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Universities Australia Submission to the  
Senate Inquiry into the  
Welfare of International Students

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## Introduction

Universities Australia represents 38 of Australia's universities in the public interest, both nationally and internationally. Universities Australia strives to support Australian universities in the performance of their roles including through the provision of information for and about universities. Universities Australia welcomes the *Senate Inquiry into the Welfare of International Students* and is pleased to offer the following submission.

This submission addresses the Inquiry's terms of reference and discusses the role of universities with respect to the identified criteria, as well as suggesting possible action for other stakeholders.

### Terms of Reference

- (a) the roles and responsibilities of education providers, migration and education agents, state and federal governments, and relevant departments and embassies, in ensuring the quality and adequacy in information, advice, service delivery and support, with particular reference to:
  - (i) student safety,
  - (ii) adequate and affordable accommodation,
  - (iii) social inclusion,
  - (iv) student visa requirements,
  - (v) adequate international student supports and advocacy,
  - (vi) employment rights and protections from exploitation, and
  - (vii) appropriate pathways to permanency;
- (b) the identification of quality benchmarks and controls for service, advice and support for international students studying at an Australian education institution; and
- (c) any other related matters.

## Term of reference (a)

*(a) the roles and responsibilities of education providers, migration and education agents, state and federal governments, and relevant departments and embassies, in ensuring the quality and adequacy in information, advice, service delivery and support, with particular reference to:*

### (i) Student safety

Universities Australia affirms the following basic principles that must guide good practice in student safety:

1. The quality of the student experience is the paramount consideration to guide action regarding the welfare of students studying at Australian universities.
2. An absolute foundation for the student experience is the provision of a safe environment for study and learning and living.
3. On-campus safety is the responsibility of universities, drawing on the best available practice.
4. Off-campus safety is also a key concern of universities, and it must be pursued in conjunction with relevant external authorities and stakeholders.
5. In all cases universities will seek student and staff involvement in ensuring personal safety and seek to consult with all other stakeholders who can assist in achieving the necessary outcomes.

The precise ways in which these principles may best operate in practice - with due regard for individual university autonomy, varying local circumstances and protection of privacy - is to be the intended purpose and content of ongoing development of guidelines through Universities Australia, in conjunction with key partners sharing a common commitment. Universities Australia has published a position paper [\*Enhancing the Student Experience and Student Safety\*](#) (June 2009) (Attachment A) that provides considerable detail on existing good practice in student safety as well as options for improvement.

Universities Australia considers it very important that travel concessions be immediately available to all international students in all states and territories. This will contribute to a sense of belonging and enhance their safety and security when moving between campuses, accommodation and workplaces, and improve public transport safety for all.

The Federal Government, through its agencies Australian Education International (AEI) and the Department of Immigration and Citizenship (DIAC), has a role to play in the dissemination of information on safety risks to potential students and their parents. It is appropriate that such information comes from an authoritative, government source. There is also a strong role for law enforcement both on and off campus, as outlined in the attached position paper.

## (ii) Adequate and affordable accommodation

All universities provide information on accommodation options to international students prior to enrolment as a requirement under the *Education Services for Overseas Students (ESOS) Act* National Code. Most universities provide on-campus accommodation, and all have an accommodation service to assist new students in locating safe and affordable accommodation. Given the connections between safety and accommodation, questions have arisen regarding whether there is enough safe and affordable accommodation for students on or close to campuses. While it may seem that building more accommodation is the obvious solution here, universities are addressing this question in a variety of ways due to the specific sets of circumstances facing them.

Difficulties in building accommodation can be many but have included:

- two to three year waiting periods before construction can commence, resulting from the regional absence of skilled labour due to the mining boom;
- year long delays in finalising transport arrangements (an extension to a tram line) for a planned new accommodation precinct;
- the loss of financial partners, resulting from an absence of credit due to the Global Financial Crisis; and
- difficulties in securing land due to the heavy administrative burden in negotiating with council and state government bureaucracies.

It is worth noting that there are many community structures and state government bodies with responsibility for housing, either at a strategic planning or operational level. Many of these bodies plan for migrant growth, and also cater specifically for the needs of residents from Culturally and Linguistically Diverse (CALD) backgrounds. Collaboration with these bodies, leveraging the expertise and resources available within the community, would ensure the accommodation needs of international students are more strategically managed.

Key to increasing the availability of safe and affordable accommodation is collaboration. This is open collaboration between universities, governments, financial institutions and private companies that recognises that this is not a simple problem, and that good will, transparency and innovative solutions will be required to achieve positive change. A possible solution to the lack of readily available funding in the current economic climate could be adjusting the terms of reference of the Educational Investment Fund to include student accommodation as physical infrastructure, or tax incentives for private enterprise willing to engage in the construction of accommodation specifically for students.

