



Australian Federation of International Students and
Federation of Ethnic Communities' Councils of Australia
Submission to the
Senate Inquiry into the Welfare of International Students

Introduction

1. The Australian Federation of International Students (AFIS) and The Federation of Ethnic Communities' Councils of Australia (FECCA) welcome the opportunity to jointly submit to the Senate Inquiry into the Welfare of International Students.
2. FECCA and AFIS also acknowledge the substantial input of the Ethnic Communities Council of Western Australia (ECCWA) into this submission drawn from their significant consultations with international students around these issues.
3. FECCA is the peak national body representing the interests of culturally and linguistically diverse (CALD) communities. FECCA supports multiculturalism and social inclusion and rejects all forms of discrimination and racism.
4. AFIS is a national, non-profit, community organisation aimed at assisting international students to maximize the scope and potential of their experience living and studying in Australia. AFIS provides one-on-one support to international students, many of who are from private colleges.
5. FECCA and AFIS note for the record the enormous and on-going social, economic and cultural contribution that international students make to Australia.
6. There are more than 500,000 international students in Australia adding around \$15 billion per annum to the Australian economy.

7. This makes international education Australia's third largest export industry and largest 'services' export industry, showing the critical nature of international students to Australia's economy and future.
8. Not only do international students contribute enormously to our economy financially, they also enrich our nation culturally. They provide cross cultural exchange for example between Australia and its Asian neighbours, enhancing Australia's engagement with our region and world both economically and geopolitically.
9. International students also serve as a significant feeder component to our important skilled migration program which enhances our economy and society more generally particularly in light of our ageing population and skills shortages challenges.
10. Due to the large nature of the International Education market in Australia, FECCA and AFIS do have serious concerns about the quality of some components of the international education sector, and related migration entities, and their effect on the overall wellbeing of some international students(as detailed further in the separate AFIS Issues Paper).
11. FECCA and AFIS are also concerned about the welfare and safety of international students. These concerns also extend to other young and often vulnerable people from ethnic and religious minority backgrounds in Australia.

Safety

12. The recent attacks on international students, which have been most prominent in Melbourne and Sydney, are of huge concern to FECCA and AFIS.
13. It should be noted that these attacks do not affect international students from India alone but affect all international students, including the large number of international students from China.
14. As stated earlier these attacks may also affect other young Australian citizens and permanent residents both from visible ethnic and religious minority backgrounds and from more mainstream backgrounds.
15. While some of these attacks may be described as opportunistic there is also no doubt from the reports of those attacked that some of these attacks are racially motivated.
16. The most effective immediate way to tackle these attacks is to increase the police presence in the areas where the attacks are happening, as is now being done in Victoria.

17. There has been a consistent call for a stronger police presence and visibility on trains and around train stations at night from both international students and other vulnerable people, often from ethnic and religious minority backgrounds, who are forced to catch often unsafe public transport at night due to no other means of transportation being available to them.
18. Universities and educational institutions must continue efforts to ensure their campuses and transport facilities around their campuses are safe and well lit and that strategies are in place to enhance student safety, particularly when travelling to and from their place of study.
19. Police agencies must also be trained in cultural competency and take the complaints of international students seriously, and indeed they must treat the complaints seriously of all people from all backgrounds affected by violent crime and criminal assault.
20. Police agencies should work more closely with educational institutions to enhance the relationship between international students and police and improve international students' perceptions of police. This helps dispel fearfulness or mistrust of police that may arise from different experiences elsewhere.
21. Serious criminal penalties for racially or religiously motivated attacks and/or hate crimes should also be introduced consistently around Australia.
22. FECCA and AFIS therefore recommend strengthening relevant criminal legislation to increase the penalty when attacks are proven to be racially or religiously motivated to act as a deterrent to such senseless hate crimes.
23. The consideration of stronger enforceable hate crime penalties under Racial Discrimination Acts for both religious and racial hate crime is also very important. All of these laws also need to be made more consistent across Australia's various jurisdictions. Western Australia already has strong penalties of up to 14 years jail for crimes with racially motivated intent.
24. Political leadership is also needed to set strong community standards around anti-racism. FECCA and AFIS particularly applaud the Victorian Premier, John Brumby, who publicly and emphatically rejected racism, racist violence and supported multiculturalism and cultural diversity at the recent 'Harmony Walk' in Melbourne. All of our political leaders need to make unambiguous and emphatic statements along these lines whenever these incidents occur.

