courses. Some educational institutions rely only on induction materials to educate students; this is clearly proving to be an ineffective method of communicating essential information. We welcome efforts by some universities who provide 'accommodation tours' and the feedback has been positive in making students aware of their rights regarding access to accommodation and tenancy rights. This approach could be used as a model in regard to student accommodation.

Recommendation:

1. Within education providers there should be a consistent policy across different campuses apart from operational considerations and a single point of contact established to provide information on academic issues such as grievances, recognition of prior learning issues, general policies and fees information etc. This service must be effectively communicated to students preferably prior to orientation.

5. Health

Some universities student services are responsive to the needs of international students but questions are raised about the ways in which isolation and depression in international students is identified and dealt with. It is critical that educational institutions have in place culturally sensitive programs to deal with these issues as any mental health issues can easily be exacerbated by isolation and loneliness coupled with extreme financial and academic stress. Left ignored, this lack of support contributes to the episodes of self-harm, self-destructive and antisocial behaviour and in the worst case-scenario, suicide. Tragically, this is not a hypothetical scenario. A number of suicides among international students have been brought our attention. These are tragedies that have deeply disturbed the Indian community. Effective strategies must be found to alleviate these issues, and to ensure these students have access to proper services without delay. We believe this to be the most pressing issue facing one of the most vulnerable sub-

sets of Indian International students. Universities must take responsibility for the emotional and mental well-being of the students.

Recommendations:

1. Education providers should reach out to students at the outset of irrational and erratic behaviour by international students to prevent it from developing into a full-blown depression.
2. Teaching staff should be given training in identifying and helping students with isolation and loneliness.
3. An extensive study must be undertaken by the AMA/RACGP/DHS or similar bodies into the prevalence and incidence of depression among international students. These terms of reference must include cross-sector representation from the Department of Education, FISA, medical professional bodies.
4. There is great stigma within Indian culture in admitting to, let alone identifying mental illness, a simple inability to manage stress, expectations and loneliness. FISA again pleads for funding to provide its volunteers with means to reach out and help students in need.
5. Educational institutions should encourage fellow students to keep an eye out for self-destructive behaviour in fellow students. Friends are usually the first point of contact and are in the best position to identify this behaviour. As such, students generally should be informed of services available so that they are equipped to support and refer such students to professional services if the need arises. If other students are seen as supportive of such services, this helps to de-stigmatise counselling as an option. Orientation provides an excellent opportunity to inform students of this strategy, but educational institutions must follow-up late-enrolments.

6. Employment

In relation to the 20-hour work restriction, while the committee is aware of the policy rationale, limiting work hours, and largely agrees with it but here are issues with the rigidity of the condition that warrant further consideration. The way shift-

work is structured in Australia can mean that the twenty hour restriction on otherwise visa-compliant students can be shut-out of scarce job opportunities because of lack of flexibility. Additionally, there seem to be few legal implications for employers who try and force students to work more than their twenty hours. The employment relationship in any context can be coercive and international students who are desperate for work and under extreme financial circumstances are particularly vulnerable in this situation.

Recommendation:

1. We suggest a review of the 20 hour work policy. There should be serious penalties imposed on employers who exploit students and force them to work over 20 hours, or in cash-in-hand arrangements, and without sufficient occupational and health and safety systems in place.

7. University teaching

Generally students have given positive feedback on lectures, though some concerns were expressed about course outlines failing to possess a clear structure. One observation made by students attending institutions with multiple campuses is that a trend has been noted that with certain institutions, lecture delivery can be of a higher standard at the campus other than the 'international student-majority' campus. This is an issue the committee intends to monitor. It was also noted that the degree title, course title and content were not always consistent. There is some concern expressed by students regarding the use of lecturers who are not fluent in English. Students found it very difficult to understand these lecturers. Students have also noted that staff has displayed a tendency to behave rudely with international students. This jeopardizes a healthy, safe and respectful environment, and where it occurs, constitutes an abuse of power, bullying and harassment. This behaviour is totally unacceptable and most likely breaches applicable staff codes of conduct.

Recommendations:

1. The education providers should be required to inform students of their right to externally complain to the Education Ombudsman, or where the abuse is of a discriminatory nature, to the Human Rights and Equal Opportunity Commission (HREOC). The role of these bodies must be explained to students including the fact that queries are cost free.
2. The Education Ombudsman must be empowered to act on its own when it sees fit. It must actively seek to resolve issues before they jeopardize the study environment.

