

Senate inquiry on temporary migration: the place of international students and university staff

The Senate Inquiry on temporary migration targets important issues concerning the employment and lives of the extensive number of people in Australia who are not citizens or permanent residents.

There are concerns:

- that those in Australia to work may be doing so at wages below those they should be paid and in working conditions that are unsafe or otherwise illegal;
- about whether Australian residents are excluded from education and employment as a consequence; and
- for the impact on city development and social amenity from the ongoing presence of over two million additional people.

The Innovative Research Universities' (IRU) submission addresses these issues as they affect international students, graduates and staff. We address the major points, acknowledging that the impact of COVID-19 prevents a more detailed submission. The IRU would be pleased to expand on these issues with the Committee as the inquiry develops.

Overall the IRU considers students are less at risk than other groups to the concerns of exploitation. Universities support students to understand their employment entitlements and protections. The universities are very interested in the outcomes from the inquiry to test whether changes are needed to ensure the best outcome for the students. The outcome should be that students study and work the permitted hours safely and effectively and then consider their future opportunities to work in Australia and potentially become a resident through established immigration procedures.

The COVID-19 pandemic has highlighted important issues to be addressed once we reach the post COVID-19 lock down period:

- the strength of public concern about the presence of international students; and
- the lack of good arrangements to support people in temporary visas should an event like COVID-19 fundamentally undermine the assumptions on which they live in Australia.

International student arrangements

International students form a major group of temporary migrants in Australia. In 2018 there were nearly 400,000 international students in higher education in Australia.ⁱ The IRU members educate over 48,000 of them. There are also large numbers in vocational education and training, English language programs and secondary schools.

Educating these students is a major Australian contribution to world education outcomes as well as a significant input to economic and social life in Australia.

These students hold visas allowing entry to Australia for the purpose of studying. The visa also allows them to work for up to 40 hours per fortnight during teaching periods and up to full-time during session breaks. Students who graduate from an Australian university can apply for the right to work in Australia for up to four years after graduation.ⁱⁱ

iru.edu.au

Overall, the IRU considers students to be low risk for the concerns about work exploitation but far from exempt from them. The 40-hour rule is intended both to ensure that students focus on their studies, the prime reason for being in Australia, and that they are protected from exploitation through working long hours.

The *Education Services for Overseas Students Act* provides a framework and a Code to protect the interests of overseas students by establishing nationally consistent standards for student welfare and support services for overseas students.ⁱⁱⁱ

Universities take the ESOS Act and National Code very seriously with strict procedures in place to:

- monitor the progress of international students and identify those at risk of not completing;
- ensure that international students do not undertake more than one third of their study load online.

These measures help ensure that most international students will not work longer hours and be exploited by an employer.

In addition, the Australian Government provides information to students about their rights in Australia on the official Study in Australia website and refers students to the Fair Work Ombudsman if they feel they are at risk of exploitation by an employer.^{iv}

Are these protections and services sufficient?

The research in this area shows that some employers continue to exploit international students. A 2018 study by UNSW and UTS showed that one third of international students and backpackers were paid about half the legal minimum wage. The students interviewed knew they were being underpaid so it was not about understanding their rights, it was about employers not respecting them.^v

Clearly there is work to be done here and this could be a focus for the current inquiry. The IRU and its members will examine the evidence that this Committee produces and its recommendations for further action to improve our services.

Impact on Australians

The measures listed above which are aimed at protecting the rights of international students also mean that international students rarely compete with Australian citizens for the same roles.

The 40-hour per fortnight working rule means that most of the employment undertaken by international students is in the retail and hospitality sectors in casual positions where gaps need to be filled. To the extent that their earnings meet the required thresholds the students will pay tax on their pay.

There are claims that international students deprive Australian students of access to university courses. However, the arrangements to support Australian students are distinct. The number of places and their cost is a question of domestic Australian policy. The larger size of universities is working and actually offers both domestic and international students a greater variety of qualifications and units of study than would otherwise be available.

Growth in the cities of Australia has been fueled by students, many of whom live around their universities. This is also true for those students who study in regional, rural and remote communities. This has put pressure on city infrastructure and amenities but also encouraged

improved services and facilities to meet the needs of the larger inner-city populations, which is primarily Australian buttressed by many temporary residents and tourists.

Social cohesion: Australian responses to students

The recent onslaught of the Covid-19 pandemic has highlighted some of the tensions that continue to exist in this area.

