

Serving International Students Since 1986



nlc.edu.au | **National Liaison Committee**

**National Liaison Committee
For International Students**

**Submission to:
The Senate Standing Committee on
Education, Employment and Workplace Relations**

Inquiry into the Welfare of International Students

Submitted by

SINGH Dolores
National President

Prepared by

CHOO Mark
Communication Executive

August 2009





Contents

- 1. Introduction**
- 2. Structure**
- 3. NLC Vision**
- 4. OSA Mission**
- 5. International Student Safety**
 - i) NLCampaign 2008: Safety First - On Campus & Beyond**
 - ii) International Student Deaths**
 - iii) International Students SAFETYCard**
 - iv) Recommendations**
- 6. Accommodation**
 - i) Recommendations**
- 7. Social Inclusion**
 - i) Transport Concession**
 - ii) Private Colleges**
 - iii) Recommendations**
- 8. Overseas Student Visa Requirements**
 - i) Attendance Rates**
 - ii) Full-time study and work limitations**
 - iii) Detention Centres**
 - iv) Recommendations**
- 9. International Student Support Services**
 - i) Recommendations**



10. International Student Representation and Advocacy

- i) NLCampaign 2009: why not ME? for Representation and Welfare**
- ii) OSA Advocacy: International Students Advocacy System**
- iii) Recommendations**

11. Employment and Exploitation

- i) Recommendations**

12. Appropriate Pathways to Permanent Residency

- i) Recommendations**

13. Accessibility, Coordination and Quality of Information Provision

- i) Recommendations**



1. Introduction

National Liaison Committee for International Students, more widely known as NLC, is the national peak body for all International Students in Australia.

NLC was formed in 1986 through the amalgamation of various state-based International Students representative organisations across Australia to combat the introduction of the Overseas Student full-fee paying program.

On 1 May 2008, NLC transformed from a student union model to become the central platform, backed by the local Multicultural Community, to serve our NLCommunity: the International Students Community.

Affiliated under NLC, Overseas Students Association (OSA) serves as a common platform for campus-based International Students representative organisations with operations at major educational institutions.

On national level, NLC is the voice of the International Students Community for advocacy and lobbying, focusing on all five key areas of NLCommunity operations: Culture, Representation, Compliance, Welfare and Leadership.

On campus level, NLC fully supports the independent and autonomous operations of OSA operations to provide International Students support services and ensure democratic International Students representation.

For the past 22 years, NLC had been working with all stakeholders: Australian & Foreign Government Agencies, Multicultural Communities, Educational Institutions and relevant organisations in the Australian international education industry to build a strong International Students Community.

From 1 May 2008, NLCommunity has been an integral part of the local Multicultural Community. Now we are even more determined and prepared to play the vital role as the national peak body for all International Students and build a stronger NLCommunity in the years ahead.



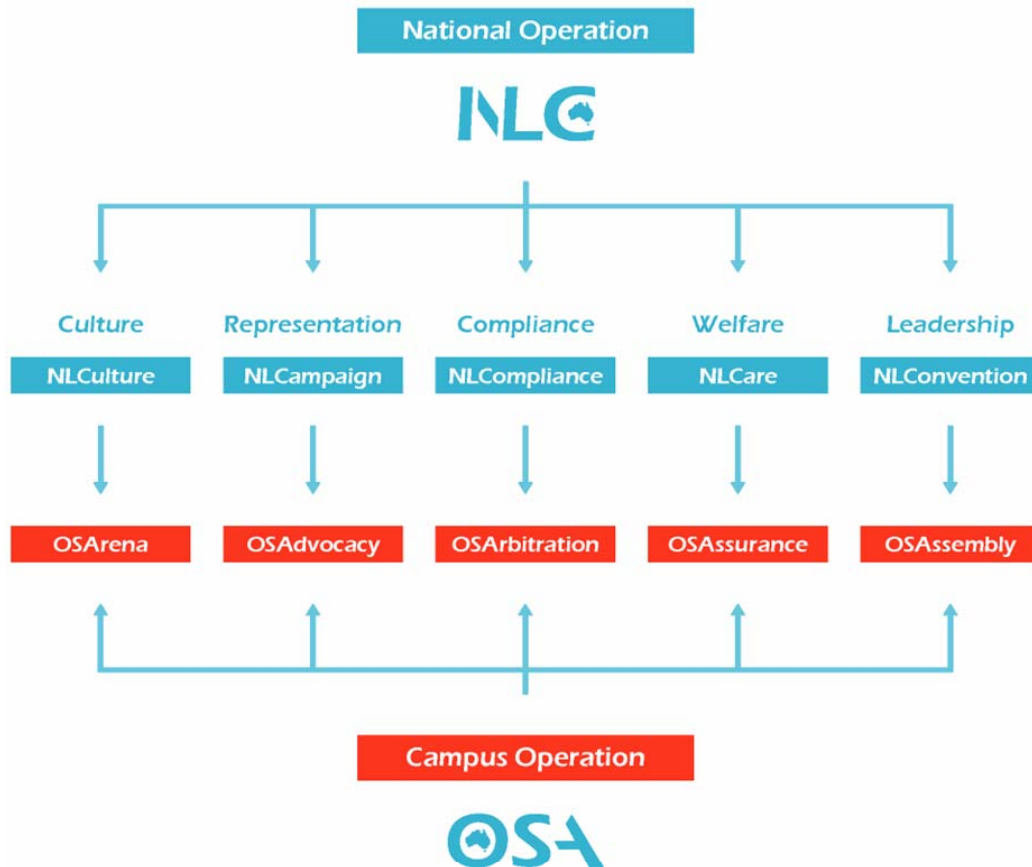
NLC is pleased to contribute to the Senate Standing Committee on Education, Employment and Workplace Relations' Inquiry into the Welfare of International Students. For the past 12 months, NLC has been actively lobbying all sides of Federal politics to call for a Senate Inquiry that focuses on the five areas of NLCommunity operations.

