

How to Deliver on International Students' Wellbeing and Belonging

A submission to the *Review of Australia's Higher Education System*, in response to the *Universities Accord Panel Discussion Paper* Consultation.

Two 'challenges and opportunities' identified in the Discussion Paper are addressed:

- **3.6 Governance, accountability and community**
- **3.8 The role of international education**

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BACKGROUND

The wellbeing of international students has long been in question in Australia. International students' rights, and services provided to them, are demonstrably inferior to those offered to domestic students. This is despite international students paying taxes and non-deferrable, and higher, tuition fees than their domestic counterparts. Regulatory protections for international students, which exist mainly in the Government's [Education Services for Overseas Students \(ESOS\) Framework](#), are inadequate and cannot guarantee a decent experience in Australia or a fair pathway towards permanent residency. This submission first outlines the problems in more detail, and second, three recommendations are made to address the problems directly and effectively through specified changes to government regulation.

THE THREE PROBLEMS TO BE ADDRESSED

1. INTERNATIONAL STUDENTS HAVE INADEQUATE WELLBEING PROTECTIONS, WHICH ARE INFERIOR TO THOSE OF DOMESTIC STUDENTS

The wellbeing of international students has long been in question, with shortfalls identified in relation to a wide range of life-domains, including: health; housing; personal finances; employment; dealing with public authorities; and social connection (Marginson, Nyland, Sawir and Forbes-Mewett 2010; Ramia, Marginson and Sawir 2013). International students must 'purchase' health care rights equivalent to those of Medicare, which are accessible for free by domestic students. In New South Wales and Victoria – the states where the majority of international students reside – international students access only limited and non-equivalent concessions on public transport; and those were only gained over the last decade. International students predominantly depend on the private rental market for their accommodation, with no possibility of subsidised housing or assistance from the

government (Morris, Hastings, Wilson, Mitchell, Ramia and Hastings 2021). They do not qualify for any form of government-provided income assistance, though domestic students may qualify if they pass income and assets tests, for housing and income assistance through the social security system. In addition, international students do not have access to guaranteed *services* in relation to any of these shortfalls.

2. EXISTING GOVERNMENT REGULATIONS DO NOT GUARANTEE INTERNATIONAL STUDENT WELLBEING OR ACCESS TO SERVICES

Two legal instruments regulate the recognition of, and the provision for, international student wellbeing. These are the [Education Services for Overseas Students \(ESOS\) Act, 2000](#) and the [National Code of Practice for Registration Authorities and Training to Overseas Students, 2018](#). The Act establishes the National Code, Standard 6 of which specifies that educational providers must provide international students with information on 'support services'. These services include: English language and study assistance programs; legal services; the registered provider's facilities and resources; student complaints and appeals processes; requirements for course attendance and progress; any factors 'adversely affecting' individual students' education; and 'employment rights and conditions' for students who are casually or part-time employed. In addition, institutions must have 'critical incident policies' in place for all students (Standard 6.8-6.9). At no point in the regulations is there specific detail regarding institutions' or the Government's substantive responsibilities for the *provision* of these services. The requirement is for information only. More is specified in relation only to students who are not yet 18 years of age (Standard 5.3).

3. INTERNATIONAL STUDENTS' VISA CONDITIONS DO NOT PROVIDE A QUID-PRO-QUO FOR THEIR CONTRIBUTIONS TO THE ECONOMIC AND CULTURAL LIFE OF AUSTRALIA

International students benefit this country tremendously. In addition to contributing to one of the nation's four top exports, international students culturally enrich Australia and its campuses (Hughes 2019). Politically, the presence of international students increases the soft power of host countries through enhanced incentives for positive diplomacy and productive trade. Educationally, international students contribute to diversity and choice in course offerings. Some courses would simply not be available if it were not for the boosting of enrolments through curriculum internationalisation and economies of scale. In addition, domestic students are better able to realistically aspire to the now-common graduate attribute of "global citizenship" because of their everyday dealings and team-based discussions and assessments alongside international students. International students bring with them different and diverse skills, rooted in a diversity of cultural home-country contexts, which also provide greater choice in labour supply for employers (Ramia 2022: 122-123).

These important contributions to economic and cultural life in Australia are under-recognised and under-rewarded in the visa conditions that international students face. International student visas provide only skills-based pathways to permanent residency. This is a longstanding problem which dates back to the early days of full-fee international education (Horne 2022). In 2022, the Australian government only temporarily adjusted the Graduate Work application process so that graduates did not have to meet the 'occupations' test ([Temporary Graduate Visa, Subclass 485](#)). The requirement to have a qualification relevant to an occupation on the 'skilled occupation list' is only suspended between 1 July 2022 and 30 June 2023. This hampers the legal capacity of many international students to settle in the country and thus to feel a sense of belonging to the Australian community.

THREE RECOMMENDATIONS

1. CHANGE THE REGULATORY REQUIREMENT FOR INFORMATION-ONLY ON INTERNATIONAL STUDENT SUPPORT SERVICES, TO A REQUIREMENT THAT SERVICE PROVISION BE GUARANTEED

The most effective way to guarantee that international students receive the support services they require, is to move beyond the requirement that the *National Code of Practice for Registration Authorities and Training to Overseas Students* provide information on services. The requirement should be that the Code compels the Government to ensure the provision of appropriate and adequate services. The means by which those services can be provided, is the subject of our second Recommendation.

2. CREATE A NEW FEDERAL GOVERNMENT AGENCY WHICH WOULD ACT AS A CENTRAL GATEWAY CONNECTING INTERNATIONAL STUDENTS SEEKING SUPPORT SERVICES, WITH SERVICE PROVIDERS

To assist the government in the implementation of the services described in the Code (and above), a new public sector agency should be created. The agency would lead and facilitate a 'network' which would accredit and coordinate service providers and the services they provide. The service providers would ideally come from the public sector, the various post-secondary education sectors, and/or the community/non-profit sector. Any complaints on services could be handled by an internal mechanism within the new agency, or by the relevant Ombudsman which already has the capacity to handle international student complaints not first resolved by the educational provider. The agency should be informed by trust-based, 'collaborative governance' methods, informed by public and community service and social inclusion principles, and should not constitute an opportunity for profit-making by service providers.

3. FOR THOSE STUDENTS SEEKING PERMANENT RESIDENCY UPON COURSE COMPLETION, SIMPLIFY THE PATHWAY

Given the weaknesses we have identified in relation to the current visa system, there is a need to simplify pathways for international students to apply for the Graduate Work stream. In particular, regulations should re-orient pathways away from the need for a skill-set associated with a designated occupation, towards one that recognises graduates of Australia's accredited education providers as potentially desirable residents and prospective future full-citizens. The justification is that international student graduates have lived and studied in Australia, paid their taxes and their up-front tuition fees, and made their cultural contributions as identified in earlier parts of this submission. The visa simplification pathway should focus on additional criteria, including length of study period in Australia, graduation status, and where relevant, work experience gained during or upon completion of the course.

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