



21 June 2010

Submission: Migration Amendment (Visa Capping) Bill 2010 Inquiry

The Students' Representative Council (SRC) represents over 31,000 undergraduate students at the University of Sydney. Approximately 18% of those students are classified as international students.

The SRC advocates for a fully transparent process through which caps on visa numbers are determined. This process would clearly identify how and by whom decisions are made, whilst also outlining the multitude of people such changes would affect. The SRC also advocates for a mechanism of appeal to be built in to this transparent process, as this is one of the central tenets of the Australian justice system. If the link between education and visas is to address a skill shortage in Australia then the transparent process needs to clearly articulate long-term planning and flexibility. It must recognise that education programmes take, in the case of undergraduate degrees, three or more years; this planning must incorporate such timeframes for completion of qualifications.

Section 91AC is concerning as it points to the Minister for Immigration being able to terminate an application for permanent residency under the GSM programme with no avenue for appeal for the applicant. This is against the appeal mechanism implicit in the Australian legal system, and denies potential residents or citizens natural justice. The SRC is also alarmed by the period of notice for an applicant to leave the country as only being 28 days – we believe this is too long.

The SRC is concerned by the lack of genuine consultation with concerned stakeholders, particularly those being current and future international students in Australia. For a bill to have such a significant effect on the international students enrolled in the tertiary system in Australia, the SRC is concerned by the lack of information around this current inquiry. The SRC would like to see a consultation process appear with international students, representative organisations, immigration agencies, employers, tertiary education providers and the Federal Government. This would be to determine which students are likely to be affected by changes or caps, as well as creating interim or transitional measures for those who are affected.

The SRC is concerned by the possibility of these changes seriously affecting students who have already begun a tertiary qualification in Australia. The SRC recommends that the visa caps only come into place with future students, not students who have begun a degree or qualification or who are about to commence.

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