Imagined mobility: migration and transnationalism among Indian students in Australia

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Chapter 5:
Third Semester: Learning About How to Work In-Between Legal and Illegal Realms
05. Third Semester:

Learning How to Work In-Between Legal and Illegal Realms

The Hyphen In-Between Student-Migrant

Now that we have arrived in the third semester, the group of students we will focus our attention on is one comprised of people who have found their way and are used to living in Australia. This means that most of them have found part-time jobs and have formed their own social circle with whom they interact and hang out. In chapter one the focus was typically on that very early phase of ‘arrival’ where everything was still new; and chapter two focused on how newcomers and ‘outcomers’ meet and interact; this third ethnographic chapter will work with the assumption that for most Indian students these things are now a ‘given’. They know what they can expect, what is out there, and what they have to do in order to survive from day to day. They are no longer new arrivals, and no longer simply newcomers. Yet at the same time they certainly have not arrived yet in the sense of having achieved all they came for. And for the Indian community, organized in associations falling under the umbrella of the FIAV, it remains uncertain if this is a group of people which will stay or not. This confirms their place as a group which falls in-between all sorts of categorizations that feature in more traditional studies of overseas students or migrants. In this instance, the term student-migrant, often used in literature for students transferring from one university to another, as well as for students likely, one day, to become full-fledged migrants (either having planned this from the start or because it evolved that way), also turns out to embody an interesting statement about the way such students live their lives on the way to becoming migrants. In the case of Indian students in Australia, it is the hyphen in-between which appears to determine the way they live and perceive their (own) lives. In particular, it is the legal and illegal dimensions of this in-betweenness (symbolized by a hyphen) that this chapter will examine in greater detail. What does this hyphen – this in-between zone – tell us about the road to becoming more mobile? How does this concept of in-betweenness problematize the understandings we already have of often-encountered actors in the world of migration and transnationalism?

Finances as Primary Reason

For many Indian students, Australia does not just offer an interesting study-abroad opportunity with an option of becoming a permanent resident, but also, quite simply, an opportunity to work. In contrast to other countries, which often do not
allow students to work off-campus, Australia allows it overseas students to work a maximum of 20 hours per week during semesters, and an unrestricted number of hours during the summer and on public holidays. For this reason, the student at work will be central to this chapter. In particular, what it means to operate in-between legal and illegal spheres will be analyzed. Students regularly admitted to working more than 20 hours per week, also finding this quite normal. On the one hand, they were perfectly aware that they were not supposed to do so, but, on the other, they argued that it was a necessity and that ‘everybody else’ was doing so too. In this sense they argued a certain ‘normalcy’ about what they were doing. This normalcy not only related to the financial pressures they were under but also to what they saw as ‘being normal’ for a migrant. As one student pointed out during an informal chat on campus one afternoon, “who do you expect would otherwise manage these Seven-Elevens at night?”

From the work place we will then move on to the university campuses: on paper at least the prime reason why these students have come to Australia. Here we will encounter a different but awkwardly similar discourse on the way legal and illegal activities are perceived. Working many hours in often rather tiring jobs, studying is certainly not on every student’s mind all of the time. Yet failing a particular subject or unit has serious consequences. Australian universities generally do not offer opportunities to ‘re-sit’ an exam, meaning that a student will have to take – and also pay for – the whole subject again in the next semester. With the already mounting pressure of the loan taken out, this is something that students will try to avoid at all costs. This, of course, also puts pressure on lecturers who are often aware of the situation these students are in. The fact that this leads to peculiar situations where various interests are in conflict with each other will also be dealt with in this chapter.

And then finally, the way the education industry functions in practice will be addressed, and in particular the very practical side of student recruitment; the way the education industry deals with that what it knows about students’ reasons for coming to Australia. It will be argued that it’s not just students who often bend the rules in order to fit the situation, but the education industry too. When recruiting students in India these agencies are well aware of the fact that many students intend to apply for PR after graduation, yet with the law prohibiting them to ‘sell’ anything but education, they cannot recruit students with other ‘incentives’. This does not mean that they do not know what the market is about; it simply means that on paper it does not seem to play a role in their recruitment strategies. In practice, of course, it very much does. With the over-dependency of (some) universities on the money overseas students bring in, this also puts the Australian government in an awkward situation.
WORKING THE INDUSTRY

Back from Work
Rajneesh was still sleeping when his friend Anish opened the front door and let me in. In the living room a number of filthy looking mattresses lay on the floor, one that was occupied by Rajneesh who had partly covered himself with an equally filthy dark green bedspread. He himself was fully dressed in a worn-down pair of jogging pants and a sports jacket. He had not shaven in a while and clearly not found the time or energy to shower either. When he woke up he apologized for the mess. Anish had already informed me that the house would probably be like this and that he himself was moving out later that week, no longer able to deal with the mess.

None of the other housemates appeared to be at home; they were all at work. Rajneesh had meanwhile gone into kitchen to wash his face, asking Anish if there was anything left to eat in the fridge. While catching up on the latest housemate-stories (there was always some problem, some misunderstanding) Rajneesh started preparing an omelet. Cockroaches were crossing the kitchen floor at a relaxed pace, seemingly unperturbed by us. From the living room, where he was busy putting on a Bollywood movie he had been meaning to show me, Anish commented on some of the recent stories. Rajneesh rummaged through the cupboards in search of some massalas to spice up his egg. Standing in the doorway, watching him cook, listening to his complaints about his job, I became more and more interested in the way he was managing his life in Melbourne. It had been far from a smooth ride, I knew that much.

After he had finished his lunch, Rajneesh asked if we could go outside to a nearby park, which doubled as a golf course, so that we could talk more privately. As he lit himself a cigarette, he started talking about his first year in Melbourne. Born in the state of Bihar as the oldest son of a business family, he had grown up in the state of Haryana. Before coming to Australia though, he had lived in Delhi where he had completed a diploma in fashion management and had worked in the textile industry for a while. Having a job which paid him a net salary of 15,000 rupees a month, he had realized he was doing okay but that most of his friends, many of whom had completed MBAs, were making even more money. Slowly the idea of going abroad to study had been born. He had hoped to find a ‘professional’ job, one in which he could use the qualifications he had gained in India, but in Australia the reality of having to pay the bills and the high cost of studying had quickly led him to accept a job in a petrol station. In fact, he had shifted jobs several times, each time working as a console operator in similar 24-hrs petrol stations. The previous semester, he explained, he had usually worked shifts for three consecutive days a week, alongside, of course, studying.
I just did not sleep for three days. The first day I would start uni at nine and finish at five thirty. Then it would take me one and a half hours to get home and then on to my job. So I would start that job at eight in the evening. I would finish at seven in the morning and at nine uni would start again. And then again I would do the nightshift. Often I would work more than 20 hours. It was all cash in hand so that was not a problem.

He had recently switched jobs once more, and was now working for a different petrol station, one which he claimed was a better paying one. They now paid him 18 dollars an hour and he was no longer just working night shifts. The hours were by no means guaranteed though. “There is this Hyderabadi guy who works there, also a student. He makes 12 dollars per hour. There is a lot of competition in these jobs. So that guy will just work for less and he will get the good shifts. Sometimes they even work for five, six dollars.” According to Rajneesh, such petrol pump owners (also migrants) know that Indian students like him need the money and, when desperate, will do anything for it. Rather angrily, he commented: “That Hyderabadi guy spoils it for all of us.”

Rajneesh displayed an interesting way of reasoning. For one, overseas students are not supposed to work more than 20 hours. That many of them do so anyway became perfectly clear from the stories of other students as well and, in fact, working more than the permitted maximum was quite common. And like Rajneesh, many students also considered it quite a normal thing to do. Working more than 20 hours would almost always be done cash-in-hand, meaning that no taxes were paid. Practically speaking that was also the only way because if one did pay taxes, it would show up on official records. As with most other student-visa violations, if caught the visa will be cancelled; all the more reason to not leave a paper trail.