Through our National Programs, NLC has taken a proactive approach in implementing programs to address the problems International Students face, and we will continue to directly lobby decision-makers to improve the lives and interests of all International Students in Australia.

**SINGH Dolores
National President**



2. Structure



3. NLC Vision

The vision of NLC is to uplift the spirits of International Students for self awareness and cultural identity by demanding equal rights & respect and maximising fair share of representation & influence in all relevant education institutions.

4. OSA Mission

The mission of OSA is dedicated to the advancement of the social, cultural and economic well-being of Overseas Students by sponsoring and engaging in various OSActivities for the benefit of the International Students Community.



5. International Student Safety

For the past three months, the safety of International Students has received unprecedented public interest, with media reports of attacks on Indian students accompanied by graphic images of their wounds.

However, NLC has been concerned with the safety of International Students for many years. As early as 2004, NLC was receiving reports of attacks on International Students at the University of Newcastle (NSW). In 2007 an Indian student studying at the University of Newcastle, who was also at the time NLC NSW Convenor, was physically assaulted.

He reported this attack to the university management; however the response he got was that the university management did not consider addressing the safety concerns just because the attack did not happen on campus¹.

This response from the University of Newcastle seems to reflect a policy of denial towards safety concerns of International Students. In May 2009, following reports of renewed attacks on International Students², NLC directly approached the offices of University of Newcastle Vice-Chancellor Nicholas SAUNDERS and Deputy Vice-Chancellor Sue GOULD. They insisted the university was safe, despite these attacks occurring on campus, and that there was no need for NLC to intervene.

This policy of denial towards safety concerns of International Students was also evident with other educational providers NLC contacted following the tragic deaths of International Students JIAO Dan and WEI Liao. JIAO Dan was studying at Edith Cowan University (WA) and WEI Liao was studying at Taylors College (NSW). Both girls were from China, and they were raped and murdered in October 2007 and October 2008 respectively. NLC contacted the office of Edith Cowan University Vice-Chancellor Kerry COX, and spoke directly to Taylors College Principal Chris NORTON and Deputy Principal Jacquie HARGREAVES. All

¹ "Foreign student unhappy with uni's response to attack claims", *ABC News*, Mar. 1, 2007 (<http://www.abc.net.au/news/australia/nsw/summer/200703/s1860004.htm>).

² Michael Turtle, "Foreign students targeted in Newcastle attacks", *ABC News*, May. 21, 2009 (<http://www.abc.net.au/news/stories/2009/05/21/2577186.htm>).



of them insisted their campuses were safe and that there was no need for NLC to intervene.

To effectively advocate for the safety of the International Students Community, NLC has taken the proactive approach of implementing our National Safety Programs.

i) NLCampaign 2008: Safety First - On Campus & Beyond

In the wake of JIAO Dan's tragic death in October, 2007, NLC and OSA had joined forces to address the safety concerns together.

Our national office had directly approached the top management of all major educational institutions to encourage the implementation of safety measures to create a safer environment for International Students.

On 1 May 2008, our national cross-campus NLCampaign 2008: Safety First - On Campus & Beyond was officially launched at the welcome reception for International Students volunteers hosted by City of Melbourne, an event co-sponsored by NLC.

Our position is clear: we will not stop until each and every campus is safe across all relevant Australian education institutions for International Students. We will not leave anyone behind! This is our pledge to over 500,000 International Students we look after in our community.

ii) International Students Deaths

On 25 November 2008, NLC met with the Shadow Minister for Immigration and Citizenship: Dr Sharman STONE in her Parliamentary office in Canberra. The concerns over the lack of information regarding International Students Deaths were highlighted.

On 27 November 2008, Dr STONE asked the Minister representing the Minister for Immigration and Citizenship: Mr Robert MCCLELLAND in writing, with regards to International Students Deaths.

On 9 February 2009, the Votes and Proceedings Hansard of the House of Representatives was released confirming the total number and the cause of the International Students Deaths reported. From November



2007 to November 2008, there was a record of 62 deaths in the International Students Community.

In the light of such a record number of deaths in our community, NLC has started another round of emergency meetings with federal and state government agencies. All major foreign embassies have also been involved this time and NLConsul meetings are being facilitated.

On 15 May 2009, NLC met with Department of Immigration and Citizenship (DIAC) Assistant Secretary, Education and Tourism Branch, Christine MCPAUL. Ms MCPAUL informed NLC that the DIAC was not legally required to record the cause of death for International Students.

The Federal Government must make it a legal requirement for DIAC to collect information on the cause of death when death occurs for a current Overseas Student visa holder. Only by identifying the causes can there be effective policies and strategies in reducing the number of International Student Deaths.

iii) International Students SAFETYCard

NLC launched the International Students SAFETYCard on 8 August 2009.

With 40 per cent of the International Students Community currently studying and living in NSW, the SAFETYCard has initially been launched in Sydney together in partnership with the NSW Police Force. The NSW Police Force has also appointed an interim International Students Liaison Officer, in view of the appointment of a dedicated International Student Safety Officer with approval from NSW Police Commissioner Andrew SCORPIONE. The high level International Students Safety Officer will provide NLC with regular updates on safety incidents relating to International Students, and act as a direct contact point between NLC and the NSW Police Force.

The SAFETYCard will subsequently be distributed nationwide as a joint project with respective State and Territory Police.

The SAFETYCard is an initiative by NLC, jointly supported by Australian Federal Police (AFP) and Police Commissioner's offices around the country to create NLCommunity National Safety Network.



