Imagined mobility: migration and transnationalism among Indian students in Australia
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Appendix III:

The End and Beginning of a Migration System

Changing Rules and Regulations in a Perpetuum Mobile

During my fieldwork I observed how Indian students creatively made use of migration rules and regulations in a way they were not designed for. When I ended my fieldwork and returned to Amsterdam to write up my dissertation, I kept in touch with many of my informants, as well as remaining active on the Internet in several online communities. In addition, I published two articles in *People and Place* (2006,7). Because of these publications, as well as remaining in touch with informants and other contacts, I was able to follow how the system that students had so creatively made use of over the years, ‘responded’ to all of this.

Although when I started my fieldwork in 2005 there were no clear signs that the system might be given a serious overhaul within a number of years, in April 2007 the end of this particular route into Australia (through student-migration) was announced. It signaled the end of an era; at least that was how it was initially perceived. No longer would it be possible for overseas students to simply get a permanent residency based on having studied in Australia. From the 1st of September (2007) onwards they would have to complete 12 months of work experience in the field in which they studied, working a minimum of 20 hours a week\(^91\), in order to be eligible for a PR. The changes were highly influenced by a number of academic publications, as well as other reports and articles, that dealt with issues such as permanent residency factories (educational institutes that seemed mostly in the business of migration), ‘unemployable’ skilled migrants (language problems, poor reputation of institutes) and exploitation of the system (by the various parties involved).

It cannot be denied that Bob Birrell (and co-authors) played a rather influential role in the government’s decision to ‘overhaul’ the system.\(^92\) The first report (2006) that dealt with the issue reported on the results of English language tests sat by 12,116 former international students who had recently graduated from Australian universities and had received a permanent resident visa in 2005-6. The tests were required by the Department of Immigration and Citizenship (DIAC) as one of the preconditions for the issuance of a permanent residence visa. A third of these former

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92 See also my reaction to these reports in *People and Place*, 2007.
students did not reach level 6 on the IELTS test. Such students would not have been able to enrol in the Australian university they graduated from had they shown such poor language skills when first applying for a higher education student visa. One of the main questions the study asked was: how did students with poor English language skills get into Australian universities, and how did they manage to graduate? Birrell claims that: “…some Australian universities offered courses, particularly in accounting and computing, designed to require minimal English”. (*The Age*, 29 March 2007) In other cases, students coped using means ranging from engaging tutors to plagiarism. A running theme in most of the press coverage of Birrell’s report was the issue of ‘soft marking’. Professor Gerard Sutton of the Australian Vice-Chancellors’ Committee (AVCC) “rejected any suggestions universities had lowered standards to allow fee-paying overseas students – who contribute around 15 per cent of university’s revenues – to graduate.” (*SMH*, January 29, 2007) Yet in the same article Greens senator Kerry Nettle was referred to as having said that “the government’s systematic underfunding of universities and promotion of the user-pays philosophy had led to the use of overseas students as cash cows to prop up university budgets with little concern for quality.” (Ibid) The education spokesman for the Opposition was reported as saying that “under-resourcing of universities increased the danger that some of them are now so dependent on student fees that they might drop standards.” (*The Australian*, 31 January 2007)

A second publication (Birrell 2007), which appeared in the Monash-based journal *People and Place*, further added fuel to the fire. The title of the article, *‘Cooks Galore and Hairdressers Aplenty’*, already betrayed some of the cynicism that had crept into the analysis and perception of the way the system was working (out) in practice. There was little evidence that Australia was getting back from the system what it had intended to generate: highly skilled, employable, self-financed and (thus) locally trained migrants that would strengthen the local economy. Instead, many such students seemed to be ending up in professions in which there was no shortage at all, or studying in fields purely for the migration points, without ever really having the intention of actually working in these fields. Taxi drivers were the most visible

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93 *The Age*, January 29, 2007; see also *The Australian*, January 29, 2007; and several other papers.
94 Soft marking generally comes down to being less strict with certain students (in this case ‘overseas’ students) when grading papers or exams. A month later *The Australian* reported that research (conducted by Dr. Tracey Bretag, senior lecturer with the University of South Australia’s School of Management) was able to confirm that academics had “been going soft on fee-paying international students”.
95 Not everybody seemed to pick up on the irony of the situation though. Happily a reporter at the time writes in *The Australian*: “To migrate to Australia as a skilled independent overseas student, applicants must pass a 60-point skills assessment that is weighted towards certain professions. Filmmakers cannot reach the required number of points; hairdressers can. “It did not take long for the reporter to find a student who was willing to explain why he was following the course: “Rupesh says almost 90 per cent of his fellow trainee hairdressers are international students doing the course to obtain residency.” (March 6, 2005)
examples of these. Yet it was not so much their failure that was announced but that of the system itself.