25. Federal, state and territory governments should also undertake public awareness campaigns on international students and their great economic, social and cultural benefit to our nation. More Australians should be made aware of how hugely important the international education export industry is to Australia's economic welfare.
26. Universities and colleges with international and local students should redouble efforts to ensure greater social and cultural interaction between local students and international students to enhance cross cultural understanding and experience.
27. Australia has a hitherto strong reputation as a nation that embraces cultural diversity and it is important that this reputation not be undermined by the recent events around international students and through other racist incidents.
28. Australia's status as a tolerant immigration nation that provides a welcoming, safe and supportive environment for people of all backgrounds must not be undermined by inadequate government responses to racist behaviour by a minority of Australian youth.
29. Responses to this behaviour need to be multifaceted and include political leadership, public education and more effective and stringent criminal deterrents for people engaging in racist violence.
30. It also needs to be acknowledged that youth from ethnic and religious minority backgrounds may also be involved in perpetrating racially motivated attacks and this must be addressed equally as vigorously. Racist violence in any direction must not be tolerated by our public authorities.
31. FECCA and AFIS also support the other generic campaigns to tackle the levels of street violence in Australia and particularly in our larger cities and towns.
32. Anti-violence and anti-racism campaigns need to be multifaceted and particularly target young men who are the predominant perpetrators of these crimes. These campaigns should also include social welfare and employment, education and training programs aimed at disengaged youth.
33. Adequate data around the attacks on international students needs to be recorded and FECCA and AFIS note that the Ethnic Communities' Council of Western Australia (ECCWA) have established a website where international students may register any concerns.

34. Adequate data on the cause of death of international students also needs to be made publicly available.
35. Formal police and international student consulting mechanisms need to be established in all jurisdictions where these mechanisms do not exist. There should be formal meetings between senior police commanders and both international students and culturally and linguistically diverse representative bodies at least quarterly. These mechanisms are invaluable in tackling problems before they become widespread.

Accommodation

36. The availability of affordable housing continues to be a serious problem for international students, and post secondary students more generally. This is particularly the case because many educational institutions are located in the city centres where rental properties are unaffordable for most students.
37. Universities and TAFE colleges should invest more heavily in providing adequate and affordable student housing in their regions, particularly those that are profiting considerably from the international education industry.
38. International students should be provided with clear information on tenancy rights and Australian rental arrangements at the pre-arrival, visa approval stage.

Employment

39. International students should also be given clear information on employment rights at the pre-arrival, visa approval stage.
40. The Government should reconsider whether the 20 hour weekly limit on international student employment is effective, particularly with reports of people who work over those hours being caught up in illegal and exploitative workplaces where they may be paid well below the minimum wage.
41. Many international students work in cash in hand jobs and a large number of international students receive less than the legal minimum wage. In fact research in Victoria claimed that up to 60% of international students there are receiving less than the minimum wage.¹

¹ Tom Arup, 'Foreign Students Being Exploited', The Age, June 12, 2008

42. Many international students drive taxis part-time on weekends where they are again subject to violence from often intoxicated passengers. Efforts to make Taxis safer for drivers in states such as Victoria need to be continued.
43. The visa application form should have a sentence along the lines of: "Australia has strong employment (and tenancy) laws to protect your rights and ensure you are not exploited if you undertake part time employment (or live in rental accommodation) while in Australia. Please contact this number to find out more about these laws."

Information provision

44. Organisations with international students and particularly those registering for Commonwealth Register for Institutions and Courses for Overseas Students (CRICOS) status should have to produce housing and transport availability plans which list the availability or otherwise of affordable accommodation and public transport in the colleges surrounding areas. These would need to be certified as accurate by the relevant authority. These plans should be publicly available to potential students on the Internet.
45. FECCA and AFIS believe that the information provided to prospective international students about Australia needs to be significantly enhanced at the Visa application stage and this information should be regularly updated to maintain currency.
46. For instance the Visa Application Form itself could have specific notes and tips on studying in Australia including such practical things as the need to independently verify the quality of the chosen educational institution and the need to independently check that affordable accommodation and transport is available close to that institution, as these issues could significantly affect a student's safety and well being while in Australia.
47. While the Visa application form has a prominent and long summary on so called 'Australian values' (a key concern of the previous government) and the need to be aware that a student visa will not necessarily result in permanent residency (which is important information) there is little practical information on measures to help ensure a successful educational placement in Australia.
48. International Students need to be given greater orientation more generally on studying in Australia including not just the benefits but also some of the challenges students are likely to face in areas like health, welfare, housing and cultural orientation.