In relation to existing accommodation options, it is important that students and realtors are fully aware of their rights and responsibilities, including in relation to the safety of premises. Universities would be very interested to cooperate with any relevant government department to develop material for students and accommodation providers. Relevant industry associations in the areas of property and real estate should also be invited to develop material for their members on these matters, including guides to good practice and education programs for their members.

A number of universities have begun to offer accommodation guarantees to international (and non-local) first year students. This enables students to focus on the broad student experience rather than the stresses of finding suitable, safe accommodation on arrival. Discussions on the extent to which there should be a priority for new arrivals to access such accommodation are ongoing but tempered by the acknowledgment that presently supply is limited.

It needs to be recognised that some students (international and local) are comfortable staying in dorm or twin share bedrooms, using shared facilities, etc, in order to reduce their accommodation costs. This style of accommodation may be one means of increasing the availability of cheaper, close to campus accommodation options for students. Given that the provision of such options is not unsafe or exploitative, flexibility and understanding should be shown for student choices here.

An investigation into the private rental market may provide more accurate information on the conditions in which students live. Anecdotally we hear of students struggling to secure accommodation because as new arrivals they do not have the documentation generally required by real estate agents; students who are being charged exorbitant deposits/bonds; or who because of the short period of their stay (three to six months for some ELICOS courses) are forced into more expensive accommodation options.

### **(iii) Social Inclusion**

This is a fundamental and complex issue that goes right to the heart of student success. An isolated, alienated student is not able to fully explore the rich dynamic that an international education experience provides. Students expect to obtain not just an education from their educational provider (university or otherwise) but also social engagement which enables them to mix with local students. There must be programs and activities to enable international students to engage with fellow students, the education provider and the wider community. The Australian experience is important as students want to become involved with the local community and way of life.

All universities have a vested interest in ensuring that social inclusion is achieved for both international and local students. Universities deliver these programs in a variety of ways, including through orientation and peer mentoring programs, sporting groups, clubs and societies on campus, and engagement with the broader community through specific programs designed to increase understanding and enable better social inclusion. These programs can include civic receptions for new international students, cultural festivals, partnerships with sporting bodies, and volunteer community mentoring programs. Once again collaboration is the key to success here.

Literature and survey feedback suggests that engagement between international and local students is not occurring on campuses at levels hoped for, and this is a phenomenon shared by most countries around the world. It is important that this issue is fully understood before strategies can be successfully implemented. It is recommended that the Federal Government continue to support research into this issue.

Employment off campus can help break down and demystify stereotypical views of groups of students and enable students to mix with the community. Also, outbound mobility exposes local students to an overseas cultural and academic experience and enables them to better understand their fellow international students on return.

The work of universities in this area would be assisted by greater government efforts to welcome international students into the community and show that their presence is valued, and not just in economic terms. This could be achieved through information and publicity campaigns.

#### **(iv) Student visa requirements**

The student visa process is complex, especially for students for whom English is not their first language. All efforts to simplify the processes and procedures for visa extension, work rights and progression to skilled migration are welcome. Simple generic information on fees, application and extension requirements, and the ramifications for breaching conditions would be useful. Specific contacts for institutions (a relationship management concept) would also assist in timely resolution of queries for both universities and students.

Universities work hard to offer practical experience and work-placement in industry for their students. Often industry partners can only support certain models of delivery, such as intensive (paid) placements. The current 20 hour a week limit on employment does not provide the flexibility needed to support this type of learning. This creates an inequity in the experience available for international students compared with local students. While the 20 hour limit is useful as international students are primarily here to study not work, flexibility to allow for equity and the best learning outcomes for all is needed.

There are considerable concerns about the visa system that arise from the ESOS National Code. These include monitoring and reporting of academic progress; the external appeals process; the time taken for DIAC to finalise decisions on visa status (up to three months); and the resulting confusion as to where and what a student may study while the decision is being made. It is anticipated these issues will be addressed in the forthcoming review of the ESOS Act but should be included here to increase understanding of the level of concern among students and universities regarding some aspects of the student visa system.

DIAC has an influence in the industry via its setting of student visa regulations and price structures. An accessible and economical student visa system is an important element in education services export promotion. The international student market is sensitive to upfront costs.

Australia's upfront visa application costs are disproportionately high compared to our three key competitors. Below is a comparison table of upfront visa costs among our competitor countries, the United Kingdom (UK), New Zealand and the United States of America (USA). These data have been compiled from information listed on the respective government websites, converted to Australian dollars as at 15 July 2009. The table indicates that Australian student visa costs are significantly higher than all our competitors<sup>1</sup>.