The Card has a unique 13 digit GS1 Australia barcode to identify each card holder. By quoting the card number when reporting a safety incident to NLCommunity Safety Hotline or an emergency incident to the Police 000, the data will be shared by NLC and the Police to identify troubled spots on and off campus and improve overall NLCommunity safety.

The Card is issued by NLC and distributed by OSA campus operations at all major educational institutions across Australia. Once registered, participating International Students are automatically covered through safety programs supported by OSAssurance Fund: the International Students Assurance Fund.

To report safety related incidents, or share personal experiences, International Students can submit their reports online or call our national hotline,

NLCommunity Safety Hotline: 1300 808080

NLCommunity Safety Online: nlc.edu.au/safety

International Students Safety must be treated seriously by all stakeholders as a welfare issue, and no longer as a marketing issue.

The Australian Government should perhaps look towards its neighbours, New Zealand, for improvement of welfare protection in the ESOS Act 2000.

As stated in the Bradley Review, the Organisation for Economic Co-operation and Development (*OECD*) noted in its final report on the Thematic Review of Tertiary Education that International Students have unique needs that require support beyond immigration formalities and suggested that there be better support and pastoral care for International Students³.

³ Denise Bradley, *Review of Australian Higher Education*, 2008, pg 98.



nlc.edu.au | National Liaison Committee

Currently NLCommunity contributes over \$15 billion annually to Australia's economy, and there is a financial dependence on International Students' tuition fees by Australian educational institutions. If safety concerns are not addressed immediately, there will be a devastating impact on Australia's economy and education system.

iv) Recommendations

- NLC recommends educational institutions drop their defensive attitude towards safety incidents and stop ignoring their duty of care for the safety concerns of International Students. Top level management must instead take responsibility and work together with NLC to improve the safety of International Students.

- NLC recommends that the Federal Government must make it a legal requirement for DIAC to collect information on the cause of death when death occurs for a current Overseas Student visa holder.

- NLC recommends Federal, State, and Local Governments support and recognise NLC National Safety Programs, including the International Students SAFETYCard.

- NLC recommends that all stakeholders must recognise International Students Safety is a welfare issue, and no longer as a marketing issue; that International Students are not "cash-cows", but have unique needs that require support beyond immigration formalities, and require the investment of resources to provide better support and pastoral care specifically benefiting International Students.

6. Accommodation

A lack of investment and infrastructure in student accommodation are the main reasons behind the accommodation crisis that International Students face. High demand combined with an inadequate supply of on-campus student accommodation is forcing International Students to have to face incredible competition for unaffordable rental accommodation near campus. The option of a residential college is only available for regional educational institutions, and even then there is limited space.



Many International Students however have to compromise and take up such offers due to the shortage in rental accommodation close to their campuses. The exponential increase in the number of International Students has seen a parallel increase in rental prices near campuses. According to a media report⁴ in May 2008, the price of living in university housing increased by 37 per cent between 2002 and 2006, and accommodation built through public-private partnerships was even more costly to International Students but the conditions could often be worse.

For cheaper and affordable accommodation, many International Students resort to sharing and overcrowding. As reported in the same media report, three Indian students who were sharing an overcrowded room died in a house fire in Footscray (VIC) in January 2008. A month before, a property in Coburg (VIC) was raided for housing up to 48 Nepalese students in "filthy conditions".

It must be noted International Students have a competitive disadvantage against working professionals and domestic students due to language, cultural awareness, and trust issues with landlords. Housing agents are notoriously reluctant to lease rental accommodation to International Students. As an International Student reveals in a June 2009 media report, he had plenty of money for rent, but not the paperwork real estate agents demand,

"You can't get a house without a reference and a driver's licence, and they also want income proof," he said. "I asked them if they wanted a letter from my parents. They refused⁵."

⁴ Farrah Tomazin and Tom Arup, "Call for crackdown on rogue landlords of overseas students", *The Age*, May. 31, 2008
(<http://www.theage.com.au/national/call-for-crackdown-on-rogue-landlords-of-overseas-students-2008-0530-2k0d.html>).

⁵ Josephine Tovey, "Promises, then the reality for foreign students", *The Sydney Morning Herald*, Jul. 15, 2009
(<http://www.smh.com.au/national/promises-then-the-reality-for-foreign-students-20090714-dk5h.html>).



As a result, he is staying in a three-bedroom house in Harris Park (NSW) that he shares with 11 other Indian college students.

NLC has also been receiving reports for many years that another factor dramatically driving up prices of rental accommodation near campuses is the practice of subletting; and of International Students having to resort to stay in backpacker hostels for the duration of their studies.

ij Recommendations

- NLC recommends Federal, State, and Local Governments take leading initiatives in creating supply by encouraging both public and private development of affordable high density student accommodations.

- NLC recommends educational institutions recognise and acknowledge that International Students always prefer to live in affordable on-campus student accommodation, as they are severely disadvantaged when competing in the rental market; educational institutions must then increase investment in the provision of on-campus student accommodation.

- NLC recommends that educational institutions consider limiting the number of recruitments of newly enrolled International Students unless accommodation is guaranteed for these students.

- NLC recommends the Federal and State Governments tighten and enforce legislation against illegal subletting of housing as it can lead to dangerous overcrowding and drive up the price of rental accommodation.

7. Social Inclusion

Most International Students have come to Australia alone without family or friends, so a sense of security is created when they engage with familiar social and support networks, such as other students from the same country or culture as them.

However, all International Students desire to feel socially included and attempt to reach out to engage with the mainstream student population.



Most International Students find it difficult to make friends with domestic students. This is because they are not only disadvantaged by differences in culture and language, but also have to break into already established friendship groups that have existed for many years.