The petrol station Rajneesh was now working at had an unwritten policy of only hiring Indian students. “They all come to him for training or work”, Rajneesh explained. “The guy has good contacts, people know that.” Usually students would hear about job openings with this particular employer from friends. Clearly the fact that one can work much more than the maximum number of hours, was attractive to many. Although the migration authorities conducted regular raids on employers of overseas students, there were all sorts of ways to make sure that it all looked perfectly legal. Rajneesh was now doing three shifts per week, which amounted to about 20 hours. Sometimes, though, if there was more work, he would take it. This ‘sometimes’ turned out to be the rule rather than the exception; he had been working much more

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59 As an overseas student in Australia one is only allowed to work a maximum of 20 hours per week during semesters. This rule is dropped during semester breaks when one is allowed to work an unlimited number of hours. The rule was put in place to prevent students from coming to Australia only to work.
for months now. “But I won't be in trouble”, he said. “For 15 or 16 hours I am on TFN\textsuperscript{60}, so that can be used as proof if they ever raid the place.” He estimated that 90 to 95 percent of Indian students work under similar arrangements. “But,” he reasoned “at least we are not stealing or something.”

Stories such as the one narrated by Rajneesh were indeed common, though there were also plenty of students who stuck to the 20 hours rule and only worked on TFN (Tax File Number). Usually these were students who had somehow managed to find a steady call center job, which paid relatively well. But even they would work as much as possible, sometimes even doing two full-time jobs during the summer holidays when the maximum number of hours rule was dropped. Almost everybody seemed to be aware of the various ways there were “not go on TFN”. In Rajneesh’s case he would simply pay taxes based on 15 hours, the rest was cash in hand. But there were other ways as well. A student would, on paper, get paid legal minimum wages for, say, 15 hours, but in reality would have to work 30 hours for the same money. Petrol stations, Seven-Eleven supermarkets, and Indian or Chinese restaurants regularly appeared to adopt this practice. According to students such as Rajneesh this had a lot to do with the fact that ‘others’ knew about the financial pressures ‘they’ were under and exploited that. As some would also remark, it was seen as something an Indian migrant simply had to put up with. When narrated like this, it was hardly ever seen as something normal for an overseas student though; it was typically seen as something belonging to the world of migrants.

\textit{The Normalcy of Doing Something Illegal}

Having been in Australia for more than a year now, Rajneesh was well aware of the options he and others had. Talking about his work, and the way he dealt with various rules and regulations it was quite interesting to note the ease with which he talked about ‘breaking the law’. His student visa clearly came with a set of rules, which he was not supposed to break; doing so could have serious consequences. Yet this had only played a marginal role in the decision making process of actually involving himself in

\textsuperscript{60} A frequent reply to the question of whether or not this would cause problems with uni-related work and the successful completion of exams was that you could always show a sick-leave note from the doctor, stating that you were unfit to attend class, finish a paper, or complete an exam. Many students had a special address (often a trusted Indian GP) where they knew they could go for such notes. Of course, universities would sometimes discover such practices. Faced with a high percentage of Chinese students (one in four) routinely applying for special consideration with a doctor’s certificate to postpone exams or assignments or with marking of work, the university had been forced to propose a new policy which would mean that students would have to wait until the following year to sit exams they had missed through illness (medical or psychological). In addition, the university was planning to charge students a fee for applying for special consideration. Part of the reason for the proposal had been suspicion over local doctors who appeared to sign off on a high number of medical certificates for Chinese business students. (\textit{The Australian}, July 19, 2006) See also reports on Flinders University and the University of South Australia in \textit{The Advertiser}, 15 July 2006.
such activities. It simply seemed the normal thing to do. It may be illegal, but at the same time it seemed like there was no other option. While the loan played a central role in this, it was not solely about repaying loans or taking care of living expenses and semester fees. In Rajneesh’s and others’ narrations, the highly commercial and, in their eyes, often-exploitative education industry, which used ‘their’ rupees to fund Australian universities, also played a part in this. Where they perceived the industry to be profiting from them, and in some cases not particularly delivering what had been promised (see also the following chapter), they saw this as a way to make (‘take’) some of the money back. Yet how could it then be that other Indians were enjoying their studies (often studying at the same university, sometimes even enrolled in the same course), and were not breaking visa rules, also claiming that this was not necessary? In other words: why were some so worried, where others (in a similar financial situation) did not talk about this in the same way? The answer to that question appears complex and I argue that the best way to understand this difference is in terms of personal differences (in the sense of sensitivity to stress, self-assuredness etc.), exposure to cultures of migration (as discussed extensively in chapter two), and motivations for coming to Australia in the first place. It does not seem unreasonable, perhaps, to argue that having come to Australia purely with the intention of becoming a PR holder makes spending time and money on education seem more of a waste than for those students who value their education and who may also have chosen to enroll in the better colleges and universities.

Talking about such matters, sitting on a green bench in a small park, occasionally interrupted by the sound of a golf ball being hit, I was reminded of what Ranabir Samaddar (1999) describes on the first pages of his inquiry into transnational migration from Bangladesh to the state of West Bengal in India. Rethinking the very clear physical border between the two territories he recalls his amazement about how the border was nothing exceptional to the people who lived on both sides of it. Even if it was, people had found ways to deal with it; after sunset cartloads of goods and vegetables would start crossing the (‘legal’) border, something that, if it meant ferrying goods without due leave, was clearly illegal. “But there were ways to normalize such a situation. In other words, the illegal no longer remained exceptional if it could be adapted as part of the ‘normal’.” (p. 53) For Samaddar it felt as if he had walked into a “twilight zone of legality and illegality, exceptionality and normality.” (Ibid)

Overseas students - and this much should be clear - are not illegal migrants. They are in fact not even migrants, at least not on paper. It is surprising, then, that activities and situations often associated with illegal migration can be connected to a group of perfectly legal, though temporary, Australian residents. Such activities do not limit themselves to working more than allowed but also include, for instance, as the papers reported in November (2006), overseas students having no other option but to work for the sex industry to pay for their degrees. (ABC Online, November 10,
The article explains that women end up in the sex industry because their visa restricts them to working just 20 hours per week and they need high paying jobs to survive. An informal interview with a psychologist on whose report the newspaper article was based had already taught me that in this case it mostly concerned Chinese students and that Indians did not appear to be involved in such matters. Yet the news certainly fitted in with a wider picture of exploitation and rather extreme ‘choices’ that all seemed to be connected to the pressure of financial obligations. Not long after the news about overseas students working in the sex industry, the same paper reported that Brisbane restaurants had been exploiting overseas students, and that this time it did concern Indian students. According to one Sarosh Mehta, president of a shopping street association in Brisbane, some ethnic restaurants and cafes were reportedly preying on students who did not understand their rights. Some students were working for only 8-9 dollars per hour, others even just for a meal and a place to sleep. (ABC, 26 November 2006) Although this concerned something that happened in Brisbane, the situation itself was not particular to only that city. In Melbourne similar stories were very much part of the general buzz among students.

In-Between Legal and Illegal Spheres or: “Everyone is doing it!”

Indian students enter Australia as ‘overseas students’ and do so in a legal way. Yet not everything they do is ‘perfectly’ legal. Illegal migrants can often be found working without having the proper permits, and thus also not paying any taxes or being properly insured, and Indian overseas students often do the same. Such activities are definitely illegal, though not criminal. An illegal activity though, whether criminal or not, is still one that goes against state regulations. This is also what seems to be defining it. As Abraham and Van Schendel (2005) point out, it is typically the perspective of the state, which defines the division between what is legal and what is illegal. Illegality, in this sense, may be defined as a juridical status that entails a social relation to the state; as such, migrant ‘illegality’ is a preeminently political identity.” (De Genova 2002: 422) It is with this, and in line with Heyman and Smart’s argument (1999: 3) – that state law inevitably creates its counterparts, zones of ambiguity and outright illegality – that it can be argued that, to a large extent, states determine what can be labeled as illegal activities. That in reality this label might be contested is illustrated by the way people still engage in such activities and do not always perceive this in terms of doing something illegal.