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<sup>1</sup> For the USA, the Student and Exchange Visitor Information System (SEVIS) fee relates directly to additional visa processes that were introduced post September 11, 2001. All student visa applicants must pay a SEVIS fee toward maintaining this system in addition to the visa application fee.



### Comparison of visa costs (at 15 July 2009)

Country	Visa Application Cost (\$AUD)
Australia	\$540
United Kingdom	\$298
New Zealand	\$130 - in Pacific or Sydney offices
	\$162 - in NZ and other locations
United States of America	\$165 - application fee
	\$252 - SEVIS fee
	Total: \$417

One further issue needing review is the matter of the financial guarantees required by Government for issue of student visas. These are intended to ensure adequate finance is available to students to support their studies. However the determination of the appropriate requirement, its adjustment over time and validation for this should be thoroughly reviewed. The emergence of excessive paid work in dangerous circumstances and of resort to overcrowded low cost accommodation in locations far from education providers is prima facie evidence that finances available under present provisions may not be sufficient for the purposes of a quality study experience.

#### **(v) Adequate international student support and advocacy**

It is important that international students receive adequate support throughout their stay in Australia. Universities provide this in many ways including through International Student Advisors, counselling, academic support programs, English language support, peer group support, mentoring, on-campus health facilities, disability services for international students, prayer facilities, and pre-departure and on-arrival information. Since the adoption of voluntary student unionism in Australia, the capacity of universities to properly fund these services under the funding provided by government has been problematic. The recent drop in investment revenues has also compromised funding for such purposes. A new start on student service charges would help mightily, and Universities Australia looks to expeditious parliamentary support on this matter.

It is important when addressing issues relating to the welfare of international students to accept that there will not be a one-size-fits-all solution to assisting international students to adjust to the challenges of living in Australia. In this regard, there will be particular country and program-based cohorts who require support of a different level or nature.

In relation to student advocacy, it is necessary for campus and national student leadership to take a proactive role in representing and supporting international students to enable them to raise important issues regarding the quality of the student experience. International students need to be able to democratically elect their own student representatives to ensure the student voice is accurately and equitably heard.

## (vi) Employment rights

Many international students come to Australia with the expectation of undertaking some form of part-time work. This experience can be valuable for students. While employment opportunities can provide students with extra money to help subsidise living costs, it also affords students with an opportunity to engage with the community outside of the campus and learn about Australian workplace cultures.

There is a paucity of information on the practices and responsibilities of employers of international students. Many universities include employment information sessions in their orientation programs to better inform students (both local and international) of employee rights, obligations and opportunities. Anecdotally there is evidence that international students' employment choices can potentially place them at risk given late night or irregular hours in travel.

Universities Australia also believes that employer bodies should be included in consultations regarding suitable employment arrangements for students, including the development of best practice guidelines for their members, especially in regard to the conditions applying to those employees working in vulnerable circumstances as regards their personal safety both at work and in work-related travel.

In May 2008, Universities Australia proposed the development of a [National Internship Scheme](#) (Attachment B). This would involve partnerships between universities, employers and governments. The intention was to integrate study and work experience in a systematic way. This would enhance employability skills, increase student motivation and provide improved opportunities for well-regulated paid work while studying. Universities Australia strongly advocated the inclusion of international students in this scheme.

In terms of international education, this would help keep Australian education at the frontier of innovation. Surveys show disappointment by international students over access to, and quality of, work experience. For safety, the more well-regulated paid work available, the less the need for employment in out-of-hours, insecure and risky jobs. Government has yet to act in a major way on these proposals.

Likewise, Universities Australia supported proposals for a volunteer community service corps considered by the Prime Minister's 2020 Summit in April 2008. Universities Australia emphasised the importance of including international student volunteers in any such scheme so as to enhance the students' understanding and experience of Australia, and Australians' acquaintance with them and their knowledge and perspectives.

There is a need for employers to be better informed regarding the work rights of international students. With the phasing in of the e-visas and visa labels disappearing from passports, many employers are not aware of the work rights of international students.

Anecdotally we know students can be exploited because of the need to work and in some cases, work more than the allowed 20 hours. The desperation for work (to the extent that some breach visa conditions) renders students vulnerable to exploitation by predatory employers. There needs to be strong mechanisms in place to ensure prospective students genuinely have sufficient funds to support themselves whilst studying to ensure they are not exploited by their desperation for additional funds, as discussed in (iv) above. In tandem with the role played by the university at the student interface, Federal and State Governments have an obvious role in regulation of employers.