There is also the problem of White Australian politics that incites resentment against International Students. These political groups include the Nationalist Alternative who have been giving out leaflets blaming Sydney's inner-city rental crisis on International Students⁶, or the Australia First Party and its youth wing, the Patriotic Youth League, who have been distributing flyers that say "Overseas Students Go Home"⁷. There is also a Facebook group called "Fuck Off We're Full" set up by the Australian Protectionist Party, which at its peak had 65,000 members⁸.

During the OSA Presidents' Summit organised by NLC in April 2008, our OSA affiliates from a regional campus reported that the local community brands the International Student presence as the "Asian invasion". As a result, International Students don't feel welcome or safe in such a hostile environment.

For many years, International Students have organised multicultural events all over Australia, because they want to reach out to Australians by sharing their cultures. However a lack of interest from domestic students can cause frustration and disappointment that could lead to feelings of isolation, alienation, depression, loneliness and homesickness. As an International Student who survived a failed suicide attempt told a reporter,

⁶ Damien Murphy, "Group blames students over rent crisis", *The Sydney Morning Herald*, Jul. 8, 2009 (<http://www.smh.com.au/national/group-blames-students-over-rent-crisis-20090707-dbw4.html>).

⁷ See Appendix I

⁸ Briena Barrett, "Racist Facebook group targets Aussie immigrants", *The Sydney Morning Herald*, Jun. 10, 2009 (<http://www.smh.com.au/articles/2009/06/10/1244313180075.html?page=fullpage#contentSwap1>).



“No one was doing anything about social activities on campus – especially the university so I wanted to help, and organised social activities, but hardly any (local students) ever came”,”

i) Transport Concession

The lack of travel concession for International Students in New South Wales and Victoria, the two states with the most International Students, is a form of discrimination and social exclusion. It creates a situation where domestic and International Students are treated differently, creating tension between people who are trying to form friendships across cultures.

The NSW Government was taken to the Administrative Decisions Tribunal in 2006¹⁰ and the VIC Government was in the process of being taken to the Victorian Civil and Administrative Tribunal in 2007¹¹, based on the fact that International Students are being discriminated against and treated as second-class citizens because they are banned from public transport concession rates. On both occasions, the NSW and VIC Governments passed legislation to make this discrimination legal, rendering the Tribunals’ decisions powerless.

In early 2007, the former Federal Education Minister Julie Bishop wrote to the NSW and VIC Governments, accusing them of putting the overseas student market at risk.

Many International Students feel they are not only paying for the domestic students’ education, they are also paying for the domestic students’ transportation costs. This creates an incredible amount of social tension by making International Students feel socially excluded, discriminated against, and being treated as “cash-cows”.

⁹ Guy Healy, “Loneliness of long-distance student”, *The Australian*, Jul. 30, 2009 (<http://www.theaustralian.news.com.au/story/0,25197,25855580-5006787,00.html>).

¹⁰ Adam Morton, “NSW wins travel stoush”, *The Age*, Apr. 10, 2006 (<http://www.theage.com.au/news/education-news/third-degree/2006/04/07/1143916710866.htmlc>).

¹¹ Adam Morton, “Foreign students take on state over discrimination”, *The Age*, Sep. 22, 2007 (<http://www.theage.com.au/news/national/foreign-students-take-on-state-over-discrimination/2007/09/21/1189881777593.html>).



ii) Private Colleges

It must be said that there are many private colleges which only have International Students on their campuses. This eliminates any possibility of International Students engaging with domestic students in a campus setting. In addition, a media report has alleged that the recently collapsed Melbourne International College had been trading while insolvent for nine months¹². This example shows the need for tighter regulation, greater monitoring and enforcement of compliance irregularities of the private education sector. Regulations must change so that International Students will be able to interact with domestic students in private colleges.

iii) Recommendations

- NLC recommends Federal, State, and Local Governments, educational institutions and other stakeholders support NLC's initiative to re-introduce Overseas Students Associations (OSA) in educational institutions across all sectors. This will include support for International Student clubs and societies that provide vital grassroots International Students representation, and the organising of various multicultural and social activities on campus which encourage and facilitate social integration.

- NLC recommends Federal, State, and Local Governments, educational institutions and other stakeholders work together with NLC on strategies to educate and encourage domestic students in engaging with International Students.

- NLC recommends the New South Wales and Victorian Governments change their discriminatory laws and ensure equal student rights to International Students by allowing International Students concession to public transport.

- NLC recommends that to assist in the social inclusion of International Students studying in private colleges, education regulators must ensure

¹² Andrew Trounson, "Pursue college owner's assets", *The Australian*, Aug. 12, 2009 (<http://www.theaustralian.news.com.au/story/0,25197,25917717-12332,00.html>).



that private colleges enrol domestic students. The private college sector must be more tightly regulated and monitored.

8. Overseas Student Visa Requirements

Unlike domestic students, International Students have to fulfil other requirements other than academic grades. International Students have to meet an 80 per cent attendance rate, are forced to study full-time and are not allowed to work for more than 20 hours a week. Failure to comply with these requirements could result in deportation, or worse, being arrested and placed in detention centres.

NLC has received disturbing reports that there are educational institutions who are abusing the Provider Registration and International Students Management System (PRISMS), a computer system that manages overseas student enrolments and overs student visas, to threaten the cancellation of enrolments and visas in attempts to silence the complaints of International Students.

i) Attendance Rates

NLC has received reports of educational institutions failing large numbers of International Students so that they have to give additional payments for supplementary exams, or even paying to repeat an entire semester.

An example of a case NLC received was where a Thai student was failed for dropping below the required attendance level, even though she had the legitimate medical certificates to prove she was missing classes for genuine health reasons. After NLC intervened, the student was allowed to pass.