The way illegality and illegal activities are understood in day-to-day lives remains a matter of perception and one that knows a rather flexible interpretation depending on the particular situation. Analyzing everyday realities of people living

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61 Interestingly a similar report had already come out about New Zealand. See Stuff, May 12th, 2006.
in Naples (Italy), Pardo (1995) explains that most ordinary Neapolitans conduct their lives without always strictly abiding by the law. “Small transgressions such as those against traffic laws are common, and so are various activities that according to formal definition fall in the gray area between legality and illegality or are unequivocally illegal.” (p. 47) A wide range of activities are covered by this so-called gray, anything from evading taxes to purchasing smuggled or stolen goods. What defines something as illegal is a legal as well as social process. The legal and the social might provide different opinions about what can or should be considered legal or illegal. In this sense a distinction can be made between state perspectives, which work largely with the dichotomy of legal-illegal spheres, and how people see this themselves, namely often in terms of licitness (‘legitimate activities’) and illicitness (‘illegitimate activities’). Bibler Coutin (2002) frames this division in legitimate and illegitimate social spheres, arguing that individuals who are located in an illegitimate domain survive, at least in part, through unauthorized and, what she dubs, ‘quasi-illegal practices’. Such quasi-illegal practices show some serious overlaps with the concept of informal activities, which Kloosterman and Rath use to describe activities “aimed at producing a positive effect on income (for the person executing the activities and/or for the person receiving the results), for which the terms of legislation and regulations (planning requirements, social security legislation, collective labor agreements, and the like) applicable to the activities are not being met.” (2002: 27) Although in their understanding thus against the law, knowing that immigrants often have difficulty accessing regular jobs, such activities might very well contribute to their social and economic advancement.

The public at large also, on occasion, seems to understand it this way. Activities that migrants are involved in might very well be in conflict with the law, yet they are seen as normal when it involves persons with apparently limited options. Once when I was discussing the difficulties faced by Indian students’ on the work floor, recounting stories of exploitation, an Australian who happened to work in social sciences simply commented that Indian migrants are used to such conditions and that they always manage to find a way to deal with it. This belief in Indian immigrants’ capacities to cope with difficult circumstances (abuse, exploitation, illegality) went hand in hand with the belief that there was nothing abnormal about them having to face such circumstances; it was seen as something normal, something that came with the territory. The fact that, in this case, Indian students were legal, though temporary, residents of Australia did not seem to matter. The work they were perceived to be doing was almost by definition understood to be of an illegal nature; that this could lead to exploitative circumstances was seen as equally normal. Students themselves would often also frame it like this: “this is what we Indians face abroad”, as one student once commented during an interview. ‘Everybody’ else was going through it, so ‘you’ were not alone in that, he added.

And so it all directly connects to individual strategies and what is perceived as
being ‘normal’ for a migrant. Such perceptions of normalcy are hardly ever formed in a social vacuum. It is because of this that the issue can partially be understood as one of ‘moralities’; the way moral ideas shape people’s understanding of social information, and the way they respond (personally or collectively) to other people (see Heyman 2000: 635). As Heyman and Smart have previously concluded (1999: 3-4) in understanding why people engage in particular (‘illegal’) activities, informal processes of influence through subcultures and peer networks often have an influence on this. Particularly relevant seems the idea that ‘everyone is doing it’; something that also regularly came up during interviews. Working more than the allowed number of hours was seen as something one was not alone in doing; ‘everybody else’ was doing it as well. And this ‘social knowledge’ worked two ways: on the one hand it provided legitimacy to an illegal activity and on the other it also managed to create peer pressure, in the sense that students often felt stupid if they were not making ‘much more’ money, as ‘others’ always seemed to be doing.

The quasi-illegal practices Bibler Coutin (2002) spoke of, as well as other discussions on the social perception on legality and illegality, directly link with what Bailey (2001) argues about the flexible strategies migrants employ which result in dichotomies - such as forced vs. voluntary migration, temporary vs. permanent - invalid as the practical reality often contests these. While an Australian student visa comes with the condition that a person is only allowed to work a maximum number of hours – meaning that students should not come to Australia with the idea that they can simply work an unlimited number of hours and maybe not even show up for their studies at all – students themselves actually often perceive these 20 hours as an extra incentive to come to Australia. They are, in fact, allowed to work 20 hours. Other countries do not offer the option of working off-campus (Canada) or only restrict this to certain professions (Malaysia). Some Indian students had already calculated back in India that they would probably be able to finance part of their studies by working part-time. Others had even been convinced that they would be able to make some extra money, thus making a ‘profit’ by coming to Australia. Such plans are of course legal though the intention itself can be understood as dubious.

**PROCESSING STUDENTS**

*Producing Results*
While sitting in the park, Rajneesh explained why, after having studied in Australia for one year, he had decided not only to change courses but also universities. Back in India, when he still had to make the choice for a particular course and university, he had called in the help of a so-called education agency. This was a privately run company, with an office in Delhi, that claimed to represent most Australian universities. Having a clear interest in textile and fashion management, he had asked them to advise him on
a university that offered courses in this field. The agency had suggested one university in Melbourne, which they had claimed to be the only choice available. “I could have gone to a TAFE college but they did not tell me about that.” He admitted that he could have done more research himself but argued that he had hired this agency to do the work for him. “I had this Indian mindset thinking that an agent would take care of it.” Looking back on it he regretted the trust he had put in the agency. “Those agents, I will tell you, they are just there to make the money, they just give you the most expensive option and that’s it.”

Despite having paid them 4,000 rupees, his student visa had been granted two months late, because of which he arrived long after Orientation. Once in Melbourne, things went far from smoothly. He was behind on two months of lectures and assignments and as most of these were in fact group assignments – groups that had already been formed – he found himself in a situation where he had to figure most things out by himself. The support the university was willing to give him was sparse, claiming that it was his own fault that he had arrived late. Frustrations mounted and his results were below average if not simply poor. One teacher, whom he had got into a conflict with early on, regularly threatened him that if he did not perform better she would report him to the migration authorities, who would then deport him back to India. Although it is important to stress that poor academic results in one class alone are never grounds for deportation, it is true that, on occasion, universities report students to the authorities if they have poor attendance or consistently fail subjects. Rajneesh mentioned the threat of deportation casually, shrugging it off as if the teacher didn’t know any better (he didn’t have a particularly high opinion of her anyway), yet he was also clearly still angry about it. He had paid to be in Australia and he was of the opinion that they had messed up. In his opinion the university in question had hardly been there for him and it struck him as rather paradoxical that they were now making claims about his results not being up to the mark.

Rajneesh had not been able to change universities before the end of his first year and in the meantime he had tried to compensate as much of the money he had spent on his education by working in the aforementioned petrol station. Here he had also often felt exploited, but at least now it seemed like he had found a way to do the same, breaking the rules by working more than allowed. He was well aware that this could lead to deportation, but it was not something he was really afraid of. The risk simply came with the situation he was in, he reasoned. Although he had every intention to stay on in Australia after graduation – wanting to start an import business – he was unsure if he would meet the requirements and so wanted to make

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62 TAFE stands for Technical and Further Education. TAFE colleges are geared towards vocational training. Studying at a TAFE college generally leads to a diploma. More and more TAFE colleges have now entered into partnership deals with universities in order to offer programs that will eventually lead to full degrees.
as much money back on the investment he had made. Besides that, he jokingly argued, Australia was profiting enough from him as it was, being a full-fee paying overseas student who had basically wasted one year of education at an expensive university. He was now no longer using family money to pay for his fees but his own, which he had earned working locally. This seemed the most sensible thing to do. That this came with a certain amount of risk, he figured, was only normal.

The Threat of Detention

The interesting point about Rajneesh’s story is that the threat of being sent to a detention center as a result of having violated student visa rules came from two sides. On the one hand he working more than allowed (and partly being paid cash-in-hand) and on the other his results were poor, and as a result his teacher had threatened to report him to the authorities. As an article in The Age (July 9, 2006) shows, threats made to overseas students regarding visas or related matters are not uncommon. In the article in question we read that two former presidents of the (failed) Melbourne University Student Union were accused of ripping off international students, “threatening future applications and claiming debt collectors would chase them back to India.” In this case, two student union leaders (Benjamin Cass and Darren Ray) had subleased a number of houses to Indian students, which had subsequently turned out to be substandard. Sandi Logan of DIMIA was quick to point out that “civil agreements between two private parties had “no bearing” on a person’s ability to meet character requirements in visa applications”. That this was an issue to begin with makes it, of course, a rather interesting case. The three Indian students who had lodged the complaint were all accounting students at Deakin University, and accounting happens to be one of the courses that fetch the highest number of points when applying for PR. Indian students generally understood that studying accounting was a straight and very secure choice. The two Australian union leaders had apparently been aware of this and had threatened these students that failing to pay the bills would lead to a negative character assessment, which is part of the PR procedure.

