THE IMMIGRATION CENTRE

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4th June 2010

Senate Legal and Constitutional Committee
Parliament House
Canberra ACT 2600
Australia

Dear Sir/ Madam

Re: Migration Amendment (Visa Capping) Bill 2010

We have been inundated with calls from the majority of overseas student community in Sydney, who has expressed their resentment on the proposed bill. This emotion is equally shared by the their families, friends and community leaders in Australia,

The true magnitude of the reaction is overwhelming to say the least.

The feelings have been of betrayal, disbelief, anger, frustration, insecurity and fear.

Above all stands the real prospect of further tarnishing of Australia's reputation on international scenario.

Questions are being asked; *'Just how is the Government going to fix its reputation?'*

'if the program is as bad as Minister wants everyone to believe then why did he take this long?'

*'Where is the famous **fair go** for the International students in Australia?'*

'Why were the applicants led to believe that by meeting the requirements of a particular type of visa, they will not be penalized through no fault of their own?'

Not only this, the overseas student were encouraged to apply for Australia Migration, where eligible.

This is clear even in DIAC's policy (from the Procedures Advice Manual) of the Department of Immigration and Citizen's to assess the genuineness of student visa applicant:

80.5 Intention to remain in Australia

An established migration pathway allows students to transition to General Skilled Migration onshore, so officers should not draw an adverse inference should an applicant express an intention to apply for skilled migration in Australia or be seeking to take a course of study for the purpose of applying for skilled migration. Therefore, not withstanding section 80.4 Incentives to remain in Australia an intention to apply for skilled migration upon completion of studies is not a reason to

doubt the genuineness of a student visa applicant if the proposed course is consistent with the skilled migration program requirements.

As part of the initiatives to encourage access to Skilled Migration visas, under Regulation 2.05(5A) the "no further stay" condition 8534 is waived where the visa applicant has applied for an onshore General Skilled Migration visa."

At present, DIAC has taken a U-Turn and left the overseas students stranded.

We are completely dissatisfied with the proposed Migration Amendment (visa capping) Bill 2010, which will provide uncontrolled powers to the Hon Minister of Immigration to terminate even the legitimately lodged applications.

Majority of the visa applicants have been waiting for a decision on their applications for more than two years. If the DIAC under the instructions of the minister had not suspended the processing of these applications, eligible applicants would have already received their visas by now. To apply the proposed legislation in the form of the new demand driven strategy to applications that have already been made will be unjust, discriminatory, inhumane and undignified.

Applicants, in the hope of calling Australia their home, have spent a considerable amount of time, effort and money, postponed important decisions and plans that has had a direct bearing not only their lives alone but immediate family members as well. Their investments are both monetary and emotional.

Young international students, who in the hope of a better life and career have arrived in Australia to study, are at a stage when their careers are about to take shape. These students are going to be left high and dry if their applications are terminated. While the students are being discouraged to not treat their education in Australia as a route to permanent residency, was it not the Government of Australia that had established this link initially.

Parents' have spent hard earned money to allow their children to study in Australia. Their savings made over a period of 40 years (an average working age of parent) is what would have seen them though their retirement years. They chose to invest their money to build a future for their children.

DIAC will be able to refund the visa fees but what about the precious years of young lives that will have been wasted with this amendment. Is the Hon. Minister able to reimburse or compensate for it?

Further, if the Hon minister is able to cap the number of visas to be granted under each occupation in accordance with the new demand driven strategy, then would it not be fair to assume that the Hon minister is also be able to assure a job to each of the visa recipients since the exact numbers have been worked out?. Clearly this will never be the case.

The Hon. Minister's knee jerk approach to fix the current system is also regrettable. None of these changes, planned and the ones already implemented, have taken into account the negative affect (emotional and economical) it is already having on the lives of people associated with the migration and student industry. The Hon. Minister's kill-the-patient-to-treat-the-disease stand is doing irreparable damage to the migration and student business and will push a large number of Australian citizens towards unemployment or compromise their standards of livings (e.g., mortgages? Child care fee?).

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These unprecedented changes have affected the international education industry so negatively that it will take a great deal of time and effort before any confidence is able to be restored amongst the international students. The proposed bill will further ruin the reputation of this great nation.

We implore you, that any step if required to be taken should therefore only affect future visa applicants.

Sincerely yours,

Ajay Trehan
Director

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