Authorities must closely monitor educational institutions that regularly fail a large proportion of International Students, and investigate to ensure that the teaching standard is at an acceptable level and that International Students are not being failed on purpose.



ii) Full-time study and work limitations

The conditions for full-time study and work limitations are depriving International Students of a proper student experience.

Many International Students, especially those at universities, have difficulty coping with a full semester study load. The requirement for full-time study means there is no way to reduce study load, which can lead to distress for International Students who have difficulty coping with their academic work.

NLC has received reports of International Students who are forced by their educational institutions to continue paying tuition fees for a full semester study load, even though they are in poor physical and mental health and are unable to attend all their classes. They are then forced to pay more tuition fees to repeat the subjects they had failed because of their poor health, otherwise their enrolments would be cancelled by the educational institution and they would face deportation.

For those International Students who are able to cope with a full-time study load, they are not left with much time to get involved in extra-curricular activities. In addition, because unpaid and volunteer work is counted towards the 20 hours a week limit, International Students who get involved in student representation or organise International Student events and activities are potentially in breach of their overseas student visa requirements.

For example, there have always been International Students who have been elected onto student representative committees. Some positions, like president, are paid an honorarium equivalent to a 38 hour a week full-time employment, and the elected International Student is expected to spend the time performing the roles and responsibilities of the position equivalent to a full-time job. These International Students are thus all potentially in breach of the overseas student visa requirement, simply by getting involved in student representation.

The requirements for full-time study and work limitations must be abolished to allow International Students equal flexibility as their local counterparts have in managing their own study and extra-curricular



arrangements. Only by removing these unfair and rigid requirements will International Students have the option of enjoying the benefits of studying in Australia.

iii) Detention Centres

A media report states that 2,646 International Students have been placed in detention centres since January 2001¹³. This policy is totally unacceptable and must be stopped immediately. Detained International Students must either be charged or released immediately.

iv) Recommendations

- NLC demands that the Department of Education, Employment and Workplace Relations (DEEWR) and the Department of Immigration and Citizenship (DIAC) take action against educational institutions who are threatening to cancel enrolments and visas through the Provider Registration and International Students Management System (PRISMS), in order to silence International Students complaints.

- NLC recommends DEEWR and regulators closely monitor educational institutions that regularly fail a large proportion of International Students, especially those who fail International Students because of poor attendance rates, and investigate to ensure that the teaching standard is at an acceptable level and that International Students are not being failed on purpose.

- NLC recommends the abolishment of the overseas student visa requirements for full-time study and work limitations to allow International Students equal flexibility as their local counterparts have in managing their own study and extra-curricular arrangements. These requirements are criminalising International Students who have difficulty coping with academic work, and International Students who are getting involved in extra-curricular activities.

¹³ Guy Healy, "36 overseas students in detention", *The Australian*, Jul. 15, 2009 (<http://www.theaustralian.news.com.au/story/0,25197,25784268-12332,00.html>).



- NLC demands the Federal Government ban International Students from being placed into detention centres immediately. Detained International Students must either be charged or released immediately.

9. International Student Support Services

International Student support services on campus are practically non-existent. Although International Students contribute over \$15 billion to the Australian economy, it seems educational institutions are unwilling to provide support services specifically catered towards International Students. International Student offices are understaffed and under resourced, serving as little more than marketing and recruitment departments. This is despite Item 6.6 of The National Code, under the Education Services for Overseas Students (ESOS) Framework, which states,

The registered provider must have sufficient student support personnel to meet the needs of the students enrolled with the registered provider¹⁴.

There is also an ethnocentric approach by educational institutions that through addressing the mainstream Australian students' needs, somehow International Students will include themselves into such activities and programs.

In the university campus setting, the Orientation Week is always about rock band concerts and drinking alcohol, and services such as housing and advocacy are inaccessible especially to new International Students as written material is only printed in English.

Other university examples include refectory and canteen food revolving around salads and fish and chips, with a lack of authentic Asian food, an irony considering over 80 per cent of International Students originate from Asia; and the lack of halal food for Muslim students.

A major cause for concern is that universities employ mainly English speaking counsellors, rather than multilingual counsellors, and do not address the well known issue of International Students from conservative

¹⁴ Department of Immigration and Citizenship, *The National Code*, 2007, pg 16.



societies rejecting counselling because of stigma. All educational institutions must begin to employ qualified multilingual counsellors to address the common mental health issues that International Students face, such as homesickness and loneliness.

There is a chronic lack of resources for pastoral care and welfare support services for International Students which must be addressed. However, International Students must not be forced to pay any additional fees for support services. The Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 will force International Students in the University sector to pay an additional \$250 every year.

International Students are already paying full fees which include the provision of support services for International Students. As Item 6.3 of The National Code clearly states regarding the responsibilities of educational institutions,

The registered provider must provide the opportunity for students to access welfare-related support services to assist with issues that may arise during their study, including course progress and attendance requirements and accommodation issues. These services must be provided at no additional cost to the student. If the registered provider refers the student to external support services, the registered provider must not charge for the referral¹⁵.

Therefore, NLC does not support the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009.

ij Recommendations

- NLC recommends educational institutions allocate more resources and invest more money into providing support services catered towards addressing the unique needs of International Students, as a welfare policy and not a marketing policy.

¹⁵ *The National Code, 2007, pg 16.*



- NLC recommends that the ESOS Act 2000 be amended to require all educational institutions to employ qualified multilingual counsellors to address the common mental health issues that International Students face, such as homesickness and loneliness.

- NLC does not support the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 as it will force International Students in the University sector to pay an additional \$250 every year, when International Students are already paying full fees which include the provision of support services for International Students.

10. International Student Representation and Advocacy

NLCommunity deserves representation to publicly articulate our views. As non-citizens in a foreign country, we do not carry any votes to participate in the political process. Although we are a minority group with no political influence, we do have a combined financial might as a contributor of over \$15 billion to the Australian economy. With one voice through the uniting force of NLCampaign and OSAdvocacy, we have the power to tell the world how our community is being treated or mistreated.