A number of years earlier, the Melbourne-based community newspaper Indian Voice had carried a story on three Indian overseas students who were being detained at the Maribyrnong Immigration Detention Center. “While they sit traumatized behind the razor wire fence waiting for the outcome of their individual appeals, they are billed AS$ 225 per day,” the Indian Express article states. (Indian Express, July 4, 2004) In another article, it was reported that the students were still being held at Maribyrnong in September 2004. Alexandra Kaur Bhathal, an Australian Greens candidate for a Federal seat in the elections at the time, had taken up their cause and was busy raising

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63 DIMIA = Department of Immigration and Multicultural and Indigenous Affairs.
public awareness about the case. “These people have spent a lot of money to come to Australia as legitimate students and then, due to a combination of administrative and bureaucratic complexity and bungling and Australia’s brutal immigration regime, they find themselves in indefinite detention in what is effectively a high security prison environment.” (Indian Voice, October 2004) While the way Australia deals with illegal immigrants has been harshly criticized in recent years, it is not, of course, without reason that these students had ended up at Maribyrnong in the first place. As the Indian Express also noted, illegal jobs are common (mostly involving working much more than 20 hours per week) and “among Indians in Melbourne and Sydney they are described as ‘endemic’.” (July 4, 2004)

In fact, the case never caused much of a commotion in the Australian media. Protests against Baxter and other detention centers were regularly occurrences, but the general consensus seemed to be of one in favour of having such detention facilities. Someone who was still working on the topic in 2005 was Michaela Rost, a Melbourne based freelance journalist. The first time she had learned of students being detained was during a casual visit to the Maribyrnong detention center, located in a suburb of Melbourne with the same name. She had received a list of people who were being detained and had picked a random name to visit. Michaela’s interest was really sparked though when she learned that this student had been found working illegally. Such a ‘crime’ led to a visa revocation, and subsequently deportation if the person in question did not leave the country voluntarily. The case was more complex than she had initially thought though. An agent in India who handled the affairs of a small college located in the centre of Melbourne had recruited this student. The college was cheap yet judging by the website it appeared to be a rather professional type of place. Located in the heart of the city, it had given the impression that it was located in one of the flashy skyscrapers that dominates the Melbournian skyline. That the college was actually located on the first floor of a rather old, worn-down and poorly maintained building hiding out in the shadows of one of these far more fancy skyscrapers, the website was less clear on. And not only that: when the student had arrived in Melbourne, he had discovered that the college itself did not offer any degree programs but that it was simply a TAFE institute which offered diploma courses. It was explained to him in the first couple of weeks that these courses would then help him prepare for enrolling in a degree course. The course was useless as he already had a bachelor’s degree. By the time he realized this, however, it was already too late to enroll for another program. As it is not possible to change providers within the first year, the student found himself stuck with the college in question. After a year he had asked his college for a so-called ‘release letter’ which would allow him to enroll with another institute. When he received the letter it came with the news that he had also been reported to the migration authorities for poor academic results. While it was true that he had not visited the college regularly he disputed that his results had been
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Pictures 12, 13 & 14: Examples of small colleges advertising with imagines of the CBD of Melbourne.
poor. He argued that his results had not been registered properly, but to no avail. While awaiting the decision of the tribunal, he had applied for a bridging visa (which costs $3500) that allowed him to await the decision out of detention. Unfortunately he was not allowed to work or study. Not having enough money to survive on he ended up working illegally. This was subsequently discovered and he found himself once again detained, this time in the far-off Baxter Detention center, located in the desert of South Australia.

Although a rather extreme case, it does show that the risks students take can have severe consequences. The danger, in fact, comes from two sides. On the one hand there is the danger of getting caught working too much, and on the other hand, working too much may also impact on studies, with the possibility that a student is reported for poor academic results. Being asked to leave Australia has very serious financial consequences. Firstly, such a student is unable to finish his degree, meaning that the money that has already been spent on fees will be wasted; and secondly, that student no longer has the possibility of staying on as a permanent resident in order to pay back the loan that was taken out to finance the plan in the first place.

‘Being Serious’ about Education

In practice, stories about the threat of detention or deportation were only told in the margins of more general narratives that were about ‘how to get PR’ and how to study as well as work part-time and make enough money necessary. Almost all of those I spoke to were of the opinion that (university) assignments, as they were generally referred to, should not suffer under the pressure of other matters. In that sense, most students were quite serious about their education. However, this same ‘seriousness’ would often lead to confusing and contradictory discussions on where priorities exactly lay. For many the most important thing was to get PR. Yet, this did not mean that education was not important. For one, they simply wanted to do well (thinking of their futures when they would need a solid degree, but also of their past, that they had been brought up in a middle class environment which valued education highly); and two, failing a subject was a rather pricey business, entailing having to re-enroll and re-pay course fees. Yet ‘being serious’ about education was often challenged by negative feelings of not getting the quality of education they desired. Interestingly, this seemed to characterize discussions among students who had enrolled with the better universities even more than those who had signed up with the cheaper players in the field. Of course, when universities make claims about being among the best in particular fields it raises expectations. Moreover, marketing presentations that focus

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64 According to an article in South Asia Times, the Australian government presented him with a bill of $97,000 for his imprisonment. This amount was calculated on the basis of the number of days he spent in detention. (Vol. 2, No. 7: February 2005).
on Melbourne’s fast-moving lifestyle, where universities are supposed to be as dynamic as the Australian economy itself, creates even more of a desire to be part of such an exciting world. Just like cosmetics that promise to return your youth in a matter of weeks, marketing messages and other ‘generated’ feelings often face a reality check once bought and in-use. A friend once commented on the assignments he was asked to do for his course; he jokingly claimed that he was doing a degree in Google Search, implying that what he had to do was far too easy and irrelevant. Buyer’s remorse is a common – and perhaps integral – part of the situation where students are clearly perceived and understood as consumers.

As the narratives provided by Rajneesh and others have shown, having paid a considerable sum of money for their education, as well as having taken out loans which not only put pressure on them but also on their families back home, they have become rather critical consumers with a very clear opinion about the ‘product’ they have bought. Although many Indian students come to Australia with the specific intention of becoming permanent residents, these same ‘migrants’ are still required to study in Australia for at least two years and have often based their choice of study on the way universities have presented themselves in India. Most of the time universities and colleges will have presented themselves as quality institutions where education matters, the staff is helpful, and whose courses will ultimately lead to a very fine future. Rajneesh was quite cynical about the way the agency had guided him in finding the right course and university. Although he now felt he was enrolled in a much better institute, he hardly ever mentioned studying when telling his stories about life in Melbourne.

As it was getting colder in the park and the noise of sticks hitting golf balls started getting on our nerves (not to mention the eerie feeling that at some undefined moment one of these balls might actually find its way to our heads) Rajneesh suggested going to a nearby pub for a beer. Inside the pub, a rather loud and elaborately decorated place doing a quaint imitation of an Irish joint, we continued talking about studying and living in Australia. Rajneesh was of the opinion that a lot of his friends didn’t care much about their studies. He agreed with Anish that they were all ‘obsessing about PR’ all the time. Education was also pretty much for sale at the uni itself, or so it seemed. Some students had turned doing assignments for others into a lucrative business. The rates that such students charged depended either on the time involved doing the assignment or the risk of getting caught. The penalty for getting caught was usually that both would have to take the whole subject again (and having to pay for it). This happened regularly and although generally seen as a waste of money, it was also seen as a risk that simply came with the situation many were in. The time

65 Buyer’s remorse is a marketing term which refers to feelings of doubt a person might feel after having bought a product. Buyer’s remorse is about whether or not one should have really bought that product.
won by somebody else doing one’s own assignment (this of course not solely being limited to the time spent on the assignments but also on going to class etc.) and thus being able to work more (or at least being more flexible about it) was certainly seen as worth the money.