## (vii) Appropriate pathways to permanency

Australia's General Skilled Migration program should augment the skilled work force with migrants with high level professional and vocational skills. These migrants should be able to quickly find employment in their occupation.

Potential migrants seeking permanent migration are required to meet a points test when applying. For a number of years, graduates from Australian education providers have been allocated additional points following study at an Australian institution. DIAC has also developed the Migration Occupations in Demand List (MODL), whereby completion of a qualification listed on the MODL grants applicants for permanent residence yet further points.

Many of the problems arising in the first half of 2009 regarding forged documentation and migration rorts can be attributed to students seeking the quickest and cheapest route to permanent residency, and thus leaving themselves vulnerable to corrupt operators. Regrettably, the cheap and dirty route to residency has been encouraged and promoted by some offshore education agents and institutions. This has resulted in damage to the quality reputation of Australian education.

Permanent residence is an acknowledged driver for a proportion of international students when making choices pertaining to their international study options. Institutions have strategically met this demand through the provision of relevant course offerings. The risk to institutions and students should permanent residence requirements change suddenly must be noted and considered in planning. Students and their families make a significant commitment to come to Australia to study in a particular program where there is an identified migration need, and once committed, they cannot change overnight. Grandfather clauses to cover students currently working toward permanent resident status may be necessary to ensure justice in the system, as well as to avoid high levels of angst and anger among the international student population.

Universities Australia would like a review of the general skilled migration system to see greater emphasis on the legitimacy of study of a broader range of higher education disciplines (leading to employment), rather than focussing on short-term labour market shortages.

## Term of reference (b)

### *(b) the identification of quality benchmarks and controls for service, advice and support for international students studying at an Australian education institution*

Australian universities are signatories to the [\*Universities and their Students: Principles for the Provision of Education by Australian Universities\*](#). This document includes the *Code of Practice and Guidelines for the Provision of Education to International Students*. The Code of Practice and Guidelines are currently under review but have been in force since their establishment (pre-ESOS) in 1990, and was revised in 1994 and 2001. The Code allows universities to regulate their own activities against agreed sector-wide benchmarks within the framework of their legislation-based autonomy. The Code requires signatories to make a conscious commitment to adopt and maintain consistent and caring procedures in relation to the recruitment, reception, education and welfare of their international students.

The combination of the Australian Universities Quality Agency (AUQA) / Tertiary Education Quality and Standards Agency (TEQSA), the ESOS Act, its regulations and the National Code provides a rigorous and highly prescriptive framework for education institutions. International students assume that if education providers are listed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), they meet the Australian Government's standards and are therefore endorsed by the Government. We need to ensure that students' expectations can be met across all sectors and all providers and that the educational experience that international students are receiving will benefit Australia in the long term. Compliance amongst all providers and regulation by state authorities remains an issue, though it is anticipated this will be addressed in the forthcoming ESOS Review.

International Directors from 38 Australian universities participate regularly in the Australian Universities International Directors' Forum (AUIDF), established in 2002. Benchmarking exercises are conducted annually on various aspects of the international operations. Consideration should be given to extending this type of benchmarking to non-university and private providers.

## Term of reference (c)

### *(c) any other related matters*

One matter that requires Federal attention is the perception among some international students that they are simply cash cows. A particular example is international student exclusion from access to student transport concessions in NSW and Victoria. This highly visible discrimination between local and international students is often perceived as a racist, money-hungry exercise by these governments. It does not engender a sense of welcome or acknowledge the contribution of international students to Australia. Given that many international students pay GST, work and pay income tax, the inability for NSW and Victoria to make this concession reinforces the negative belief. It is clear that after repeated appeals to these State Governments they will not adjust their stance without strong Federal Government intervention.

The student amenities fee, currently being addressed in the Federal Parliament, is an important instrument for universities to ensure adequate student services are extended to domestic and international students alike. Universities Australia looks to expeditious parliamentary support on this matter.

The Federal Government and State and Territory Governments could be more active in educating the community on the benefits of the international student program. Governments at all levels can play an important role in welcoming new international students into the community.

Universities Australia welcomes the opportunity to contribute to further discussions, should this be desired. If you have any questions or comments regarding this submission and the attached material please feel free to contact Dr Glenn Withers AO, Chief Executive on (02) 6285 8104.

### **Attachments**

- A: [Enhancing the Student Experience and Student Safety](#), Universities Australia Position Paper (June 2009)
- B: [A National Internships Scheme](#) – Enhancing the skills and work-readiness of Australian universities graduates, Universities Australia Position Paper No. 3/08 (May 2008)