The need for skilled migrants had continuously received attention throughout the years the system of migrant-recruitment from the pool of fresh overseas student graduates and post-graduates was in place. And regularly attention was drawn to research which showed that Australia (or some regional area in Australia) faced some form of ‘endemic shortage’ of certain types of skilled migrants (accountants, doctors, engineers). The findings in a report that came out in 2006, co-authored by Bob Birrell and Virginia Rapson was, for instance, widely discussed in the Australian papers.96 In the report the authors engaged in a debate on the way higher education is meeting workforce demands in Australia. A report, which the duo in question published a year earlier (2005) on ‘migration and the accounting profession’, links up with it in a rather interesting way. Both reports show how the system is not providing what the market needs.97 The system (or maybe I should say ‘production lines’) can be altered to produce different outcomes though. And also in 2005, as well as subsequent years, regular changes were announced to accommodate the needs of the market in a better way.98

Inherently denied – or ignored for that matter – is the fact that systems such as the one where skilled migrants are recruited from a pool of overseas students, actually does not just serve only one purpose. While the system is supposed to serve the market, by itself this very purpose has created a connection between education and migration that implies a certain dependency on each other. It is this that we observed in detail in the previous chapters. For many students this ‘reality’ was known before they even arrived in Australia. They had attended education fairs and road shows themselves with questions not just, or only, about education; but with many related ones such as those on employment prospects in Australia, how much one would be able to earn locally and so on. And the education industry they had encountered in India was one of ‘highly skilled’ businessmen, eager to sell them the fulfillment of such dreams.

96 The Australian, October 30, 2006. See also: The Age (October 28, 30), SMH (October 30) and News.com.au (October 30).
97 See also Dale et al, who in a paper for the AIEC conference 2006 write that: “In the period since the introduction of immigration selection reforms in 1998, accounting has been a popular course of study for international students to study in Australia… Despite the large number of international students enrolling in accounting programs the shortage does not seem to have reduced.”(Dale et al, 2006: online).
98 As The Australian reported mid April 2005: “Foreign full-fee paying apprentices and tradesmen will be lured to regional Australia in a record skilled migration intake unveiled by the Howard government yesterday… shortages among bricklayers, electricians and engineers.”
An Extraordinary Attack on ‘Our’ Universities

Now that changes have been implemented we can look back on a period where we were able to observe a system-change. Let’s refer back to the moment when Bob Birrell’s report came out in which he argued (based on statistical data) that overseas students often do not make the language requirements when applying for permanent residency. Chinese students, in this sense, scored the lowest, but as much as 14% of the Indian students were also not able to meet the necessary requirements. The media was stunned. How had these students been able (allowed) to enter Australia in the first place? And how had they managed to graduate from Australian universities? The most interesting reaction came from Education Minister Julie Bishop: “This has been an extraordinary attack by Professor Birrell on our universities.” (SMH, January 29, 2007)

She went on to argue that international education is Australia’s fourth largest export product “it’s in the interest of our universities to maintain very high standards because there is international recognition at stake.” (See also ABC, January 29, 2007)

Bishop’s reaction was interesting on a number of different levels. First of all she called Birrell’s report an ‘extraordinary attack’, as if Birrell was not merely criticizing what was happening but was also set on damaging the reputation of Australian universities. And this makes the second part of the quotation even more peculiar: this interest in maintaining high standards is apparently not something one achieves by recognizing there is a problem. That, if we follow her line of reasoning, it will only cause harm to the reputation of these universities; and as money coming in from overseas forms an integral part of the budget of any Australian university, damaged reputations may have severe consequences; all in all, a typical reaction from somebody whose business is at stake. Reports such as Birrell’s cause loss of business, cost market share, mean that marketing departments will have to make an extra effort and so on.