49. More realistic information on what to expect in Australia including information on available welfare services and community contacts and public safety and what to do in the case of crime should be provided.

Education and Migration Agents Regulation

50. FECCA and AFIS believe that the Australian Government must continue to more stringently regulate the Australian migration industry with strong penalties and suspensions for agents engaging in misleading conduct to prospective international students (for instance by falsely promising permanent residency will follow a student visa).
51. Companies that market and recruit international students be they migration agents, education brokers or other entities should also be more tightly regulated particularly around misleading advertising and exploitative fees and charges.
52. If possible the Australian Government should also develop mechanisms to register or at least publicly rate migration agents practising overseas for the Australian international education market.
53. The well documented practice of overseas migration agents and education brokers misleadingly passing off student visas as guaranteeing an applicant 'PR' (permanent residency) must be tackled by all means necessary. These agents create false assurances to international students with impunity which often leads to great disappointment for affected students further down the track.

Education Providers

54. The Australian Government and State and Territory Authorities should regulate educational providers much more closely, particularly in the private vocational area, to stamp out rogue operators. All private institutions providing vocational education to students should be systematically audited nationwide.
55. A nationally consistent regulatory scheme needs to be established. It is hugely concerning to hear of on-going reports of cooking schools without kitchens, schools with appalling occupational health and safety standards such as inadequate toilet facilities or schools with misleading websites.

56. It is hugely concerning for FECCA and AFIS to hear reports of rogue operators with appalling standards being allowed to continue operating, as documented in The Age on July 23² and on the ABC Four Corners Program on July 27, 2009³. It is hard to imagine that private colleges that delivered such substandard services to Australian citizens would be allowed to continue to operate in this manner.
57. Regular checks against consistent national standards should ensure such operators are removed from the market and students are appropriately compensated or transferred to proper providers. These schools are sometimes simply business scams feeding off vulnerable students seeking permanent residency through any means possible. There should be no place for these operators in Australia. It is a national disgrace that such operators continue to have official registration through our Governments at the time that this submission is being written.
58. Levies should be introduced on providers under the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) to pay for international student's welfare through agencies with a social welfare orientation that are independent of those institutions.
59. The Federal Government should continue its work in aligning our skilled migration program more closely with needed skills and closing down obvious loopholes where people are partaking in inadequate training in Australia in certain targeted occupational area with no intention of working in those areas following the acquisition of permanent residency.

International Student Welfare

60. Specific niche community based welfare agencies for international students should also be established in each state and territory and these should include hotlines for students to call with interpreter access when necessary.
61. International students should be provided with contact details for community organisations that represent their ethnic group and international student representative organisations like AFIS.

² Sushi Das, 'College in Gross Breach of Standards', The Age, July 23, 2009.

³ ABC Four Corners, Holy Cash Cow, July 27, 2009.

International Students Transport Concession

62. New South Wales and Victoria should immediately allow international students to have access to student travel concessions as is the case in other states and territories and for most Australian students studying overseas. International students consider the travel concession ban discriminatory and unwelcoming.
63. International students being denied travel concessions is hugely discriminatory and is in breach of equal opportunity standards. For instance, the Victorian Government suspended the operation of the Equal Opportunity Act to this policy decision when the policy was formally challenged under that law.
64. The small amount of money these states save through this measure is massively offset by the damage it does to Australia's international reputation as a friendly, welcoming and non-discriminatory destination for international students.

Consultation and Representation

65. The Federal Government should ensure that representative organisations like AFIS, NUS, CAPA and FECCA are fully consulted around taskforces and programs dealing with international student issues.
66. There is some concern that the COAG Senior Officials Working Group process is being conducted without full consultation mechanisms with international students and their various peak body representatives. The COAG Group also need to focus on the overall overseas student experience rather than just industry sustainability.
67. While the International Student Roundtable will be an important consultation mechanism again it is unclear what role peak bodies will play in this process, whether as participants or observers. Dealing with individual international students is important but they may be less likely to speak out than robust, independent peak bodies such as AFIS and FECCA.

Conclusion

68. FECCA and AFIS welcome the Senate's inquiry in this area and hope that the Senate Committee recommends strengthened regulations and policies to enhance the wellbeing of international students in Australia.