Soon after having finished our second pint some of Rajneesh’s other housemates arrived at the pub and we left to do the necessary shopping for dinner. One of them had been busy looking for a job all day, he explained while Rajneesh started cooking, but he had not been very successful. He had come to Australia through ‘some local agent’: “I first went to IDP but I got no proper response from them. Then I went to some local agents. I paid the fees and got the visa. My agent knew how to process it. IDP did not tell me even why I was rejected. They were so bad at that.” He claimed that he had lost six months because IDP had not been honest with him and had not wanted to help him with anything. The private agent he had approached after IDP had also made some mistakes. “They had missed some copies of my passport and such things.” Still annoyed about this he added grumblingly that: “they are only there to take your money from people.” In total he had spent about 7,000 rupees on the process.66 "I ended up going through yet another agent… Then I lost all hope I would ever get that visa but in the end God had mercy on me.”

About half of the students I met during my stay in Melbourne had come to Australia through IDP Education, the biggest Australian recruiter of overseas students, operating on a non-profit basis world-wide, and jointly owned by 39 Australian Universities and representatives of all education sectors. The rest had come through private agencies, some very large and others one-man businesses, virtually unknown outside the region in India they operated in. When enquiring about education agencies, whether that would be big or small ones, it would often seem as if this had been their first introduction to the Australian education industry, with the emphasis on ‘industry’. While these agencies had guided them in finding the right courses and universities, and of course with the necessary paperwork, it was clearly understood that these were companies that were in it for a profit. Many agencies actually did not charge anything to the student directly. Often they simply made their money through the commission that they got from the universities for bringing in students. Working for free often gave the impression that students were dealing with not-for-profit operations that would not be influenced by the ‘wrong’ commercial interests. Yet besides the larger operators in the field such as Planet Education and IDP, many agents appeared to

66 See also a Business Line article titled ‘Applying pressure’ by Priyanka Jayashankar (January 13, 2006). “Forget the course fees, even the process of applying for foreign universities is getting more and more expensive, what with increasing transcript charges, visa fees and the high cost of application forms, not to mention consultation charges.” Many of the agencies the author mentions in the article have direct tie-ups with local Indian banks such as Bank of Punjab, State Bank of India and the Union Bank of India for the necessary education loans. On average, the author estimates that students spend around four 4,000 rupees on visa processing and documentation.
only offer courses with a limited number of institutes. This was not only a question of less work, but also that certain deals had been closed where such ‘dedication’ was compensated in a proper way. During interviews with students enrolled at institutes with the lowest fees it became clear that such students almost never came through organizations like IDP. They would almost always have been ‘advised’ to attend such an institute by an agent who had only a limited number of alternatives. Usually such an agent would also advise them on which course to take in order to ‘secure residency’. Thus it became clear that the entanglement of education and migration extended well across Australia’s border and far into the urban centers of India.

PRODUCING RESIDENCIES

An Ethical Business

Housed on the first floor of a neat office building in the center of Melbourne, The Gupte Education Agency sees a coming and going of Indian students throughout the day. Chandra, the Indian lady in charge, is in her thirties. Two of her sisters are also involved in the business; one helps her with office related matters in Melbourne while the other manages the office in New Delhi where most of the actual student recruitment takes place. The family has been active on the Australian market since September 1991, soon after the Indian economy was liberalized. “My father entered this business back then.” Before that he had mostly been in the business of sending students to the UK or US. “So I knew a lot about this business through him.” When her father passed away Chandra took over the business. In all, the family has been in the business of student recruitment for over 30 years.

The agency now sends around 150 students to Australia per semester. “They all come through our Delhi office.” At the moment they no longer charge students for the services they offer. In the past this was different, but as most agencies have stopped charging they were forced to do the same. The office in Delhi is mostly involved in advising students what might be the best course to enroll in. “Based on their background we try to guide them as much as we can.” They go through what the student in question has studied before and what kind of expectations they have. Then they make some suggestions of universities that might be an option. “But,” Chandra was quick to add “we never push them into anything. It has to be their own choice.”

‘It having to be their own choice’ was an often-repeated statement when talking to people in the business of student recruitment. Like Chandra’s business, most of the agencies active in the recruitment business specialize in a number of universities but as Chandra also explained: “we act as a representative for all of them.” The money the agency makes comes from the universities. “They pay us for the students we enroll with them.” How much they receive differs though. “The amounts vary between five hundred and a thousand dollars.” Chandra added that those who
charge the students more - the more expensive universities and colleges - usually also pay more commission. But this may be directly related to the fact that, in general, the amount paid to the agency is a percentage of the first semester’s college fees. “But it really depends,” Chandra added vaguely. Within the industry education, agency commissions are a closely guarded secret among all parties involved. A safe estimate (based on the accounts of several informants) is probably an average of 10 percent of the first year’s fees (see also Sidhu, 2006). But as a 7: Report revealed on Australian television (03 April, 2007), some agents take as much as four to five thousands dollars, sometimes as much as 35% of a year’s tuition fees. “We don’t take it into account when we guide students though.” It was important to Chandra that this was very clear. “We are an ethical business and we like to keep it that way.” The family business had been operating for over 30 years now and was proud of its solid reputation. “If a student is not happy and he finds out that he has been tricked in taking a certain course then he will tell others and after a while you don’t get any students at all.”

As an education agent, Chandra was very clear on how she felt about certain recently established institutes which charged rather competitive fees for providing education, and seemed to focus specifically on courses that were attractive to those with an interest in permanent residency. As she often had students come in to change courses or universities, she had heard her share of stories about these institutes and commented: “These institutes are just in it for the money; Nothing else.” According to Chandra they did not care about the students at all. And not only that: “I probably should not be talking about this but I firmly believe that they fail students on purpose just for the money. They are just in it for the money really…” The agencies that did do business with such institutions, Chandra argued, were in fact really migration agents. “They are not education agents like us. They guide these students to these institutions of their choice for the money. It will get them PR.” She refrained from giving any PR related advice herself, adding that universities generally did not like it when agents do both. “We follow the ESOS act and there is a very fine line between migration and education in it. So we stick to that.”

A Very Fine Line, Indeed

Chandra was very convincing in her description of some of her competitors who were flouting the rules she so obediently followed. Yet her agency appeared in the exact same local Indian papers and the way they advertised themselves was pretty much the same. They were specifically targeting students who were unhappy with their educational institutions and wanted to change to another one. Among these students were those who simply wanted to change courses in order to improve their chances of a PR. Chandra knew exactly what went on in the world of migration even though she was not providing any assistance with applying for PR. She was, in fact, walking the very fine line in the ESOS act which she had referred to earlier.
The ESOS (Education Services for Overseas Students) Act is supposed to regulate the education and training sector’s involvement with overseas students studying in Australia on student visas. In principle the ESOS act, and associated legislation, is meant to protect the interests of overseas students by providing tuition and financial assurance. Closely connected to the ESOS Act is the National Code, the purpose of which is to provide nationally consistent standards for CRICOS registration and for the conduct of CRICOS-registered providers. The Code has proved to be especially relevant when it comes to understanding the thin line walked by education providers, education and immigration agents, and others when dealing with, and making money from overseas students. Under the bracket of ‘marketing and student information’ the Code states that the CRICOS-registered provider is responsible for ensuring that marketing of its education and training services is carried out with integrity and accuracy. Important here is that the code also stresses that it must uphold the reputation of Australian international education and training. A little further on, the Code states that: “recruitment of overseas students must be conducted in an ethical and responsible manner.” Significantly, when it comes to recruitment agencies it stresses that, “the registered provider must not accept or continue to accept overseas students recruited by an agent… if they know, or reasonably suspect the agent to be: engaged in dishonest practices, including suggesting to overseas students that

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67 There are four pieces of law which form the ESOS legislative framework:
- Education Services for Overseas Students (ESOS) Act 2000
- Education Services for Overseas Students (ESOS) Regulations 2001
- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code)
- Education Services for Overseas Students (Registration Charges) Act 1997
- ESOS Assurance Fund Act

68 When the National Code was updated (revisioned) in 2006 it elicited considerable protests from education providers and agents: “New Federal Government rules on overseas students are extremely confrontational and will cost universities millions of dollars to set up and administer, vice-chancellors warned. But the greater cost could be the loss of students, as the charges are passed onto them.” Changes included checking students’ attendance at all lectures and tutorials and making sure they meet with visa requirements. The AVCC calculated that the changes would cost universities up to AUS$41 million extra. (SMH, May 31, 2006)

69 The ESOS Act requires providers of courses to international students to register their institution and the courses they offer with DETYA (Department of Education, Training and Youth Affairs). The State Office of Higher Education (OHE) and the Education Minister approve registration before a code is allocated and the details recorded on the CRICOS register. Providers and their agents must not promote a course to overseas students unless it is registered on CRICOS. See also: http://cricos.dest.gov.au