The tone had already been set though. The question of how ‘such students’ pass exams in the first place, was hardly a new one. It had been a topic among university lecturers for a while as my own research in 2005 had shown. Now that the papers were picking up on this report, there was an avalanche of stories that would fit in with the picture Birrell had already painted in his report. The Sydney Morning Herald reported that a recently retired academic had claimed to pass overseas students who handed in work he would never have accepted from domestic students. “And a former teacher at the University of Central Queensland’s Sydney campus said exams in the legal course were open book and multiple choice so they were easy enough for the overseas students to pass.” (January 30, 2007). Even more ‘shocking’ was the story of John Forge, a philosophy science lecturer who had worked at different universities in the states of New South Wales and Queensland. “If you failed more than 25 per cent you had to explain yourself… the assumption was, if they got in they must be up to the standard, so if you want to throw out more than a quarter there’s something wrong
with the admissions process and they're not going to admit to that.” (Ibid) At Central Queensland University the situation was no different. A lecturer there estimated that half of her class plagiarized assignments. “I found about 40 students of mine that had plagiarised but I was told by a colleague, don't fail that many, they'll just target you.” (Ibid) With more and more stories coming out of teachers admitting to having been put under pressure to pass students who, based on their exam results should have been failed, the Minister was demanding to see hard evidence. (*The Australian*, 31 January, 2007)

Less than a month later *The Age* reported that an investigation had been announced into the alleged rip-off of foreign students at a private education provider in Melbourne. Allegations were made that the International Business and Hospitality Institute in Melbourne may have been involved in exploiting overseas students and other criminal conduct. The article went on to explain how those who had recognized the problems with the institute were not properly heard and how the regulating bodies seemed to have clearly failed. A couple of days later *The Age* returned with a follow-up to this article. “Two Chinese men – the leader just 22 years old and with no education experience – established a training institute in Melbourne and recruit overseas students willing to pay thousands of dollars for a qualification.” (February 26, 2007) A month later, *The Age* was able to report that aforementioned institute had finally been de-registered. “Documents lodged at the Victorian Civil

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99 See also *The Courier Mail*, February 10, 2007. “A leading Queensland academic quit his university post in disgust after being told to pass fee-paying overseas students he had intended to fail.” He claimed to have been put under enormous pressure from senior academic staff. “They had not even come close to passing.”

100 The problems with smaller colleges strongly reminded me of incidents almost two decades earlier. “When recruitment of full-fee foreign students was first made possible, some institutions engaged directly or indirectly in some doubtful marketing practices. Those practices due to inexperience will diminish and those due to the reliance on marketing models used for some types of consumer durables will be checked by the imposition of codes of conduct.” (Williams 1989: 23) See also Sidhu: “The deregulated, trade-dominated focus of international education ran into problems quickly with the collapse of several English language schools, concerns about a ‘corporate cowboy’ approach to recruitment, and accusations of immigration fraud. By 1991, the shortcomings of the deregulation policy were starkly evident, and in a bid to reign the excessively entrepreneurial practices of some Australian educational institutions, the government introduced the Education Services for Overseas Students (ESOS) Act.” (2006: 37)

101 Former IBH student Ivy Xu from China told *The Age* that, despite paying $6000 for a cookery course, she was told to take business studies. She said those classes ended prematurely last year and she was told to take a long holiday. Another former IBH student, Wendy Meng Ying, said she was told to take long holidays after being taught the same lessons repeatedly.” (*The Age*, February 23, 2007)
and Administrative Tribunal allege the institute was set up with the sole purpose of offering foreigners a pathway to a permanent residency visa.” (March 21, 2007)  

