

PLENARY: International Students

SPEAKER 1: Brian Kelleher, Immigration Advice and Rights Centre

Brian passed around information pamphlets for resources.

Main role of IARC, as far as international students are concerned, is to provide legal advice for the cancellation of student visas. IRAC has many competent lawyers. There are evening sessions which have about 30 students. The following day there is assessment of all the cases. As a caseworker and education coordinator, Brian's role is to educate the community. There is a lack of education about student visa laws.

- Countries are rated by levels, 1-4. The lower the level the harder it is to come. It is made harder by demanding students show money for their studies upfront.
 - o Level 1: America, Europe and Japan.
 - o Level 4: India and Pakistan
- Gave case studies of how mistakes by universities can cause cancellation of student visas
- Review / appeals process can take 18 months, which is particularly a problem if they have finished course in this time as it ruins their chance of getting a 'skilled visa' application
- Writing policy documents to allow students who have waited for appeals and finished degree to get documents making them eligible for "skilled visa"

Student problems

- Many international students suffer from depression and as a result miss more than 20% of classes thereby not attending the 80% required by their visa conditions. The Universities are meant to report them for this.
- sexual harassment cases have caused female students to breach visa conditions
- Working illegally (more than 20 hours) – DIMIA raids restaurants to find illegal workers (focuses on factories and restaurants). If caught, students are deported. If students are from European countries they generally won't go into detention centres but if they are from 'lower' ranking levels, they will.

Important to let students know how dramatic breaching rules can be.

Students need to be aware of breaching visa conditions in regard to Attendance and passing etc as well. If problems occur they must get assistance IMMEDIATELY.

If left too late the IARC won't be able to help them. If they breach their visa it will be very difficult to apply for visas in the future.

Visa cancellation

- If students have visas cancelled many are too ashamed to return home so stay in Australia – if caught they will be detained and charged \$65 per day

The Migration Review Tribunal (MRT) is not sympathetic to students unless it involves sexual harassment or something out of their control.

International students think because the IARC is free that they are no good.

Questions:

1. How do we tell if agents/advisors are dodgy?

- a) check www.themara.com.au - authority that registers parties who practice immigration law.
- b) Word of mouth is also good - ask students and keep a list
- c) contact the IARC for referral list.

2. Are there other organizations around Australia?

- a) refugee and immigration legal centre in Victoria,
- b) south Brisbane immigration legal centre in Queensland
- c) ring IARC.
- d) IARC has published a book- 'the Immigration Kit'.

3. How many people get caught on the Dob-in line?

Petty fights and neighbours tiffs etc can cause a lot of dob-ins. Not many students get caught of being in breach of their visa conditions this way.

- 4. Comment: a caseworker said that she has sent students to IARC and has had consistently excellent advice and concern and encourages all to use the service.

5. Assessment risk country categories - has any work been done about discrimination?

They do it on a % assessment risk list in a very unfair way. They look at gender and age. Don't think there is any scope to change this.