



Submission to the Department of Home Affairs

A Migration System for Australia's Future

Prepared by Sydney University Postgraduate Representative Association (SUPRA).
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Foreword

Sydney University Postgraduate Representative Association (SUPRA) is the representative organisation for postgraduate students at the University of Sydney. Established in 1970, SUPRA's constituency has grown to 33,737 postgraduates in 2021. Of these, 18,150 were international postgraduate students¹. SUPRA's casework and legal services handles over 2000 cases each year, around 80% of which are international students. SUPRA's Council of 34 elected postgraduate students is majority international students.

SUPRA welcomes the opportunity to provide feedback on the experiences of international postgraduate students at the University of Sydney, to help guide the development of a migration system for Australia's future.

Discussion, case studies and recommendations

How to attract and retain the best talent from around the world

Australia's international students are a major highway for Australia to access and retain highly skilled, educated and motivated new migrants. Students, through their studies, become embedded in Australian communities and culture. They develop attachments to people and places within Australia across the life of their degrees. Postgraduate students, in particular, offer Australia a group of mature, educated, and motivated people, who have already contributed substantially to Australia's economy² and can continue to do so post-study.

The students SUPRA encounters can experience the current visa system as costly, inflexible, unclear and extremely stressful. We want to see a system that encourages people to come to Australian universities, over other countries, and to bring their knowledge, experience and energy into Australia. The following are some particular pain points and case studies, from the students we see at SUPRA. We also provide recommendations to move towards a system that encourages international students to attend Australian universities, and facilitates the most educated and innovative international students to make Australia their home.

Extend the length of time for the post-study work visa

The length of time of the post-study work visa generates interest for students to study and work, which in turn facilitates greater access for Australia to these highly skilled individuals. Currently, both Canada and New Zealand offer a comparable post-study work visa for 3

¹ University of Sydney, 2021, *Annual Report*. Located at: <https://www.sydney.edu.au/about-us/vision-and-values/annual-report.html>

² Universities, alone, reported receiving A\$9.8 billion dollars from International students in 2019. And International students contributed over A\$40 billion dollars to the Australian economy, in 2019 (<https://theconversation.com/2021-is-the-year-australias-international-student-crisis-really-bites-153180>).

years, for a degree of 2 years or more³, or for a degree at level 7 or higher⁴ respectively. Increasing the length of Australia's post-study work visa will greatly increase the attractiveness of studying and working in Australia. Which will, in turn, increase the quality of applicants.

Recommendation:

- Australia's post-work study visas should be increased to 4 years for all Masters degrees, and 6 years for PhDs.

18 month Masters degrees

Currently, completing an 18 months Masters degree does not enable students to meet the Australian study requirement to be eligible for the post-study work visa.

Case study:

Shen⁵ is in the final semester of his full time 18 month Masters course at The University of Sydney. He plans to apply for a post-study work visa as soon as he is eligible to do so. He contacts SUPRA for advice about what he needs to do to apply for his post-study work visa. In this meeting, he finds out that his degree does not meet the Australian study requirement because it is not 92 weeks or more on CRICOS. He is not eligible for the post-study work visa, despite being assured by his education agent that upon the completion of the degree he would be eligible. His only option is to enrol in another course, in order meet the Australian study requirement and be eligible to apply for a post-study work visa. He is upset and distressed about the time and cost that this additional course will incur, and the strain that will have on his family back home, who have been supporting his studies.

SUPRA frequently sees students who are enrolled in courses that will not make them eligible for a post-study work visa, despite being told as much by education agents. If SUPRA sees them early in their degree, these students have may have options. However, if they are at the end of their degree, they are forced to undertake and pay for additional study.

Recommendation:

- That the Australian studies requirement can be met by any combination of CRICOS courses. And where the student is applying for the post-study work stream, a requirement that only 75% be eligible qualifications. A student would be able to meet the Australian study requirement by completing a 72 week Masters course followed by a graduate certificate in a related field.

Common expiry dates

Case study:

Janice completed her 92 weeks Master of Commerce (extension) degree and is eligible to apply for a post-study work visa after she receives her completion letter. Janice bought a health insurance policy that ended on the last date of her confirmation of enrolment, which

³ <https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/work/after-graduation/about.html>

⁴ <https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/about-visa/post-study-work-visa>

⁵ All case studies have been de-identified.

was January. As a result, her visa was granted until that date in January. When she is told that her completion letter will not be available until February, she realises that she will have to leave the country, at which point she contacts SUPRA. She is deeply distressed about having to leave the country and missing out on the recruitment period of January and February.