Around the same time, the *Sydney Morning Herald* managed to stir up even more commotion writing that CQU has been accused of being a front for an elaborate immigration racket. “Central Queensland University, which is based in Rockhampton, specialises in information technology and accounting courses, which earn students the most points towards gaining permanent residency in Australia.” (*Sydney Morning Herald*, March 21a, 2007) Michael Jones, a migration lawyer who has acted on behalf of CQU students was claimed to have said that the students attracted to CQU were generally more interested in the qualification than the education itself. In the article he was quoted as having said that: “[t]he students are here for the purpose of a visa.” (March 21b, 2007) He also claimed that CQU allowed students to keep failing their courses until they had been attending the university for a year, after which they were allowed to change education providers by law, but that on doing so CQU would report them to the DIMIA for poor academic results. Meanwhile, students had apparently protested again in Melbourne and Sydney over high failure rates earlier that month. According to one staff member it was virtually impossible for the students to find employment in their chosen fields because of their poor English language skills and because the breadth of their skills was so narrow. “Yet the education agents who recruited them for Australian universities all but guaranteed them jobs if they came to Australia.” (Ibid) According to the staff member in question the students had felt duped. “Through talking to these people you can see the anger [because], in their view, the Government has been lying to them. They believe they were promised jobs, they were promised this utopia, this multicultural country.” (Ibid) CQU was of course quick to reject any claims that it was flouting immigration laws and not doing enough for failing students. “Acting vice-chancellor Angela Delves says the accusations are false and any student who is failing is offered additional support.” (*ABC*, March 22, 2007) According to *The Age*, CQU’s spokesman, Marc Barnbaum, had said that the university was unfairly singled out. “All universities in Australia do exactly what we do, yet because we’re the largest provider and we have downtown campuses, we’re somehow seen as special.” (March 22, 2007) He further argued that “the sandstones” do the same.

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102 The article itself was actually about a different institute, Melbourne International College in King Street, which faced an audit by the Victorian Office of Training and Tertiary Education after having received complaints from former staff, Adam Morton reports for the paper. (Ibid) One former community welfare teacher claimed to have been told by the management of the college in question to pass students who did not come to class. “The teacher said the students claimed they had been asked to pay extra so they would not have to turn up.” (Ibid) The college itself denied all claims. A day later *The Age* announced that “the Victorian Government’s higher education director had quit amid accusations his office is failing to act on complaints of exploitation and corruption in private colleges.” (March 22, 2007) Educators and overseas students had apparently complained that the Victorian Office of Training and Tertiary Education had neglected complaints.

103 The Sandstones in Australia are what the Ivy-Leagues are in the US.
A Hunger Strike, To Make a Point

‘The sandstones were doing the same’ it was argued. And referring back to earlier chapters in which it was shown that students at the better universities are also faced with the migration question, we can agree with the CQU spokesperson here. Scrolling back a little in the reporting on the CQU-case we may just have missed something, something that in my opinion is actually a far more interesting statement. Here was a staff member belonging to CQU who argued that students are angry, they felt duped, and the Government had been lying to them. They thought they would get jobs, that Australia would be a utopia, that it would be a multicultural country. The creation of this particular image of Australia must have occurred in India itself; yet having talked to many CQU students (both in formal interviews and in more informal sessions), it is safe to argue that the actual suggestion to migrate did not come from CQU itself. None of the students I met were ever encouraged to come to Australia because they would be able to get an Australian permanent residency (PR) afterwards. All those students for whom PR was the main reason to come Australia had started looking into the Australia-option with the intention to migrate. In order words, the intention to migrate was already there. And this intention had been fed with images of abroad that had indeed corresponded, albeit vaguely, with the picture that this particular staff member was painting here. The image of abroad was already there and the marketing campaigns of education recruitment agencies or universities such as CQU in particular probably just further colored in a picture that by itself actually already had quite a bit of detail.

