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15 April 2011

**ECCV SUBMISSION**  
to the  
**DEPARTMENT of IMMIGRATION AND CITIZENSHIP**  
**Strategic Review of the Student Visa Program**

Ethnic Communities' Council of Victoria (ECCV) welcomes the opportunity to provide input to the Federal Government review of the Student Visa Program.

Established in 1974 as a voluntary, non-partisan, community-based organisation, ECCV advocates and lobbies all levels of government on behalf of multicultural communities in a range of areas. For over 35 years ECCV has remained the principal liaison point between ethnic communities, government and the wider community in Victoria. Our role includes supporting, consulting, liaising with and providing information to Victoria's ethnic communities.

In 2010, ECCV produced a comprehensive research paper examining issues affecting international students titled ***Classroom Victoria: Perspectives and Precedents regarding the Duty of Care for International Students***<sup>1</sup>. The following submission reiterates some of the recommendations made in that paper as well as addressing specific topics and questions canvassed in the review discussion paper.

**1. Can 'migration risk' be measured and managed more effectively ?**

- 1.1 ECCV acknowledges that a variety of serious issues bedevil the international student sector at the moment, such as:
- targeted violence and exploitation against international students
  - disreputable and poorly run private 'educational' providers
  - insufficient institutional support networks and accommodation for international students.
- 1.2 In light of these systemic failures at the Australian end, ECCV is highly concerned that this discussion paper seems to focus primarily on the deciphering the 'true intent' of international students, ie. whether they may have aspirations for more permanent migration beyond their studies.
- 1.3 While ECCV accepts that a proportion of international students may have migrational aspirations beyond their studies, by making questions of so-called 'migration risk' the first point of concern in this discussion paper, the Australian Government risks painting the nation as openly antagonistic light to potential students from overseas. Moreover, under Australian law, an individual is presumed innocent until proven guilty, rather than presumed guilty until proven innocent.

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<sup>1</sup> [www.eccv.org.au/library/file/policy/CLASSROOM\\_VICTORIA\\_Duty\\_of\\_Care\\_Report.pdf](http://www.eccv.org.au/library/file/policy/CLASSROOM_VICTORIA_Duty_of_Care_Report.pdf)



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- 1.4 Therefore, ECCV suggests that the mindset and phraseology associated with international students which focuses primarily on 'migration risk' be duly revised to a less accusational tone. For example, rather than use the terminology ...

<b><i>Migration Risk</i></b>	– High
	– Mid
	– Low

ECCV suggests more diplomatic terminology such as ...

<b><i>Migration Aspiration</i></b>	– Study only
	– Study plus possible migration
	– Study plus eventual migration

As well as being tactful and publicly marketable, ECCV believes the process would ultimately be more effective.

- 1.5 ECCV also strongly rejects the tendency to reduce matters of individual welfare, happiness and self-sufficiency to equations of economic opportunity, and believes such attitudes have contributed to the disillusionment of many international students with their time in Australia.
- 1.6 Overall, ECCV believes that too much emphasis placed on the 'economic benefits' of international students has led to many regarding them more as tradable commodities rather than valued human beings. Until this trend is reversed, incidents of fraud and economic exploitation will continue to occur and harm Australia's international reputation as a result.

## **2. How can providers be differentiated for 'migration risk'?**

- 2.1 ECCV reiterates the need for governments to acknowledge that the risks in international education run two ways. The risk of international students overstaying their assigned visa or using it as springboard for permanent residency is more than balanced by the risk of educational institutions simply exploiting international students for financial gain.
- 2.2 ECCV is especially mindful of this fact because less reputable providers tend to appeal to and attract international students whose motives are not purely educational – the more desperate an individual is, the more vulnerable they become to exploitation from questionable operators.
- 2.3 With this in mind, ECCV believes the sector urgently needs to restore its bona fides as home to legitimate educational providers populated by legitimate students. The naming, shaming and closing down of illegitimate operators is important. However, ECCV also suggests balancing punitive measures of wrong doing with international promotion of high achievers best practice.

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**3. What are fair and objective measures to calculate provider risk?**

- 3.1 Unfortunately, ECCV believes the sudden closure of numerous private education providers and distress and inconvenience caused to thousands of international students means that all education institutions must be prepared to undergo excessive scrutiny and assessment procedures for a number of years to prove their bona fides.
- 3.2 Nevertheless, ECCV believes it is appropriate that those providers with the poorest record (who haven't been closed down entirely) should be subjected to the closest scrutiny and strictest risk assessments.

**4. Will differentiating providers enhance the integrity of the student visa program and the competitiveness of the international education sector?**

- 4.1 As noted earlier, quality of service must be the ultimate goal for all Australian education providers, whether big or small, public or private. By maintaining regular and strict quality assessments, Australia demonstrates its commitment to the sector's integrity and the best interests of international students.
- 4.2 Such assessments will invariably involve the rating of one provider against another and the publicising of these ratings will serve to positive ends:
- it will reward those institutions that uphold the highest standards
  - it will give an incentive for those falling behind to raise their standards.