70 It doesn’t matter here whether this is (actually) conducted by (i) the provider, (ii) their agents, or (iii) those involved in the provision of a course under an arrangement with the registered provider.
they come to Australia on a student visa with a primary purpose other than full-time study."71

‘A primary purpose other than full-time study’… in the case of Indian overseas students it is clear that coming to Australia is not only about studying. And this is also known in India, as The Hindu (9 April, 2006) reported recently: “Most Indian students are looking at a return on investment and… outcomes are better in Australian than in the U.S. & U.K.,” as Racquel Shroff, Manager, Chennai branch of IDP Education Australia was quoted as saying. As was noted earlier, IDP, like other agents recruiting students, is not supposed to ‘talk’ about migration. But the manger of IDP in Chennai clearly refers to the desire for PR here. It shows how the two (migration and education) are inextricably linked. Interviewing a number of teachers (five in total) all belonging to the same department at a large university in Melbourne one afternoon, it became clear that the reality of migration was known to all of them. Some of them had been on so-called ‘road shows’ to India in order to recruit students for the university and had soon realized that the most important question on most students’ minds was: will this course get me PR? Most admitted that answering such questions was ‘pretty much’ unavoidable and that you had to find a way to deal with it. The teachers were aware that they were not supposed to recruit migrants but students, yet they also knew that with ‘selling education’ came something else that students wanted as well. And it was not just wanting, some explained. These teachers frequently found themselves faced with questions relating to how to get a student loan and associated pay-back schemes, as well as students wanting to know what their chances were of getting a job in their field in Australia and what their potential earnings would be. In fact, the course itself was not something potential students wanted to know all that much about, having often already spent a lot of time online, comparing course programs and universities.

Other teachers and university staff I met at the Australian International Education Conference (AIEC) 2005, held at the Gold Coast Exhibition Centre in the state of Queensland, painted a similar picture of these road shows. All had been overwhelmed by questions relating to PR and career opportunities in Australia while touring in India. The university and the courses themselves were often of limited interest to students. The conference itself avoided the subject though. Most sessions dealt with recruitment

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71 See also: University and their Students: Principles for the Provision of Education by Australian Universities, which was published December 2002 by the AV-CC. “Universities should ensure that Australian Diplomatic Missions and relevant government education agencies overseas are fully cognisant of their involvement in promoting, marketing and delivery of education to international students and that such involvement meets all official in-country rules and regulations… Universities should ensure that their promotions and advertisements, including those involving third parties, truthfully and accurately describe the education services, including the nature of courses, facilities and opportunities available to international students. Statements about the merits of courses offered by other universities, or about the universities themselves, should be fair and not misleading or malicious.” (p. 29) Similar rules and regulations can also be found in earlier publications such as A Guide for Providers of Education and Training Services to Overseas Students (1999) which was based on an earlier version of the ESOS act (1997).
related practices, from how to build a successful website to what type of information needs there were travelling around in ‘source countries’. Migration almost seemed a non-topic, something that those in the business of education knew they were not supposed to talk about. Some even claimed that by law they were not allowed to do so. Some also referred to the ESOS act and National Code. This also meant that they did not have brochures or sections of their (agents’, colleges’, or universities’) websites devoted to answering detailed questions about PR. IDP, the biggest recruiter in the field and co-organizer of the conference, even seemed to have an official policy of not engaging in answering questions related to PR. Some students’ had already told me this and so it was no surprise. Yet standing in a huge conference centre where hundreds of people had come together to discuss the business of overseas students - of which India is the second biggest source country - it was fascinating to observe how, on the one hand, everybody seemed to know that migration was an integral part of the business, and somehow had found ways of dealing with this in practice; while on the other hand, everybody had also found ways of avoiding the topic in public.

Marketing Education (and Migration)

Meeting Jake, a well-muscled, suit-clad, smooth talking senior marketing officer for one of the bigger universities in Australia, clarified that, even higher up the ladder, universities are very well aware of what the industry is producing. Most of Jake’s job consists of looking at markets, figures and predicting, for the university, how things will develop over time. In addition, he was also closely involved with setting up marketing programs to lure more students to his university and interacting with a team of people who travel to the ‘source countries’ regularly. Jake was hesitant about talking PR at first. As he initially put it, “India is a price sensitive market. Many of the students are also interested in PR.” He added that he thought that Indian students had always been interested in PR, but that they were now much more aware of it. “We don’t push the PR issue however; it is not something we advertise with.” Asked why, he explained that actually they are not allowed to market the PR issue. “We look for other avenues. We want to offer a distinguishing product. We underline the prestige of the degree.” Yet talking about the issue a little more he also admitted that at times they do try to encourage faculties to changes their programs so they come closer to what the market demands (i.e. providing courses which meet criteria for achieving PR), but that it takes time to change a program. Referring to CQU, for instance, he added that such universities “are what we call picking the low hanging fruit; it does not help the industry at all to behave in such a way.”

The interview took place in a meeting room, sitting at a large expensive looking mahogany table. About half an hour after Jake and I had started talking, his colleague Jason joined us; another well-dressed marketing officer in his early thirties with a dazzling smile. Jason introduced himself as being responsible for the recruitment team
at the university in question. He explained that in his previous job (with a different university) he had regularly headed “the India missions”. For about five years he had been in and out of India all the time. “We would go there on these three week missions to recruit students.” They would talk to the students and their parents and everybody else involved during such missions. “We would organize these educational fairs there. But also do these interview programs, and we would provide training to agents.” In addition to such activities his team organized information sessions. When I asked him what sort of questions students generally asked he replied: “You will be surprised to learn how few questions they had.” In Jason’s opinion, Indians really stood out in that respect. But he also added that there generally isn’t much time to answer detailed questions. According to him, the biggest problems these students experience are (“above all else”) related to paperwork (visas etc.). The issue of PR was certainly not unfamiliar to him either. “They are very focused on PR, at least some are.” But he was quick to add that universities are basically supposed to provide education. “But students are mostly outcome driven so you cannot really ignore the fact that they come here for that reason; they see it as a pathway to something.” And with that he added: “And the government is clear that it wants migrants.” But here Jake, who had stayed silent for a while, was quick to reassure me that they were not involved in actually recruiting migrants, posing the almost rhetorical question to Jason: “but we don’t promote it, do we?” Indeed, Jason agreed, “we don’t promote it as such but we try to answer questions as best we can.” Yet talking about this a little more, Jason also remarked that: “some say this is a migration market.” However, he felt that this wasn’t necessarily the case, given that it is a lengthy process (having to study in Australia for two years). Also because he thought that students don’t actually really want to stay in Australia. “They just see it as a way to extend their network. Some go straight back to India after graduation and others move on to the US.”

Jason was surprisingly well informed about the motives of Indian students coming to Australia. Yet PR and student recruitment continued to be awkward (if not illegal) bedfellows in the world of overseas education. It reminded me of a casual meeting I had had a couple of weeks earlier with an Australian couple who had been professionally involved with the recruitment of overseas students. They remarked that they would regularly buy ‘business reports’, which mapped out the Asian, and therefore Indian, market. Unfortunately I was not allowed to look into these reports as they had signed an agreement that they would be the sole users of the information. They were convinced that other stakeholders in the business also had access to such reports, and hinted at how straight talking these reports were about the business they were all in.

The ambivalence between Jake and Jason, sometimes correcting themselves or each other when they felt that they were saying something out of turn, given the rules and regulations in place to regulate the industry, made the interview a particularly
interesting one. It showed how complex and at times confusing an environment it can be to work in. As Jason made quite clear: “It is a civil offense to give advice on PR.” He added that one could only do so when one is a registered migration agent. “But we can give the information that is on the website or a referral to the website of DIMIA of course. Individual situations tend to be different but it is fine to give basic information.” He was of the opinion that his university also did not need to use PR in marketing material, as the Indian students already seemed to know everything about it. In addition, there were other markets to recruit from, which were also quite lucrative. These markets were much less focused on PR. “Some of the more erudite old families with money, they send their daughters to do arts, communication or law. They are not interested in having their children get PR here.” As Jason put it, they had no reason for being interested in PR. Life was much better for them in India itself. Yet he had to agree that these students were far outnumbered by Indian students enrolled in courses such as accounting and IT, and that for these students the primary reason for coming to Australia was PR. Jason seemed to think that not being able to use PR as a marketing tool was actually working in his favor. The marketing department was perfectly aware of which courses would be of interest to students. Promoting these courses was the daily reality for a student recruiter abroad. These courses were directly linked with migration opportunities. However, also knowing that the conditions for obtaining a PR regularly change, the university did not have to commit itself to anything. They were not in the business of migration; that the industry was actually producing migrants was not their problem (or responsibility) and in fact could not (fortunately) legally be so.