But this is not the only thing which makes this particular quotation interesting. Of further interest is that a staff member would say such a thing in the first place. It shows how much the worlds of education and migration have come together and how staff members such as the one quoted in the article are part of an in-between zone where it is almost impossible to separate one thing for another. CQU is probably also the most extreme example in this regard; it is a particularly successful recruiter of Indian students, so successful even that it has won several export awards. (The Australian, July 1, 2006) Offering courses at competitive prices, and having a well-oiled recruitment apparatus working in India, the Melbourne city campus in particular has seen its numbers of Indian enrolments skyrocket in recent years. The university has regularly made headlines in the past few years because of problems on its Melbourne and Sydney campuses. In March 2006, for instance, a group of Indian students announced that they would go on hunger strike because they felt the university was treating them as cash cows. “A representative of the 60 master students said CQU treated the Melbourne campus like a bank rather than an education institution that was concerned about its students.” (The Age, March 14, 2006) Apparently 62% of the students had failed a tax and accounting postgraduate course, but they claimed that they were tested on material not covered in the lectures, and had subsequently been
denied the option to challenge their marks. Interestingly, former Victorian premier John Cain was quick to respond saying that, having done research on city universities, indeed the facilities were not adequate for a tertiary institution. One thing that clearly came to the fore was the problem that the campus was clearly run like a private company. Others joined in the discussion as well. As another newspaper article (ABC Online, 15 March, 2006) shows, more and more university campuses sign franchising agreements with private companies. Such companies are then responsible for the daily running of a campus. It did not take long for other protests to erupt. On March 17 (2006), The Age reported that a second group of overseas students had protested against high failure rates and treatment by CQU. This time the students were located at the Sydney campus. It was found that a total of 71% of the Sydney students who sat the same exam had also failed. Meanwhile CQU maintained that the university met high academic standards and that there was nothing to worry about. In another article in The Age (March 18, 2006) University of Melbourne’s vice-chancellor Glyn Davis described the global higher education market as an ‘arms race’ for international students. The article commented: “It’s a deliberate choice of words. The $2 billion in revenue the students generate for Australian universities is the margin universities now survive on.” Professor Debbie Clayton, Director of International Development and Services at CQU, had meanwhile flown to Melbourne to talk to the students. “She said while CQU had bent over backwards to help the students, it would not be blackmailed.” (The Advertiser, March 16, 2006). The trouble was far from over for CQU though. In April 2007 Indian students again protested against CQU, pretty much arguing the same and warning future students not to come to Australia (see for instance Times of India, 26 April, 2007). In May 2007 the trouble continued. As The Age (May 19) reported, students claimed that CQU had given them “less exam advice, fewer multiple-choice questions, fewer sample questions and fewer chapter lists from recommended textbooks.” The goal, as was insinuated in the articles (see also Hindustan Times, May 19, 2007), was to have more students fail as this would mean more students would re-enrol, thus generating more money for the university.

Murder and Mayhem in Multicultural Melbourne

In August 2006 the killing of an Indian taxi driver in Melbourne sparked a protest of over 500 taxi drivers who demanded better security measures (see pictures by Adam Chàndaraaphày). According to several newspapers, the taxi driver’s name was Rajneesh Joga, 27 years old, originally from Hyderabad (Andhra Pradesh) and an accountancy student with the Melbourne Institute of Technology (MIT). According to the police, Rajneesh was in the wrong place at the wrong time. He died after having been seriously assaulted and thrown out of the taxi by a 20 year old man whom he had picked up as a passenger earlier that evening. Although people were shocked by the taxi driver’s
death, they were even more shocked by the enormous protest\textsuperscript{104} taxi drivers staged in the center of Melbourne. *The Age*, trying to answer ‘why these drivers are upset’ talked to several drivers among whom were (named in full) 25-year old taxi drivers Manwinder Bhattal and Dayajot Singh. (August 13, 2006) Another article in *The Age* even had a picture of the victim. Dewi Cooke, author of the piece, writes: “he was likeable, friendly and a good student, all things his parents, at home in Hyderabad, central India, could be proud of.” It is further noted that the Indian community had been mobilized to raise money to send the body back to India because the family was not well off and “Mr Joga used to send money home regularly.” (August 13, 2006b) The Telugu Association of Australia had meanwhile already raised seven thousand dollars. According to Dattatreya Gunturu of the abovementioned association, the family will definitely benefit from the money as they are likely to be left with the burden of the bank loan they have taken out to finance their son’s study abroad plans.