This area looks at the existing approaches of educational institutions towards independent and autonomous International Students representation.

This is measured by the level of independence and autonomy peak International Student bodies have on campus with regards to funding, governance and operational structure, and their ability in voicing the concerns of NLCommunity directly to the top management of educational institutions.

i) NLCampaign 2009: why not ME? for Representation and Welfare

On 1 May 2009, our national cross-campus NLCampaign 2009: why not ME? for Representation and Welfare was officially launched in the New South Wales State Parliament House.



NLCampaign 2009 reflects two of the five key areas of NLCommunity operations: Culture, Representation, Compliance, Welfare and Leadership.

For Representation: the main objective is to revive International Students Representation through establishing independent and autonomous OSA campus operations.

For Welfare: the primary focus is to improve International Students Welfare through demanding equal access to all Federal, State, and Local Governments services and programs.

The aim of the national cross-campus campaign is to transform the muted voice of the International Students Community into a loud declaration that NLCommunity is no longer willing to be treated as a mere "cash-cow". We are an integral part of Australian society and deserve fair treatment.

The launch ceremony was held at the New South Wales Parliament House on 1 May 2009 and attended by Consul-Generals, Deputy Consul-Generals and Education Consuls from top 20 home countries for International Students, local politicians and representatives for NSW Premier Mr REES, Opposition Leader Mr O'FARRELL and City of Sydney Lord Mayor Ms MOORE, Executives from relevant educational institutions and International Student representatives from all around Australia.

ii) OSAdvocacy: International Students Advocacy System

On campus level, to guarantee the voice of NLCommunity, NLC fully supports independent and autonomous Overseas Students Associations (OSA).

OSA is run by International Students, for International Students. Its operations are managed by OSAssembly Members who are International Students representatives democratically elected through annual campus OSAssembly Election.

On national level, NLC is the national peak representative body for all International Students in Australia.



NLC's reason for existing has always been, and still is, to represent only the interests of all International Students.

On the campus level, domestic student organisations are guilty of silencing International Students representation with their tokenistic approach.

These organisations are called Student Unions, Student Associations, Student Guilds, or Student Representative Councils, with poor excuses for International Student representation.

Some of them have only one International Student representative, few have two; International Student Committees are treated as mere sub-committees; and tragically there are even those with no International Student representative positions, so if there is no International Student elected, no money will be allocated towards specific International Student needs.

Funding provided by these student organisations is ultimately filtered through a student body controlled by domestic student politics.

The most disgraceful example is at the University of Adelaide, where there has been an independent and autonomous Overseas Students Association since 1985, the longest running OSA in Australia. But the Adelaide University Union insists on having its own International Students Officer.

NLC only recognises OSA as the peak International Students representative body on campus.

iii) Recommendations

- NLC recommends the Federal, State, and Local Governments formally recognise the important role NLC performs as the national peak body for International Students in advising, advocating for and representing the International Student voice.

- NLC recommends educational institutions recognise OSAs as the peak International Students representative and advocacy body on campus.



11. Employment and Exploitation

The reality is that the majority of working International Students are being paid wages under the legal minimum level. However there are many International Students in the private colleges sector who are paid nothing at all, and some even having to pay employers to give them working hours.

There are many unscrupulous employers who are treating International Students as cheap labour and paying them below the legal minimum wage level. There are employers who will allow International Students to work for more than 20 hours a week on illegal wages and in unsafe working conditions. When these International Students face a situation when they have been injured at work or have been unfairly dismissed and want compensation from their employers, these employers will threaten to report them to DIAC to cancel their overseas student visas.

DIAC has to remove the 20 hour work limitation for International Students. This requirement is impractical as it is not enforceable. International Students should be allowed equal working rights as all other workers in Australia. Removing the work limitation will empower International Students to demand legal wages from employers without the fear of deportation.

The most exploitive employers are treating International Students as slave labour, paying International Students nothing, and there are some who even charge International Students to work for them. As stated in a media report in July 2009,

The vast pool of unpaid labour was created in 2005 when vocational students were required to do 900 hours work experience. There was no requirement that they be paid¹⁶.

These International Students are basically forced to work as slaves for 900 hours as part of the skills assessment requirement to apply for

¹⁶ Nick O'Malley, Heath Gilmore and Erik Jensen, "Foreign students 'slave trade'", *The Age*, Jul. 15, 2009 (<http://www.theage.com.au/national/foreign-students-slave-trade-20090714-dk6d.html>).



permanent residency visas to continue working in Australia after graduation.

However, educational institutions and employers working together to abuse the system have the power to cancel the enrolments and essentially deport International Students who do not agree to work for free.

Skills and qualification assessment authorities, such as Trade Recognitions Australia (TRA) which is a section in DEEWR, manage skills and qualification assessments of International Students who want to apply to DIAC for permanent and temporary skilled migration to Australia.

These agencies have to remove all work experience criteria from the assessment process. This requirement forces International Students to work as free labour, and in addition International Students feel discriminated against by this requirement as domestic students do not need work experience to have their qualifications recognised.

By removing the work experience limitation and the work experience requirement, International Students will be able to demand from employers legal wages without the fear of deportation. The Federal Government will then be able to get the tax generated, whereas illegal employment arrangements are normally “cash in hand”, and will also save the cost of enforcing these impractical policies.

ij Recommendations

- NLC demands DEEWR and DIAC take action against employers who exploit International Students.

- NLC recommends DIAC abolish the 20 hours a week work limitation for International Students as it is being used by employers to exploit International Students.