**5. Does the existing Assessment Level system effectively manage 'migration risk' ?**

- 5.1 As noted previously, ECCV is deeply concerned by the immediate negative connotation associated with the term 'migration risk' and believes such an accusational inference does not help in obtaining honest and effective results. ECCV suggests revisiting the entire Assessment Level system to ensure the process starts from a suitably diplomatic standpoint and does not antagonise or alienate potential applicants.

**6. Are there too many visa sub-classes ?**

- 6.1 While ECCV believes education providers are in the best position to judge on the most appropriate number of visa sub-classes for international students, it is essential that whatever number is chosen that sufficient explanatory support is available to all stakeholders to avoid unnecessary confusion and stress during the application and administration process.

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**7. Should DIAC officers have more discretion when assessing student visa applications ?**

7.1 ECCV believes a measure of discretion is advisable, and even necessary, in most assessment situations with student visa applications no exception. Nevertheless, recent poor publicity and criticisms about the robustness of assessment processes demands that any decision be clearly justified for transparency and accountability purposes.

**8. Are Australia's processing times for student visas too long ?**

8.1 ECCV notes that visa applicants in all categories feel that the process is unduly confusing, convoluted and time consuming. In terms of processing international student visas, ECCV notes that it is in the interests of all stakeholders that applications be assessed as swiftly as possible.

**9. Is the visa application charge too high ?**

9.1 ECCV notes that in the tightening international student market of 2011, it would be prudent to reassess the charge for visa applications to ensure it is not considered a prohibitive deterrent.

**10. What is the right number of hours that students should be allowed to work ?**

10.1 ECCV notes that under international student visas, the opportunity to study in Australia is intended to be the primary purpose of the applicant's stay with the opportunity to work part-time available. Unfortunately, ECCV is aware the sky-rocketing costs of living in Australia have meant that 20 hours of employment is often insufficient to cover the costs to survive as a student in 2011.

10.2 With this in mind, ECCV suggests it may be necessary to revisit the maximum number of hours available to work and calculate a number that is financially realistic in the current climate, whether the student chooses to work the full complement or not. ECCV also proposes the possibility of students being able to apply to extend the number of hours if they can demonstrate a good academic record.

**11. Do the work restrictions make sense for higher degree by research students ?**

11.1 ECCV recognises the availability and capacity of students to fit schedule work around their studies differs from one course to the next, with research students often allowed a more flexible timetable. This would suggest the possibility of allowing different restrictions. However, ECCV reiterates the need to ensure appropriate safeguards are in place to ensure the system is not exploited with vulnerable students suffering as a result.

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**12. How should Assessment Levels be managed for students who enter to undertake a preliminary course prior to commencing their principal course ?**

12.1 ECCV accepts that a proportion of international students need to undertake a preliminary course as part of their studies, and that the integrity of such preliminary courses must be maintained in the interests of all stakeholders.

12.2 Specifically, ECCV is aware of the frustration caused when students exit preliminary courses having not attained the necessary standard required for their principal course. As well as inhibiting both the student's progress, there is a great potential for the classroom dynamic with teacher and peers to suffer as a result.

12.3 ECCV calls for more rigid assessment procedures of preliminary courses to ensure that students can progress to their principal course with the necessary skills and confidence.

**13. Do overseas students have sufficient opportunities to work in Australia after graduation ?**

13.1 In terms of gainful work opportunities, ECCV is always concerned about issues of ...

- unemployment, and
- under-employment

both of which tend to disproportionately impact upon communities from non-English and newly-arrived backgrounds, including international students.

13.2 While ECCV recognises that the market for job opportunities depends in large part upon prevailing macro-economic and micro-economic market forces and other external factors, governments can help encourage businesses to look to the talent pool of international students for potential employees and ensure they are given appropriate protections and education about their rights and responsibilities.

**14. What is the right length for a post-study work entitlement ?**

14.1 ECCV notes that applications for post-study work entitlements tend to fall into two main categories:

- those who require a period of post-study work as part of their qualifications
- those who desire to work in Australia post-study for personal reasons

As such, the approved period for post-study should reflect this distinction.

14.2 Nevertheless, ECCV is aware of calls to increase the maximum post-study work entitlement from 18 months to 3 years and believes the option is worth considering.