Recommendation:

- Health insurance policy dates for international students should be streamlined and made clear, with the automatic expiry date of health insurance policies to be 2-3 months after the end of the expiry date on the confirmation of the enrolment. Students who want an earlier expiry date for their health insurance, can make a specific request for this earlier expiry date.

Retaining the highest performing students

International students that have a clearer and more assured ability to move towards permanent residency within Australia will be more likely to select Australia for study and work.

Recommendation:

- Create a fast tracked permanent residency stream for a percentage of the top performing graduates at Australian universities.

Beyond economic benefits

International students, and people interested in becoming permanent residents can contribute greatly in non-economic ways to Australian society.

Recommendation:

- Social impact should be considered in the assessment of eligibility for permanent residency.

Reducing the risk exploitation for student visa holders

Living, working and learning conditions are all a central part of international students' experience of a diverse, fair and welcoming Australian society. It is only in providing such a place for international students that we will see the true unlocking of potential, and the economic and social gains that follow.

Employment and working hours

Case study:

Xian contacted SUPRA because she was being underpaid by her employer at a local café. We assisted Xian to request compensation for the hours where she was underpaid. When Xian asked for her correct pay rate, her employer threatened to report her to immigration. Xian was worried about her visa being cancelled and did not feel able to pursue formal recourse.

Many international students face exploitative working conditions, a situation which worsened during COVID-19⁶. International students are exposed to the threat of their visa being cancelled, because, in part, they have limits on the hours they are allowed to work. Some employers take advantage of this, by locking those students into working for below minimum pay or working additional hours without pay.

Most students will balance the hours they need to support themselves, with the desire to do well in their studies, if given the freedom to do so. Study semesters, or sessions, also have fluctuating time demands, and students should be able to balance their needs, as they see fit.

Recommendation:

- International students who are making good academic progress should be able to do paid work uncapped.
- International students with capped hours of paid work should have their hours capped per session, or per year, rather than per fortnightly.

Tenancy

International students face both predatory landlords⁷ as well as a lack of knowledge of their rights and responsibilities while renting in Australia⁸. At SUPRA we see many international students who report a range of concerning experiences that occur both during and after their tenancies. This includes students:

- Who have been pressured into signing leases before seeing the property
- Who have been told to pay their bond into the personal accounts of landlords, without the option of lodging their bond with Rental Bonds Online, often before signing the lease, or seeing the property
- Who have not been given a contract or condition report at any time during their tenancy
- Whose contract violates the Residential Tenancies Act 2010
- Who have not been given the correct, or any information about the landlord's legal name or address, which prevents them from being able to take the landlord to NCAT

⁶ Berg, L & Farbenblum, B. 2020, *As if we weren't humans: The abandonment of temporary migrants in Australia during COVID-19*. p.8. Located at: <https://apo.org.au/sites/default/files/resource-files/2020-09/apo-nid308305.pdf>

⁷ UNSW Human Rights Clinic, 2019, *No place like home: Addressing exploitation of international students in Sydney's housing market*. Located at https://www.law.unsw.edu.au/sites/default/files/imce/files/UNSW0006-No-Place-Like-Home_Executive-Summary.pdf

⁸ Burke, K., 2022, *Why Akshay was shocked to be evicted from share house*. Located at <https://www.smh.com.au/property/news/why-akshay-was-shocked-to-be-evicted-from-share-house-20221019-p5br6i.html>

- Who have faced verbal and on rare occasions physical threats from landlords who are trying to prevent the student from going to the police or NCAT. This tends to occur when the landlord has wanted money or for the student to do something (sign a new lease, leave the property early) that the student was not willing to do.

Recommendation:

The Australian Government, and state Governments, should:

- Work with relevant stake holders, such as the NSW Tenants Union, international student groups, and Universities, to provide targeted education campaigns for international students
- Increase the ability for support services, such as NSW Tenants Union, to provide information, advice and support to international students facing housing issues
- Increase international students access to affordable and secure housing
- Produce a centralised body or task force whose role is to identify and penalise unscrupulous and illegal treatment of international students by landlords. As well as to communicate trends, scams and other unscrupulous actions across states and Universities.
- Tighten the acts and legislation guiding tenancy rights and responsibilities in each state and territory, to reduce the technically acceptable but still unscrupulous treatment of international students
- Reach an agreement to enable international students facing homelessness, to access short term (at least 3 months) crisis accommodation. This would provide a stop-gap for international students, and reduce the risk of severe overcrowding and vulnerability to predatory landlords.

