

To: Julie Dennett
Committee Secretary
Senate Standing Committees on Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Parliamentary Inquiry into the Migration Legislation Amendment (Student Visas) Bill 2012

Submission: Council of Postgraduate Students Australia

Overall, the Council of Australia Postgraduate Associations (CAPA) looks favourably on the planned amendments to the Migration Act 1958 and the Education for Overseas Students Act 2000, which will put recommendation 24 from the Knight Review into effect. CAPA asked its affiliates about their own views on this amendment, and their response highlighted three key features.

1. It is important to remember most fee paying International Students do not intend to fall behind in their coursework, and representative associations find that those who do, often face stress elsewhere in their lives.
2. Abolition of the automatic cancellation of student visas for unsatisfactory performance gives International Students a real opportunity to improve their coursework, or address the dilemmas or stress which may have caused them to slip into patterns of unsatisfactory study or attendance. As a national body assisting postgraduate representative bodies across Australia, it is in the interest of CAPA to assist students in dealing with these stress factors. We therefore welcome an increased opportunity for students to address this stress, and return to their studies without the cost and delay involved in having to return to their countries and reapply for the course in Australia or elsewhere in the world.
3. Abolition of the automatic cancellation upon a student's submission of a thesis, gives the student time to consider their post-graduate options and opportunities, and the ability to address necessary queries about their thesis before the university graduates the student.
4. All International Students currently in Australia should benefit from the flexibility this new law allows, no matter which visa they held when they first came to study in Australia.

Though not directly related to this amendment, CAPA also received the following comments from its constituents in regard to the implementation of the Knight Review and the general welfare of the international student.

1. CAPA and its affiliates are impressed with the work allowance changes for International Students. They claim the 40 hour a fortnight framework works well for coursework students who have difficulties juggling preparations for assessments with maintaining a sustainable monthly income. Also, working allowance for HDR students allowed these students to maintain a regular income flow, and also partake in internships, contract work, and casual academic work, such as tutoring, which is crucial to a successful academic career path.
2. There is general consensus that any benefit put forth by the Knight Review should be grandfathered to all International Students who are students when the benefit comes to effect. Affiliates are glad to see that all international students can access the flexible work rights, but they are concerned that such benefits like the abolition of automatic visa cancellation, and post study work allowance will not be grandfathered on to visas dating before the 5th of November, 2011.
3. The Knight Review has made positive changes for international students, however the students themselves still seek further benefits such as better ways to acquire tenancy before they arrive in Australia, or Travel Concessions in all states and territories.

CAPA supports the words provided by its association on principle that fee paying International Students should have the benefits and freedoms shared by fellow local students. Additionally, as clause 3.2.4.5 of the 2012 CAPA Policy Document suggests, “changes to student visa legislature which improve international student conditions or increase opportunity for international students... should be grandfathered to positively affect international students holding student visas at the time that the legislation affects new student visas.” It is in this spirit, and in the spirit expressed by the statements above, that CAPA supports the planned amendments to the Migration Act 1958 and the Education for Overseas Students Act 2000.

We thank you for your time, your consideration, and the efforts you have put in to this Inquiry and we look forward to its outcome.

Meghan B. Hopper
National Policy and Research Advisor

Kylee Hartman-Warren
National Operations Committee Representative and International Students’ Officer

Council of Postgraduate Students Australia