When the Australian Government shut down travel from China in February 2020, social and mainstream media was awash with negative comments about international students. Many people expressed delight that universities would no longer be able to use the Chinese students as “cash cows” and that these students would no longer be able to take Australian jobs.

This inquiry could choose to take on this issue, helping to educate Australians about the value that international students bring to the Australian economy as both employees and consumers.

The inquiry could also focus on the positive role international students play in our society in times of crisis such as the current Covid-19 pandemic. In recent weeks the Australian Government has relaxed the 4- hour working rule for international students working in supermarkets so that Australians will continue to have access to essential food supplies. The rule was also relaxed for international students working in aged care facilities, to maintain service in an important care sector.

International graduates and a highly skilled workforce

Students who graduate in Australia and choose to seek employment here fall outside of the protections offered by universities to students and deserve special consideration by the committee.

The IRU supports the continuation of the post-study work rights for international graduates who can apply to work in Australia for up to four years depending on the length of study they have undertaken. The stability of this policy is important for adding a highly skilled set of people to the Australian economy, helping both Australia and the individuals assess their potential long term future as Australian residents.

International graduates are positive for Australia’s economy in many ways, particularly in regional Australia including:

- They have demonstrated a capacity to live in and understand Australia;
- They add to consumption in a similar way to Australian-born consumers;
- They contribute to tax revenue but consume less in government services;
- They are younger and more likely to be engaged in work;
- They raise the level of human capital leading to increased productivity.

An effective immigration policy should be clear that international graduates are a legitimate source of applicants for skilled migration places consistent with Government immigration targets year by year.

The Australian Government should affirm that attaining a qualification from an Australian university or other provider is a positive outcome for a person in demonstrating their relative standing for skilled immigration visas. This does not create the right for residence but the legitimate potential to apply, with decisions based on national policy and the relative standing of applicants at the time..

Australian Government policy has long resisted allowing any connection between student visas and post-graduation work entitlements to the logic of considering international students prime options for skilled immigration. The issue has been fraught in Australia, with the tendency to not discuss it.

As a result, international education policy and meeting Australia's longer-term economic and social needs are allowed to operate distinctly, with any alignment being accidental not intentional.

This committee inquiry could assist in opening up this discussion to help Australia move towards a position which promotes international graduates as a highly skilled, motivated and young source of talent that can contribute to Australia's continued economic development, particularly in regional Australia.

At present, Australian employers do not fully realise the opportunities and benefits this highly skilled workforce represents. A recent report by the International Education Association of Australia (IEAA) ^{vi} showed that a large percentage of international graduates are still working in lower-paid, part-time positions in hospitality and retail compared to skilled migrants. This is not only detrimental to the individual workers but ensures Australia does not reach its economic or productivity potential.

We have had extensive discussion about ensuring that international students adhere to visa requirements to ensure that there are few students using the student visa to gain a minimal qualification and then ongoing rights to work. The actions and policies to address that have largely worked which permits us to move on and consider the longer-term opportunities.

International staff

Australian universities draw staff from across the world and Australian academics find employment across the world as well as in Australia. Universities are a leading case for an international flow of people seeking out the better roles and developing the world of knowledge.

The many foreign nationals working in universities form part of the temporary migration numbers. There is little evidence to suggest that they are at issue for the Committee, given their active choice to come to Australia for a well-paid role.

About Innovative Research Universities (IRU)

Innovative Research Universities (IRU) is a coalition of seven comprehensive universities committed to inclusive excellence in teaching, learning and research in Australia.

Through its members working collectively, the IRU seeks to be at the constructive centre of Australian university policy making, influencing political developments beyond individual university capacities to do so.

Our membership is Charles Darwin University, Flinders University, Griffith University, James Cook University, La Trobe University, Murdoch University and Western Sydney University.

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https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1819/Quick_Guides/OverseasStudents

ii <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-graduate-485/post-study-work#About>

iii <https://internationaleducation.gov.au/regulatory-information/education-services-for-overseas-students-esos-legislative-framework/national-code/nationalcodeparta/pages/esosnationalcode-parta.aspx>

iv <https://www.studyinaustralia.gov.au/English/Live-in-Australia/Work/are-your-work-rights-at-risk>

v <https://newsroom.unsw.edu.au/news/business-law/backpackers-international-students-suffer-widespread-wage-theft-report-finds>

vi <https://www.ieaa.org.au/documents/item/1715>