8. Plagiarism and Academic Exposure

Insufficient awareness among international students of important academic policies such as plagiarism and footnoting conventions is a major problem. Elaborate and extended instruction in these policies can avoid serious breach of copyrights laws. Education providers must do more than skim through the content, education should concentrate on the intent of the practice.

Recommendation:

1. Information sessions on plagiarism and copyright laws should be provided with assignments for at least two semesters. This will significantly reduce the chance of inadvertently infringing copyright laws.
2. Group work with Australian students can greatly enhance understanding of academic expectations.
3. Past exam papers should be readily provided to help students from different backgrounds familiarise themselves with the nature and difficulty level of final assessments.
4. Student should not be force to sit for another English Proficiency test months into the course due to change in eligibility criteria.

9. University Facilities & Support Services

Institutes and Education providers with little or no support facilities “*sixteen students to one frypan*” have been allowed to solicit international students. This is disastrous for not only international student but also for the Australian Education Sector. Institutes with no library, few computer terminals, no course advisors and inadequate classrooms are brimming all over Australia. We cannot believe that the DIAC and DEEWR were unaware of the massive explosion in the foreign students. DIAC issued valid visas; they cannot argue that they were unaware of the grim reality on the ground. DEEWR should have been aware that institutes with authorized capacity of 124 students were enrolling 1,600 students³.

Recommendations:

1. The Senate Committee should review the questionable role of DEEWR and DIAC in failure to prevent this situation.
2. An inquiry into operational inefficiencies or disregard of statutory responsibilities by the authorities should be constituted to find out why the authorities failed to draw attention in timely manner.

10. Safety and freedom from racial discrimination

Indian students have reported many instances of racism, prejudice and undue discrimination when looking for unskilled temporary employment, not just from employers and co-workers, but predominantly from members of the general public. A Study⁴ by ANU researchers is available to corroborate our view. Students are forced to take high risk night-shift jobs like petrol stations, convenience stores, taxi cabs and call-centres; they often bear the brunt of intolerable and relentless racial abuse.

³ CARLISLE W (2009), ‘*Holy Cash Cows*’, Four Corners, ABC TV, 27 July.

⁴ Leigh A, Booth A, Varganova E (2009) ‘*Does Racial and Ethnic Discrimination Vary Across Minority Groups? Evidence From Three Experiments.*’ <http://econrsss.anu.edu.au/~aleigh/>

Recommendations:

1. That the relevant Federal and State government departments, together with the Victorian Multicultural Commission and the Victorian Human rights & Equal Opportunity Commission conduct an audit of these issues through relevant government departments and statutory bodies to ensure that these issues are adequately addressed.
2. A public education campaign should be commissioned to further the integration of international students in to the wider community.
3. State Police must compile and make publicly available statistics of all kinds of crime including criminal assaults on international. This should be sub-categorised by region. This will provide an important source of information in gauging the success of government audits and public campaigns. It will allow for further policy initiatives to be undertaken in areas where these assaults are still prevalent.
4. All education providers must have multi-cultural liaison officers, resources and structural power to resolve queries and to refer appropriately allegations of discrimination, segregation and other abuses against international students under the Victorian Charter of Human Rights and other relevant international charters to which Australia is a signatory.

Conclusion

We as Australians are custodians of equity, justice, freedom, compassion and mateship; values we hold dear and close to our heart; ideals which gives us our unique identity as Australians. We must awake and act before perpetrators excoriate our most vulnerable, our guests and our impressionable adolescents. We may be from different cultures but we are one as Australians we cannot let these venal vermin destroy our credibility and our renowned love for fair play.

FISA pledges its support to any government program that aims to eradicate these critical issues identified in this report; that plague our education system and threaten our third biggest export. Our forefathers chose to come to Australia and call it home, away from any misery and prosecution; they helped build our lucky country in a multi-cultural garden with immense beauty and diversity. We are a country of different landscapes, languages, color, religion and races. We help each other when the times are tough, we cannot allow our guest our family friends from a different part of the world to be ripped off by scam merchants. We have a duty to protect and nurture our friendship with people who came a long way to study in our way of life in our top universities who contribute to our economy and our society through their scholarship and their culture.

We have slipped a little but we have to rise and take a stand against these malefactors of education, whoever they are, we have to act and reassure our friends and guests that we care and we will not tolerate exploitation and fraud under our watch. We request to the Senate Committee to provide FISA with funding and support without which we continuously struggle and find ourselves incapable to reach out to those who need us.

We at FISA hope that this report achieves its objective i.e. to discuss issues and opportunities. We will eagerly wait for the response from the government and hope that our collaborative efforts bring an end to the present crisis and our visitors go home with nothing but admiration for our country.