Knowing the Market

Jason’s knowledge of Indian students’ motivations for coming to Australia was interesting but certainly not uncommon. Most Australians who were in the business of student recruitment produced similar accounts. Jason worked for a large university with a solid reputation when it comes to education and research. The general narrative on what those within the industry generally refer to as ‘dodgy providers’ usually concerned much smaller, newly established colleges, often located in city centres, and often catering to students from one particular country (China, India, Malaysia) or region (East Asia, South Asia or South East Asia). One such ‘college’ was located in the CBD not too far from Flinders Street Station, Melbourne’s central station. The institute had appeared in articles in a number of local Indian papers, as some of the students who had been enrolled there had ended up in detention centers because of visa violations. In 2005 the institute had 65 students enrolled. Recruitment had been down for a while but as they were developing new courses they expected business to pick up soon. Asked about the courses which they had on offer, mostly accountancy-related, and thus fetching the highest points when applying for PR, the director – a balding guy in his
early fifties – laughed loudly and remarked: “we have quite a bit of experience with the MODL list sure.” In the past the institute used to run courses in marketing and IT but as “these are now fifty points occupations; there are no students in them anymore.” He admitted that most of the students that attended his college came to Australia for migration purposes. “They have borrowed a lot of money. And they have come here with falsified documents. So they know the risk they have taken.” He added that in a way: “they have mortgaged their lives.” Pointing to a room where a number of students from Andhra Pradesh were working on some kind of computer program he casually remarked that: “they have to pay back their loans before they can stop living like a coolie, that’s the problem.” Some students who overheard him smiled somewhat reluctantly but didn’t really seem to mind, as if they were used to such remarks. The director himself was actually quite cynical about the type of migrants the education industry was producing, referring to it as a “complete new underclass,” adding that: “they can do the shit jobs for us. We don’t want those jobs anymore, do we?”

The college this director had helped established had been in the business of overseas students for over eight years already. As he put it, he had always refused to do the ‘MODL courses’ but that there was “no escaping it anymore.” He added that he had always believed in education. “I guess I was too idealistic; the numbers were not growing at all.” In order to get more growth the college had now ventured into providing graphic arts courses. “And from January onwards we will be starting cookery courses; that will be Indian cooking, professional cooking and all that.” He continued: “The trend is now that only MODL courses make it; students want the seventy-five points and so they choose courses that offer that.” And if that is not an option “they will go bush” as he put it, referring to the option of studying in a regional area for which students will be able to claim bonus points. “Or they do NAATI?72,” he finally remarked, referring to the possibly of claiming extra points by becoming a

72 National Accreditation Authority for Translators and Interpreters.
certified translator. “But with 75 points you don’t have to worry about that at all.” And he was specifically aiming his products at this group of students now; those who did not (seem to) care much about the type of course they would be doing in Australia, as long it ultimately led them to an Australian residency.

A similar college, located a couple of blocks further from Flinders Street train station, appeared to view the business of education in similar terms. Calling itself ‘an institute of technology’ it seemed to be suggesting an association with RMIT, the Royal Melbourne Institute of Technology; a large and well-respected university located nearby. This particular institute of technology had no affiliation with RMIT though, not with any of the other ‘institutes of technology’ such as Melbourne Institute of Technology (MIT), which is generally referred to as the Melbourne campus of the University of Ballarat. The institute was a relative newcomer in the field of international education and the man in charge of its daily running was quick to point this out, in between answering calls, dealing with students who walked into his office and a desk full of paperwork that needed urgent attention. The institute had become registered in late 2003, and had been fully operational since March 2004. The first students had started arriving from July 2004 onwards. It was founded and jointly owned by three men (one Australian, two Indian) all of whom had international education related backgrounds. The director in charge of daily affairs used to be the international director of a large TAFE college; the two Indians were both education agents with offices in both Australia and India. The institute had grown so rapidly that it was already looking for a new location at the time of the interview. In July 2005 they had only 40 students, the director explained. Only half a year later this number had grown to 300, almost all Indian (about 97%). This was also where the institute focused most of its marketing efforts on. “PR is what is driving it”, the director offered as an explanation for the institute’s recent success. “We are caught by surprise about it ourselves really.” Although he sounded convincing it was clear that he was polishing his story somewhat. His Indian business associates both had a long history of student recruitment in India and had operated immigration agencies as well. The two Indian partners had not been in competition with each other in India though. Where one focused most of his activities on the Punjab; the other recruited most of his students from Andhra Pradesh, and the city of Hyderabad in particular. This was also where most of their students came from now. Although the institute referred to itself as an institute of technology they had, in fact, stopped offering any technology related courses soon after the institute had opened its doors. All of the current students were enrolled in cookery courses that led straight to PR. One of the four classrooms had previously been a computer room but management had recently decided to remove the computers as nobody seemed interested in the institute’s IT courses. The institute was now totally dedicated to offering cookery courses; and a practice area had even been arranged in a local Indian restaurant.
Compared to other colleges and universities this particular ‘institute of technology’ was one of the most price competitive colleges around, making studying in Australia available to an even wider group of Indians than ever before. This was also the market they were aiming at. Yet this also appeared to be a group for whom it was less common to speak English, making it sometimes difficult to meet the necessary IELTS requirements. In addition, the director had experienced that the lack of English sometimes caused problems when dealing with particular student issues. For this reason he was now also looking to recruit Indian teachers with fluency in languages such as Punjabi (spoken in the state Punjab) and Telegu (spoken in Andhra Pradesh). These teachers would then be able to better explain things, “highly necessary to keep things running smoothly,” he laughed. Whether it be a college which had recently realized that the market they were in was PR-oriented, or a college that seemed primarily set up to cater to the market for Australian residencies, jointly owned by businessmen with stakes in both migration and education businesses, these ‘operators’ were no different in their knowledge of the market than the previously mentioned Jake & Jason, working for the international marketing department of a university with a rather prestigious reputation. Both sides were aware what the market was about and both had found ways to deal with, and profit from this, as well.

The PR Factory in Production

A report by the Centre for Population and Urban Research (Monash University) published early in 2007 found that in recent years there had been a spike in the number of overseas students enrolling in courses such as cooking and hairdressing. (Birrell, 2007) “Many students simply saw a cheap cooking or hairdressing course as an easy path to a permanent visa, even if they had few skills in those trades or interest in doing the job”, the report said. Moreover, it was found that only a minority worked in those occupations once they had graduated. Besides reporting on a failing skilled migration program and the fact that the need for cooks and hairdressers was far less than the numbers coming into Australia to learn these trades, many newspapers were highlighting that other categories were not attracting anywhere near the same numbers, though demand was supposedly much greater (trade occupations in for instance metal, electrical and construction industries). Attention was also paid to situations where smaller colleges were clearly profiting from opportunities created by the immigration law. When describing how some students were becoming Australian residents by completing a course in cookery or hairdressing, the media began using phrases such as ‘cutting corners’, ‘exploiting a loophole’ and ‘rorting? Australia’s skilled migration program’. (Ibid; also ABC, 28 March, 2007) Bob Birrell, one of the

73 This particular quotation could be read in the SMH, The Age, and several other papers on March 27, 2007.
authors of the controversial report, even explained it as: “the whole system [having] been hijacked by the migration industry…” In an article for People and Place (2006) I had already argued something similar, and even given such colleges a name: PR factories, a term often used among Indian students themselves. Yet the practice itself – of considering migration rules and regulations when offering particular courses to overseas students – was surely not limited to these colleges. Although CQU, as well as some other universities, has a reputation among Indian students for catering towards students who are primarily in Australia for residency purposes, my own fieldwork showed that probably all universities in Australia have to come to terms with this aspect of the ‘overseas students market’, and have, in fact, often already found ways of dealing with this.