- NLC recommends that skills and qualification assessment authorities, together with DEEWR, abolish the work experience requirement for International Students as it is being used by private colleges and employers to exploit International Students.



12. Appropriate Pathways to Permanent Residency

The current Skilled Migration Program has failed because it has become too strict, rigid, restrictive and complicated.

There have been many compliance cases where International Student graduates have ended up in Migration Review Tribunals due solely to the failings and mistakes of their migration agents. Although NLC cautiously welcomes the new Office of the Migration Agents Registration Authority (MARA) to provide improved regulation of migration agents, it does not solve the problem of these International Student graduates who, through no fault of their own, get dragged through the appeal process which can last for years.

Australia has a capitalist economy, so although DIAC can identify industries that are experiencing skills shortages, DIAC cannot allocate International Student graduates to employers. Therefore it is unrealistic for DIAC to base its Skilled Migration Program on identified skill shortages, as it is impossible for DIAC to dictate the nature of work International Student graduates apply for or get accepted into.

One of the reasons behind the failure of the Skilled Migration Program is the impractical nominated occupation requirement. Many International Students study courses and nominate the corresponding occupation that will give enough points for permanent residency. A number of them have no intention of seeking employment in their nominated occupation, but more importantly those that genuinely want to work in their nominated occupation are unable to obtain employment.

The reason for that is because Australian employers discriminate against International Student graduates. As an Australian National University (ANU) study has shown¹⁷, Australian employers discriminate against non-Anglo-Saxon job applicants. And as an overwhelming majority of International Students belong to non-Anglo-Saxon backgrounds, recently graduated International Students have a serious competitive disadvantage from their local counterparts when seeking employment in Australia.

¹⁷ "Ethnic names' struggle in job search", *SBS News*, Jun. 17, 2009
(<http://www.sbs.com.au/news/article/1029882/-Ethnic-names-struggle-in-job-search>).



An option that was introduced on 1 September 2007 was the subclass Skilled – Graduate (Temporary) visa (subclass 485). This visa is suppose to be an option for International Student graduates, who do not have enough points to qualify for permanent residency, to apply for this one-time only 18 month visa. To qualify for permanent residency, International Student graduates have to work for 12 months and only in their nominated occupation.

In reality however, this option has turned out to be a rad herring as most employers are not willing to hire International Student graduates on Temporary Visas, with Permanent Residency being the minimum requirement for job applications.

ij Recommendations

- NLC recommends that DIAC overhaul the current Skilled Migration Program, by removing the nominated occupation requirement, the points system, and Temporary Visa. This new model will allow International Student graduates to more easily qualify for permanent residency. With the flexibility of permanent residency, International Student graduates will be able to seek employment according to the ever changing market forces.

- NLC wishes to state that permanent residency is the only way to give International Student graduates a “fair go” in the Australian workforce. However, International Student graduates will leave Australia if they are unable to obtain employment in the country, and their permanent residency will expire at end of the first five years.

- NLC recommends that DIAC have adjustment and transition periods so that changes to immigration policies and procedures do not take effect immediately as they can greatly affect the lives of International Students.

- NLC welcomes continued consultation with DIAC through formal channels such as the Government Industry Stakeholder Consultations (GISC)



13. Accessibility, Coordination and Quality of Information Provision

There is a lack of accessibility, coordination and quality of information for International Students. In particular, there is a lack of multilingual information and a centralised point of information for International Students, as well as the problems false marketing has brought about.

International Students from non-English speaking backgrounds, especially those that have just recently arrived in Australia, are having a difficult time obtaining and understanding information because of a lack of a centralised point of contact and a lack of accessibility.

Educational institutions have a duty of care towards International Students studying at their campuses. However, the focus on educational institutions have been firmly fixed on recruitment and marketing. As such, International Students are treated by educational institutions as mere commodities.

After these International Students arrive in Australia, resources are not being adequately allocated into providing them with access to information.

Federal, State, and Local Governments, and education providers have taken International Students for granted, and have failed to invest in the necessary infrastructure to keep up with the rapid rise in International Students that their massive recruitment and marketing efforts have brought in.

This has resulted in dodgy education and migration agents giving out false or misleading information for the purpose of “milking” vulnerable International Students. NLC has been contacted by many students who have been victimized. The following is anecdotal evidence on this issue,

“I would like to share my experience with you about my journey to Australia. In the beginning I applied for networking diploma but later on I came to know that Institute XYZ do not offer diploma in networking they closed it so I was transferred to multimedia. The offer letter from hales which I received for multimedia in that it was mentioned that the fees for two years diploma in multimedia is \$15400 but later on when I was asked to pay my fees they said it



nlc.edu.au | National Liaison Committee

is \$19800, so I had two offer letters one with the \$15400 and other with \$19800. I was also told that Australia provide PR in multimedia as it is in great demand but when I reached here I came to know that there are no PR points in multimedia. So I was cheated twice, 1st time with the fees plan and 2nd time with the PR thing. And one more thing I have paid my six months fees according to which I was told that I have to pay my fees after every six months, but when I reached here I was told that I have to pay my remaining fees in monthly installments about which I was not aware off. So till now my journey to Australia is really horrible and I don't know what is going to happen in future."