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- 15. Overseas students are currently required to demonstrate or declare that they have access to \$18,000 in funds to contribute towards living costs for every year of intended study in Australia. Does this put Australia at a competitive disadvantage ?**
- 15.1 ECCV also reiterates the belief that appropriate safeguards must be in place to ensure that international students make the most of their stay and are not left impoverished and financially stranded. Whatever the specified requirements from the students' standpoint, this must remain the primary concern for the Australian Government and educational institutions.
- 15.2 In terms of determining the most appropriate dollar value international students must demonstrate access to, ECCV notes that some consideration must be made to the changing circumstances of the global and Australian economy and general cost of living concerns.
- 16. Are there any institutional barriers to increasing the inflow of high grade research students from overseas into Australia ?**
- 16.1 While noting that educational institutions are best placed to judge questions of capacity, ECCV is concerned about desires to increase the potential flow of international students into Australia while standards of service, structure and support for current rates of student intake are still insufficient.
- 17. Should there be a minimum standard for English language proficiency by students coming to Australia for English language training either independently or prior to commencing an award course ?**
- 17.1 Just as newly arrived refugees and humanitarian entrants with low English proficiency are provided with English language training to assist in their transition into Australian society, ECCV believes it is necessary for international students to have a level of English that will allow them to function on a day-to-day basis and make the most of their educational experience in Australia.
- 18. Should there be a maximum period of English language study ?**
- 18.1 ECCV notes that individuals learn at different paces and more effectively in different environments with different methods, with the study of English no exception. As such, ECCV does not believe a maximum period should be instituted on English language study provided the student is willing and able to fulfil all obligations required.
- 18.2 Nevertheless, ECCV believes careful monitoring of English Language providers must be maintained to ensure the course is legitimately fulfilling the advertised purpose.

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**19. Should there be a minimum age for international students seeking to undertake school education in Australia ?**

19.1 With a less than exact correlation between an individual's age and their maturity and ability to cope with foreign environments, ECCV believes strict enforcement of regulations around the personal care and guardianship of younger international students is more essential.

**20. Does the current visa program effectively support changing patterns of demand by international students for school based education ?**

20.1 ECCV notes that 'demand' exists in two contexts in terms of international students, namely :

- demand by international students for educational opportunities in Australia
- demand by Australian educational institutions for international students

20.2 Moreover, the rise and fall of each type of demand does not necessarily occur in concert and can be affected by varying factors internationally and domestically. With this in mind, ECCV reminds the government that Australian visa policy is only one factor affecting overseas demand for Australian educational opportunities and should not be manipulated in a cavalier fashion for purely commercial reasons. Equal attention should also be paid to other potential attractions and deterrents including availability of affordable and secure accommodation and positive support networks.

**21. Do we need a better means of consultation and communication between key stakeholders ?**

21.1 ECCV believes a lack of regular and meaningful communication between stakeholders was a key factor in the rise of dissatisfaction among international students in recent years. A tendency to downplay the concerns of international student advocates proved especially detrimental.

21.2 ECCV notes the formation of the Council of International Students Australia (CISA) in July 2010 and hopes the body will develop into an all-inclusive, multicultural representative body for international students, in conjunction with the National Union of Students (NUS), the Australian Federation of International Students (AFIS), and the Council of Australian Postgraduate Associations (CAPA).

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## **Further Comments**

Whether short-term or permanent, it is rare that any migration experience is entirely stress-free and risk-free. However, ECCV believes it is incumbent upon the receiving country to make the process as simple, smooth and satisfying as possible.

This process falls into three main stages:

- Pre-arrival
- Arrival
- Post-arrival

In each of these three stages, ECCV believes improvements can be made.

### ***Pre-arrival***

ECCV is deeply concerned by reports of dishonest and disreputable dealings by some offshore migration agents responsible for the marketing and administration of international students seeking opportunities in Australia. While there are limitations on the Australian Government's policing of activities by foreign businesses and individuals in another country, greater effort is required to protect Australia's reputation as a safe and welcoming destination for overseas study.

ECCV believes that all prospective international students must be provided with accurate and up-to-date information about visas, employment opportunities, accommodation, and general cost of living issues. The dispersion of "misleading" information by certain migration agents has been identified as one of the key reasons for the unhappy experiences of foreign students and a subsequent drop in overseas applicants wishing to study in Australia.

ECCV believes the integrity of international study in Australia is also not helped when disingenuous applicants are able (and even encouraged) to take the place of those whose intentions are study related. Therefore, education providers must take responsibility for their contracted agents and ensure Australian education is accurately represented overseas.

### ***Arrival***

Even with the all appropriate paperwork completed and logistical preparations set in motion, the actual arrival process can still present innumerable hiccups and unexpected issues. Unfortunately, ECCV has discovered that support and guidance processes are often sorely lacking.

ECCV suggests education providers deliver special support to international students in areas of English language development, safety education and awareness, accommodation and social engagement.

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### ***Post-Arrival***

Nor does the migration experience stop in the first week of arrival. Issues faced by international students continue throughout their stay and stakeholders must be willing and able to respond appropriately.

As such ECCV suggests education providers develop a program of mandatory police-hosted safety and security sessions during student orientation periods, with regular follow up sessions throughout the year.

Specialised support resources should also be developed and implemented targeting emotionally fragile international students at grave risk of self harm due to excessive stress.

ECCV believes Australia, and Victoria in particular, has benefited immensely from migration over the course of generations. Nevertheless, ECCV exists to advocate for improvements in the way that migrants and multicultural Victorians are treated and engage in society and ECCV recognises that urgent reforms are required to improve standards and structures to ensure that international students are welcome and appreciated for more than their economic value.

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