It is worth recalling how Julie Bishop, Science and Training Minister, reacted to Bob Birrell’s report on the English language capacities of overseas students in 2006. In response to Birrell’s claim that a large percentage of Asian overseas students do not seem to meet the necessary language requirements, she called this “an extraordinary attack on our universities.” This remark seems especially relevant when it comes to a final understanding of how different people (students, employers), agents (education, immigration) and institutions (colleges, universities) operate in and out of spheres of legality and illegality. Education and migration have now become so intertwined that it is almost impossible to separate them from each other anymore. The financial dependence of Australian universities and colleges on overseas students has become so high that the Australian government has no other choice than to take matters related to the education industry into account when making changes to its skilled migration programs. Christopher Ziguras (2005: 99) argues that if international education were to be discouraged by governments (with, as a consequence, declining overseas students numbers), “the financial viability of many Australian universities would be threatened”. However, it could just as well be argued that discouraging students to stay-on in Australia and become permanent residents (by introducing stricter rules) might ultimately result in (vastly) declining student numbers from source countries such as China and India, making it hard for certain universities to survive.

Gray Zones: The Question of Liminality and In-Betweenness

In an article on Salvadoran and Guatemalan immigrants’ in the United States, Cecilia Menjivar speaks of a ‘gray area’ of liminal legality. In her work she deals with the in-between ‘area’ that is created by black and white conceptualizations of documented and undocumented migration. Referring to Victor Turner’s work, she argues: immigrants’ uncertain legality transforms them into transitional beings who are “neither one thing or another; or maybe both; or neither here nor there; or maybe nowhere… and are at the very least ‘betwixt and between’ all the recognized fixed points in space-time of structural classification (Turner 1967: 96).” (Menjivar 2006: 1007) Menjivar’s concern is
mainly with ‘uncertain legality’ which then further shapes social and cultural aspects of immigrants’ lives. For Indian students this is of course slightly different since they do have a legal status, yet it is their uncertain future status as possible permanent residents that is affecting their lives. The liminal legality that Menjívar speaks of expresses the temporariness of such a situation yet it must also be noted that for many Central Americans in the US this has extended indefinitely. (p. 1008)

The concept of liminality as introduced by Turner (1967) more than 40 years ago turns out to be a useful way of further understanding not just how in-betweenness characterizes Indian students’ lives in Australia, but also how this further connects with the entanglement of education and migration in the Australian case in general. A liminal phase typically involves one or all of three kinds of separation: spatial, temporal, and social/moral. As Guobin Yang notes, “liminality can be seen as in an inverse relationship with bureaucracy… a liminal situation is characterized by freedom, egalitarianism, communion, and creativity.” (2000: 383) In organization studies such as the ones conducted by Christina Garsten (1999) and Tempest et al (2004) the concept was further used to make better sense of the situation temporary workers are in and the way their temporariness challenges the old boundaries of industrial society.

Liminality or the liminal phase can be understood to be almost the same thing as my concept of in-betweenness, save for one major difference. The concept of liminality urges us to think in terms of a free space where ‘temporarily’ the (old) rules no longer apply. Those who are in that space form a strong community and revel in that new, temporary, freedom. Yet the concept of in-betweenness is characterized by exactly those binding rules and regulations which have to be renegotiated to temporarily fit a situation. In-betweenness does not mean freedom from; in fact it could be argued that it means completely the opposite. In-betweenness means being locked in-between certain very narrowly defined realms. Menjívar, of course, realized this too when she studied the case of Central American immigrants in the US. These Central American immigrants were far from free; they were very much prisoners of very narrowly defined rules and regulations.

In the case of Indian students a further complicating factor in their in-betweenness is the entanglement of education and migration. This is in terms of there being both an education industry as well as a skilled migration program that recruits from the pool of freshly graduated overseas students. This entanglement was of course already nicely captured by the hyphen in the concept of the student-migrant. Yet this entanglement also has a habit of creating the kind of fog that makes certain in-betweenness situations so slippery and unclear. In particular, we could argue that, in the Australian case there is a certain gray zone where what can be considered legal and illegal are renegotiated to fit in with the reality of the situation students, agents, educational providers and even the government are faced with.

A gray zone is thus typically an in-between space where the strict
interpretation of what is legal and illegal is reworked into categories of licitness and illicitness. Students know that working more than 20 hours per week during semesters is not allowed. Yet, the in-betweenness that characterizes their situation as student-migrants creates a zone where they can argue that there is a certain normalcy to what they are doing. It is understood to be okay, not that strange, certainly not weird; as part and parcel of their position in Australian society, what it means to be an Indian migrant, an Indian on the way to better times. At the same time this is also what the industry and the government does. Universities need overseas students for the money they bring in. The government needs them for the potential skills they bring to the country. Yet the government has also made the rule that universities are not allowed to recruit students for reasons other than education. Knowing, though, that a large number of overseas students come to Australia for residency reasons, and that universities are now over-dependent on the money they bring in, all the stakeholders now operate in gray zones where what is strictly ‘not legal’ is reworked into terms of it being ‘acceptable’, ‘not that strange’, ‘simply a consequence’ and so on. One student once remarked, when commenting on the situation of working more than 20 hours, ‘everybody was doing it’, it would appear that the education industry and the Australian government are basically arguing no different.

The Nation-State Has Died; Long Live the Nation-State!

The challenge transnationalism makes to the nation-state is a well-known one (see for instance Willis et al, 1998). The debates, which focus in on this question, link up with the ones in a volume edited by Wilson & Donnan (1998) on the topic of border identities. In their very first chapter, the authors refer to scholars who claim, “that we are living in a world where state borders are increasingly obsolete.” (p. 1) They continue that, “this view holds that international borders are becoming so porous that they no longer fulfil their historical role as barriers to the movement of goods, ideas and people, and as markers of the extent and power of the state.” (Ibid.) In their understanding, the ‘anthropology of borders’ refers not only to how people cross borders but also step-over/renegotiate borders. In particular, they refer to the dialectical relationships between borders and their states, relationships in which border regions often have a critical impact on the formation of nations and states. (p. 3)

It could very well be argued that such ultimately physical border regions are in essence not that different from the much less specifically defined transnational spaces in which the migrants of today operate. As is the case with Indian students, the border region that frames their lives is one that can be located in-between India and Australia. It is this space that functions as an organizing principle in their lives. Yet for this space (or ‘realm’) to operate in a functional way, its ‘borders’ have to be constantly renegotiated. As Anderson & O’Dowd also argue, “the functions and meanings of borders have always been inherently ambiguous and contradictory…” (1999: 594) And although they speak
of physical, map-traceable, borders here they do not hesitate to connect this to claims about emerging ‘borderless worlds’ and the ‘space of places’ giving way to the ‘space of flows’. Thinking along those lines also brings us closer to the question of how the border can be understood both as a physical, as well as a mental, presence which is a ‘social’ reality for many people in countries such as India. When Indian students decide to make use of certain routes out of India, they do so by contesting certain perceived borders that seem to limit them to where they already are. A permanent residency ‘elsewhere’ is a direct contestation of these borders. With a PR it will be much easier to cross borders, to leave India, to stay on in Australia, as well as move on to different, as yet undefined, shores.

When we place the desire to become mobile somewhere ‘in-between’ the realms of migration studies and that of transnationalism, we find that the in-betweenness this produces can be understood as the source from which all other instances of in-betweenness spring. The answer to the question that this chapter began out with (what this hyphen, this in-between zone, tells us about the road to becoming more mobile) is also to be found here. It shows that making use of traditional categories no longer works when analyzing people whose objectives are tied into imaginary arrival points that are built on numerous different objectives (being mobile, highly educated, globally successful, in a profession that meets middle class expectations etc). Indian students move in-between such categories, never quite following the straight lines that the old migration studies would draw between different roles, locations and goals; instead wearing different hats, assuming different identities, which support and enable their desires to be mobile. This will be revealed even more strongly in the following chapter as we try to understand how a final semester on the way to permanent residency takes shape in practice and how the ultimate moment of arrival is then understood in this regard. How do people deal with setbacks and failures on the road to full transnational lives? And what does it mean to have one particular trajectory come to an end, with or without a PR? In the final semester failure and success will shake hands in more than one way.