This case is just unfortunately just one of many others. As the events of the past few months have shown, false marketing and deception by educational institutions and agents will not only hurt International Students, but also severely damage Australia's international education reputation.

ij Recommendations

- ***NLC recommends the Federal, State, and Local Government provide multilingual information catered specifically for International Students.***
- ***NLC recommends the Federal, State, and Local Governments, educational institutions and all other stakeholders support NLC as the central point of contact for the International Students Community.***
- ***NLC will improve accessibility and availability of information about the five areas of NLCommunity operations: Culture, Representation, Compliance, Welfare, and Leadership. Information will include, but not limited to: work rights, the taxation system, tenancy rights, safety, etc.***
- ***NLC recommends DIAC extend the fee exempt services of Translating and Interpreting Service (TIS) National to the International Students Community through NLC.***



nlc.edu.au | National Liaison Committee

- NLC recommends that educational institutions be regulated to provide necessary and adequate information, and support for International Students after they arrive in Australia. Selecting the language for information to be translated into can be based on the demographics of the educational institution's International Student population.***
- NLC demands the Federal and State Governments take action against educational institutions, and education and migration agents who exploit International Students.***
- NLC recommends the Federal Government set up a regulatory body to monitor the practices of the education agents. If there is a complaint against the agent, that complaint has to be investigated. If the agent is found guilty, the agent's license is to be suspended or revoked, and criminal charges are to be pursued if applicable.***
- NLC recommends the Federal Government inform and/or advise foreign authorities of actions to be taken if an education or migration agent offshore breaches his/her duties and standards.***



References

“Ethnic names’ struggle in job search”, SBS News, June 17, 2009.
<http://www.sbs.com.au/news/article/1029882/-Ethnic-names-struggle-in-job-search> (accessed on August 13, 2009).

“Foreign student unhappy with uni’s response to attack claims”, *ABC News*, March 1, 2007.
<http://www.abc.net.au/news/australia/nsw/summer/200703/s1860004.htm> (accessed July 1, 2009).

Bradley, Denise. *Review of Australian Higher Education*, 2008, pg 98.

Barrett, Briena. “Racist Facebook group targets Aussie immigrants”, *The Sydney Morning Herald*, June 10, 2009.
<http://www.smh.com.au/articles/2009/06/10/1244313180075.html?page=fullpage#contentSwap1> (accessed on July 30, 2009).

Department of Immigration and Citizenship, *The National Code 2007*, pg 16.

Healy, Guy. “36 overseas students in detention”, *The Australian*, July 15, 2009.
<http://www.theaustralian.news.com.au/story/0,25197,25784268-12332,00.html> (accessed on August 12, 2009).

Healy, Guy. “Loneliness of long-distance student”, *The Australian*, July 30, 2009.
<http://www.theaustralian.news.com.au/story/0,25197,25855580-5006787,00.html> (accessed on July 31, 2009).

Morton, Adam. “Foreign students take on state over discrimination”, *The Age*, September 22, 2007.
<http://www.theage.com.au/news/national/foreign-students-take-on-state-over-discrimination/2007/09/21/1189881777593.html> (accessed on August 3, 2009).

Morton, Adam. “NSW wins travel stoush”, *The Age*, April 10, 2006.
<http://www.theage.com.au/news/education-news/third-degree/2006/04/07/1143916710866.html> (accessed on August 3, 2009).



nlc.edu.au | National Liaison Committee

Murphy, Damien. "Group blames students over rent crisis", *The Sydney Morning Herald*, July 8, 2009.

<http://www.smh.com.au/national/group-blames-students-over-rent-crisis-20090707-dbw4.html> (accessed on July 20, 2009).

Nick O'Malley, Heath Gilmore and Erik Jensen, "Foreign students 'slave trade'", *The Age*, July 15, 2009.

<http://www.theage.com.au/national/foreign-students-slave-trade-20090714-dk6d.html> (accessed on August 13, 2009).

Tomazin, Farrah and Arup, Tom. "Call for crackdown on rogue landlords of overseas students", *The Age*, May 31, 2008.

<http://www.theage.com.au/national/call-for-crackdown-on-rogue-landlords-of-overseas-students-20080530-2k0d.html> (accessed July 3, 2009).

Tovey, Josephine. "Promises, then the reality for foreign students", *The Sydney Morning Herald*, July 15, 2009.

<http://www.smh.com.au/national/promises-then-the-reality-for-foreign-students-20090714-dk5h.htm> (accessed on July 16, 2009).

Trounson, Andrew. "Pursue college owner's assets", *The Australian*, August 12, 2009.

<http://www.theaustralian.news.com.au/story/0,25197,25917717-12332,00.html> (accessed on August 12, 2009).

Turtle, Michael. "Foreign students targeted in Newcastle attacks", *ABC News*, May 21, 2009.

<http://www.abc.net.au/news/stories/2009/05/21/2577186.htm> (accessed July 1, 2009).



Appendix I. "Overseas Students Go Home" Flyers

Overseas Students Go Home!

No more displacing
Aussies!

No more back door
to immigration!

No more driving up
rents!

Australian
universities for
Australian students!

Australia First Party



nlc.edu.au | National Liaison Committee

It's time the overseas student rort was brought to an end!

There are some 543,000 overseas students at TAFE and at universities and high schools. This is about one in every 42 people on the continent.

Foreign students have driven up *property prices*, which has contributed to the current economic crisis and have forced young Australians out of the rental and part-time job markets.

Even worse, as Australian universities opted to sell education as a commodity, Australians lost out on places. This is now conceded. A recent plan from the Federal government to provide funded university places for Australians, is not the answer. Inflated and overloaded universities will not cope. The answer is to wind back the overseas student program.

The overseas student program has been part of a colonial and corrupt political-economic agenda to enmesh Australia in Asia as many enter as 'elitist' migrants and take up key roles in Australia's economy.

Read:

Overseas Students: Go Home! and - Australian Students Unite: Nationalist Student Activism: New Perspectives On Ideas, Strategy and Tactics For A New Movement at

<http://ausfirst.alphalink.com.au/studentsunite.html>

<http://ausfirst.alphalink.com.au/gohome.html>

**How to contact Australia First Party:
National Message Line: (02) 8587 0014
NSW: P.O. Box 593 Rockdale 2216
SA: P.O. Box 189 Rundle Mall 5000**