Access to affordable health care

International students would benefit from greater access to Medicare and Government subsidized health and wellbeing support. For mental health specifically, international students are at greater risk of poor mental health due to isolation, language barriers, academic pressures and financial stress⁹. And they are less likely to access support, than domestic students, when they do face mental health challenges¹⁰.

International students often have to pay upwards of \$200 for psychological assistance. This is not only taxing to their finances, but students are also often required to provide reports or certificates from mental health professionals to receive appropriate adjustments within the University system.

Many international students who contact SUPRA are struggling with mental health difficulties or are in crisis. And many of them are unable to afford appropriate treatment or care due to the exorbitant costs of mental health support. While there are some low cost or

⁹ Orygen, 2020, *International students and their mental health and physical safety*. Located at <https://internationaleducation.gov.au/International-network/Australia/InternationalStrategy/EGIPProjects/Documents/ORYGEN%20-%20International%20Student%20Mental%20Health%20and%20Physical%20Safety%20June%202020.pdf>

¹⁰ Orygen, 2020, *International students and their mental health and physical safety*.

sliding scale mental health services, there are even fewer that are multilingual, or who provide ongoing medium or long term support.

Students are having to choose between paying for mental health support and food, rent or other essentials.

Recommendations:

- Provide international students with access to Medicare and other Government subsidies, especially for mental health support.
- Establish a National international student mental health strategy informed by best practice, and in consultation with key stakeholders, including Universities and international student representative bodies.

Racism and discrimination

International students face racism and discrimination both on¹¹ and off Campus¹², both before¹³, during¹⁴ and after COVID-19. These experiences not only affect the wellbeing, safety and security of international students, but also negatively affects the desirability of Australia as a location for education and migration¹⁵.

Case studies:

SUPRA received a report from a Chinese international student who had eggs thrown at themselves and their friends. This was a very distressing incident for these students and they did not know what their options were for reporting. At worst, this was an expression of racist hatred, and at best it was a disregard for the humanity of these students. The student did not want to report the incident to the police or campus security because they feared repercussions, especially as these people knew where the student studied. The student did consent to SUPRA informing Campus security so that they could increase patrols in the area.

¹¹ Tran, L. et al., 2020, *Forms of racism and discrimination faced by international students*. Located at: https://static1.squarespace.com/static/6143f5d28d7653627093106d/t/624245e417456f38e49c7aef/1648510437760/Types-and-forms-of-Racism-and-Discrimination-faced-by-International-Students_CISA-statement.pdf

¹² Orygen, 2020, *International students and their mental health and physical safety*.

¹³ Garnier, A. et al., 2019, *International students' experience of racism: A City of Ryde report*. Located at: <https://www.ryde.nsw.gov.au/files/assets/public/publications/international-students-experience-of-racism-a-city-of-ryde-report.pdf>

¹⁴ Berg, L & Farbenblum, B. 2020, *As if we weren't humans: The abandonment of temporary migrants in Australia during COVID-19*. p.43. Located at: <https://apo.org.au/sites/default/files/resource-files/2020-09/apo-nid308305.pdf>; Florez, C, 2020, Racism has impacted a quarter of Australia's international students during the pandemic. Located at: <https://www.sbs.com.au/news/article/racism-has-impacted-a-quarter-of-australias-international-students-during-the-pandemic/ouwfwtr89>

¹⁵ Berg, L & Farbenblum, B. 2020, *As if we weren't humans: The abandonment of temporary migrants in Australia during COVID-19*. p.9. Located at: <https://apo.org.au/sites/default/files/resource-files/2020-09/apo-nid308305.pdf>

A student began to receive racist messages from a classmate via the Zoom chat function during online lectures. This student raised the issue with their tutor, but the chat had not been saved. This issue began to occur repeatedly, to the point where the student could not participate in class. The student had to receive special permission to watch the lecture recordings instead of attending the Zoom classes live.

Recommendations:

- Create a task force that:
 - establishes best practice in reducing racism experienced by international students, within and outside of University spaces.
 - disseminate best practice, and coordinate cross-university practices and programs designed to reduce racism
 - create and monitor anonymous reporting mechanisms
- Demonstrate the value of international students, beyond their economic benefit, by:
 - providing the same access to the services and support that domestic students receive (e.g. Centrelink support payments)
 - running an awareness campaign about the social, cultural as well as economic benefits international students bring to Australia.