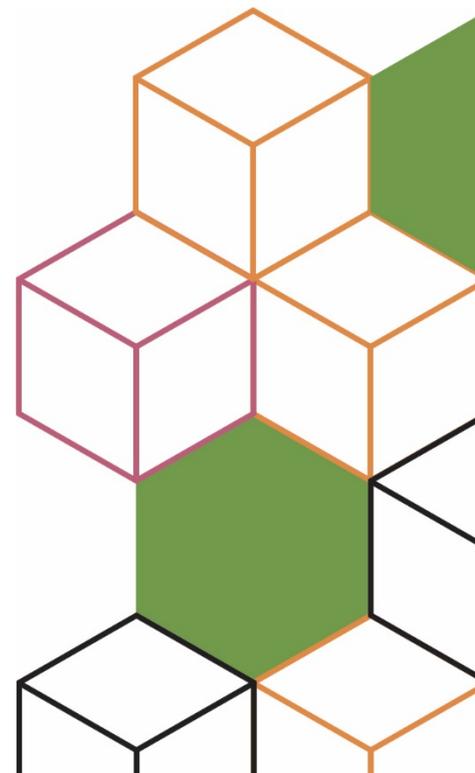


July  
**2020**

Graduate Student  
Association

**Submission to the  
Select Committee on  
Temporary Migration**



## Introduction

The Graduate Student Association (GSA) is the independent representative organisation for all graduate coursework and research students at the University of Melbourne. We are led by an elected Council of 15 graduate students, and on behalf of over 30,000 constituents we represent graduate student interests to the University and wider community, provide facilities and services, deliver events and activities to promote graduate student community and academic excellence, and supports 149 affiliated graduate student groups.

GSA's vision is for inclusive, empowered graduate student communities that achieve meaningful and holistic university experiences. Our objectives are to achieve and support representation, academic support, transition to work, engaged and healthy communities, and organisational sustainability.

We welcome this opportunity to make a submission to the Select Committee on Temporary Migration. GSA notes the contribution of international students and graduates to the university community, wider Australian multicultural society and the economy. In this submission, we discuss key issues impacting international students and call for strengthened support for international students.

GSA is delighted at the Government's recent announcement of visa changes to support international students<sup>1</sup>. These changes include:

- Waiving application fees for students lodging new visa applications where they cannot complete their course within their original visa validity due to COVID-19;
- Counting online study (for student visa holders outside Australia during COVID-19) towards the Australian study requirement for post-study work visas; and
- Extending eligibility for post-study work visas to graduates formerly holding a student visa who were unable to return to Australia due to COVID-19.

We endorse and welcome these measures to support international students. Our recommendations in this submission build upon this progress. At the outset GSA would like to make the following recommendations, with the rationale for our recommendations provided in detail below.

**Recommendation one: The Government should assess student visa requirements, to favourably consider the issues related to leave of absence policies and the requirement of full-time study.**

**Recommendation two: The Government should change the student visa conditions to permit increased working hours in a week during their entire granted period of the visa.**

**Recommendation three: The Government should legislate that international students breaching visa conditions are not at risk of deportation or other**

---

<sup>1</sup> Department of Home Affairs 2020, Joint media release - Supporting international students to support Australian jobs, accessed from <  
<https://minister.homeaffairs.gov.au/alantudge/Pages/supporting-international-students-support-australian-jobs.aspx>>

**penalties if they have reported in matters related to wage theft or other workplace issues. This should be similar to protections for whistle-blowers.**

**Recommendation four: The Government should provide a support package for international students during and after the COVID-19 crisis addressing the impact of the pandemic on all citizens and residents. These measures should comprise free health care (including mental health support), access to a financial hardship fund, and improved tenancy rights.**

## **Enabling international students to achieve academic excellence**

GSA supports the academic success of international students and values their contribution to the Australian society and globally. International students come to Australia seeking a world-class education and to gain an enriching and meaningful experience. Unfortunately, for many students these expectations are not met for a range of reasons.