Although the news was shocking, and resulted in a lot of (press) attention about the safety of taxi drivers, one thing most of the articles published did not pick up on was that almost all taxi drivers taking part in the protest were Indians. And not just that, most of them turned out to be overseas or ex-overseas students. Among Indian students and others belonging to the Indian community this was of course widely known. An Indian taxi driver, who was suspected of murdering a passenger in 2005, had certainly already added to feelings of ‘unsafety’ among those working in the taxi industry. One Rajbinder Sigh Shahi was charged with murdering 17-year old Xavier Salmon at the time. It was alleged that Rajbinder had run over the customer after a heated exchange in the taxi just before the incident. Rajbinder himself denied the charges and claimed that the passenger (and his friends) had been throwing

\textsuperscript{104} See picture. These pictures were available on the web for a while (http://www.flickr.com/photos/agentfare-evader/212563168/in/set-72157594364562895/) but after a while could not be found anymore. For this reason I have also not been able to contact the photographer in order to ask him permission to use these. Since I am using them for non-commercial usage here I hope he agrees with my decision to use them anyway.
‘stubbies’ (beer bottles) at his car because of which he had tried to quickly drive away (and subsequently ran over the guy).

The taxi driving profession seems to have become a symbol of failed migration. Although the actual migration itself obviously had not failed, the fact that such a person had become a taxi driver was seen by many (overseas students and community members alike) as a failure to make it. In this sense the road towards ultimate arrival was prematurely abandoned in order to settle for a ‘typical’ migrant job that, as most would have it, pays well but certainly is not something one should aim for. From the interviews with Punjabi students it showed that many of them were already aware of the money one could make by driving a taxi in Melbourne, as well as already having been introduced to the Melway (Melbourne’s phone book thick roadmap) in India itself. Some also admitted that that was what they had come to Melbourne for, having heard that ‘driving taxi makes good money’. In general though, the profession was frowned upon.

More Protest (to come)

On the 10th of May (2008) the Herald Sun reported that a total of 40 foreign students had died since June 2007. One of the reasons for reporting this alarming number was the stabbing of “student taxi driver Jalvinder Singh” two weeks earlier which had sparked another huge protest of fellow taxi drivers in the center of Melbourne. It was further stated that, according to the Federation of Indian Students of Australia, 13 Indian students had taken their own lives after struggling with the cultural and financial pressures.

Although Indian students come to Australia of their own free will and are free to leave if they don’t like being there, as we have seen before, the loans they have taken out (and thus the financial pressure they are under) further complicates this situation and often generates the feeling that one no longer has a choice in the matter. One has to get a PR to pay back the loan taken out to get that PR. It is this particular paradox that contributes to feelings of disappointment and dissatisfaction. Above all
though, situations such as the one where students threaten to go on hunger strike to voice their disapproval indicate how complex the situation has become. They are students, yes, yet also migrants. True, they have been made promises; yet they also know that there is nowhere to go if such promises are not met.

Obviously the earlier mentioned protests are not just about education; they are about the in-between situation in which many of them have ended up. Public outbursts such as the taxi drivers protesting in the city center of Melbourne can be seen in line with the meeting I attended at RMIT in 2005, during which a new migration scheme specifically designed for students who did not pass the points test for a normal PR was unveiled (allowing them to go bush, as they would have it), and where Indian students walked out because they were angry that the government was seen to be reneging on its original deal and offering an inferior alternative. These protests are about quality of life, safety, multiculturality, fairness, opportunities and so on. These are things which students feel they have been promised; whether this is actually the case is irrelevant. It is perceived this way and gives strength and weight to how they influence each other, not only in the way migration becomes a reality for those who had initially not thought along those lines, but also in how these newcomers see and perceive Australia and the way they got there.

The previous sections also show how close the business of student-migration has come to the realms of human smuggling and trafficking. True, it does not involve the participation of clearly criminal actors, yet the outcome, the debts that are the result of the quest for mobility (see Friebel & Guriev, 2004, for their take on this), and the additional, non-financial, pressure that also comes with this, certainly creates an atmosphere which is not that fundamentally different. What clouds this, though, is that we are dealing with highly-educated, middle class students here. Such a group is usually not associated with the harsher forms of migration. Yet for human smuggling and trafficking, one also needs money, not to mention knowledge of how to make this work. While I want to keep on emphasizing that, by no means, do I wish to equate the situation Indian students are in with the much harsher realities of ‘human smuggling using containers’, ‘forced prostitution’ and other ‘slave-like labor conditions’, what we need to understand is that the business of human mobility itself knows many shady sides that challenge our perceptions of what we find ‘normal’ for migrants. That ‘what is considered’ normal has already made an impact on the way Indian overseas students in Melbourne perceive this, as is evident from the case studies presented in this dissertation.