International students face difficulties as a result of visa requirements which often limit their ability to academic success. As stated in the GSA's Submission to the Select Committee on COVID-19<sup>2</sup>, we have heard from international students experiencing hardships relating to their visa requirements. Some students experiencing challenging personal circumstances are faced with additional hardships due to the visa requirements of full-time enrolment, on-shore study, and course completion within a limited window of visa validity.

While these hardships have been magnified by the impact of COVID-19, inflexible visa conditions have long been an issue for international students. For example, graduate research students have described their anxiety around accessing a leave of absence from their research, which can require them to apply for a new visa. This wholly inflexible and needlessly bureaucratic process presents a barrier for international students to fully participate in their studies.

### **Case studies**

Lin is an international student who is experiencing undue stress during the pandemic. She has informed us:

*"I was hoping to complete my PhD before the visa expiration, however I had to go on medical leave due to COVID - 19 related issues and it is possible that I will have to go for another leave of absence. Now I speculate I will not be able to submit my thesis before visa expires. The implications of this unexpected delay beyond my control is, I will have to bear the cost of visa renewal and insurance for a family of three. This adds to the stress and financial hardships I'm already experiencing without a job."*

---

<sup>2</sup> Graduate Student Association 2020, Submission to the Select Committee on COVID-19, accessed from <<https://www.aph.gov.au/DocumentStore.ashx?id=dc6f29a3-flb9-47be-ace5-35dfca63b021&subId=682931>>

Another international graduate researcher experienced a similar issue, writing:

*“There were a couple of times during my candidature when I needed to access leave of absence; however, my visa status (as an international student on temporary visa) made this complicated. Several other international students whom I know also have faced this difficulty when accessing leave of absence.”*

We have also heard from graduate researchers who are pregnant and have had difficulty accessing maternity leave from their studies.

International students often struggle with work-life balance. A significant barrier to their academic performance is the requirement of full-time study. Increased flexibility in visa requirements is strongly encouraged to support the wellbeing and academic success of international students.

Forcing international students to unnecessarily expediate study can inflict hardship. Additionally, permitting international students to remain in Australia for longer periods of time, either due to leave or part-time study, increases their contribution to the economy.

Visa issues must be considered and dealt with effectively and efficiently to support the academic outcomes of international students. Additionally, improved flexibility of student visa conditions is crucial for the higher education sector. Without substantive public funding, Australian universities are reliant on the international student cohort for revenue. The Federal Government has a responsibility to support international student visas in order to support the higher education sector.

**Recommendation one: The Government should assess student visa requirements, to favourably consider the issues related to leave of absence policies and the requirement of full-time study.**

**Recommendation two: The Government should change the student visa conditions to permit increased working hours in a week during their entire granted period of the visa.**

## **Supporting sustainable employment for international students**

International students face significant disadvantages in employment. They have limited access to employment opportunities due to a competitive job market and visa conditions that place a cap on the number of hours they are permitted to work. Discriminatory hiring practices often complicate international students' employment search. Additionally, international students experience high vulnerability to exploitation in the Australian workforce. This is an ongoing concern,

as we highlighted in our submission to the Senate Inquiry into unlawful underpayment of employees' remuneration<sup>3</sup>.

Pathways to work for international students are fraught. Many graduates experience difficulties obtaining work after graduation, due to discriminatory hiring practices and limited opportunities to obtain work experience. Graduates hoping to continue working in Australia deserve equal opportunity for employment.

### **Case studies**

Alex is an international student who responded to a GSA survey and provided the following quote:

*"Career progression is really difficult to plan with my employer. As I'm a temporary migrant I'm being paid less than otherwise, as my employer struggles to see the value on investing in developing my talent if I don't have the prospect to stay permanently."*

Wendy in her response touched on the issues related to inaccessibility of work opportunities:

*"As an international student, I am unable to access CSP places and many scholarship opportunities. This has limited my opportunities for self-advancement and my freedom to choose my future employment... More generally, this places international students in a vulnerable position relative to their financial benefactors and gives rise for a potential for abuse."*

International student Leah highlighted the issue of scholarships:

*"An important part of all the scholarships available in Australia...are inaccessible to me due to my migration status, both academic and economically-based...This is very frustrating because there is a clear bias towards what we can access to as international students. This limits the opportunities people from different backgrounds (not only the ones who can afford the costs of studying at the University and living in Australia) to higher education."*

Students experience barriers to obtaining work experience and adequate wages due to their status as temporary migrants, which create further difficulties for them receiving work to obtain residency. Therefore, international students experience an iterative cycle of discrimination in finding work to remain in Australia long-term.

Workplace exploitation of international students is an issue of national importance. Many employers take advantage of international students limited experience in the Australian workforce, failing to pay minimum wage, superannuation or PAYG tax. International students often accept these illegal practices due to a number of

---

<sup>3</sup> Graduate Student Association 2020, Submission to Senate Inquiry into unlawful underpayment of employees' remuneration, accessed from < <https://gsa.unimelb.edu.au/wp-content/uploads/2020/04/GSA-wage-theft-submission.pdf>>

factors including limited availability of work, discriminatory hiring practices, lack of knowledge of employment law and high insecurity of work.

### **Case studies**

Andrew explains why he feel forced to accept wage theft:

*“My experience is that when I apply for a job, I know how low my salary is, and I still apply for this job. If the boss is not too bad for you, I will feel that I should not stab the boss behind him, and what will colleagues think of you... low pay is common in Chinese stores, if you don't do it, a lot of others will be willing to do the low paid job.”*

Another international student estimates the value of the free labour she has performed:

*“I've been working as a part-time administrative officer for over a year at a Chinese media company. The underpayment can be seen easily in the Chinese media companies in Melbourne as far as I know. Take myself as an example, I was told the first one to three months is trial so I won't get paid during the trial. I was eager for working experience in Melbourne so I accepted that and after the first two months, I went for negotiation with my boss about the salary. My wage is much lower than the minimum wage in Australia (which hourly rate is \$19.49). Giving a rough calculation, the total loss can be at least \$5160.”*

For those on temporary visas, speaking up about illegal workplace conditions may come with a fear of deportation. Many employers see international students and other temporary migrants as an opportunity to cut costs in wages.

Further action is required to minimize wage theft and workplace exploitation of temporary migrants. International students require services, support and education on workplace rights including free legal advice on employment. We believe that the Government should continue to resource the Fair Work Ombudsman to undertake education initiatives on international students' workplace rights. It is also important to ensure international students are also provided free casework, advice and support where appropriate to ensure legal rights are protected.

Moreover, reporting wage theft and workplace exploitation should not be accompanied with fear of deportation. We therefore recommend that:

**Recommendation three: The Government should legislate that international students breaching visa conditions are not at risk of deportation or other penalties if they have reported in matters related to wage theft or other workplace issues. This should be similar to protections for whistle-blowers.**

## **Fulfilling our duty of care to international students' wellbeing**

The Federal Government has a responsibility to ensure the wellbeing of international students, given the contribution international students have made to

the Australian economy. Considering these economic advantages, the GSA recommends further Federal Government support for the health and welfare of international students. Stronger support services are required to accommodate international students. For example, the inaccessibility of childcare impacts many students' ability to successfully complete their studies. Additionally, many international students experience poor mental health and face barriers to accessing support services.

### **Case studies**

Brian, an international coursework student, emphasizes their rights are limited:

*“Temporary residents do not have the same freedoms, autonomy, and choices that other members of society do. For many Australians, some of these choices might even be taken for granted or seen as a fundamental part of life.”*

Another international student found they are extremely limited in accessing financial and medical support:

*“Due to COVID, I am unable to access financial support. We are not entitled to jobseeker if we wanted to have that option. I have been in Australia for four years, and consider it my second home, but I don't feel that there was any support available for me at a very challenging time.*

*I am also not entitled to medical benefits that are beyond the coverage of my insurance. For instance, I approached a community dental clinic that charges lower than regular clinic; but as an international student, I was refused assistance.”*

Other issues international students have reported to us include insufficient access to mental health support services, financial distress, difficulties affording childcare, and concerns that they will be seen as a lower priority for emergency health services.

**Recommendation four: The Government should provide a support package for international students during and after the COVID-19 crisis addressing the impact of the pandemic on all citizens and residents. These measures should comprise free health care (including mental health support), access to a financial hardship fund, and improved tenancy rights.**