

International Student Futures in Australia: A Human Rights Perspective on Moving Forward to Real Action

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Michel Laurence, Photographer. *Hanging posters of 'Indian Aussies'*, Federation Square, Melbourne. Photo: Andrew Jakubowicz, Sept 2010.

Executive summary

International students have become a major political, social and economic issue in Australia. This paper, while prepared under the aegis of the Australian Human Rights Commission, the Academy of Social Sciences in Australia, and Universities Australia, remains the sole responsibility of its authors. The paper reviews the background and proposes a number of steps that may help ameliorate the current situation. It argues that policy in the area has been poorly developed, and has not had a strong evidence base or the underpinning of appropriate research. Furthermore it presents evidence that broader social policies necessary to reduce racism and ensure wider human rights, if international students are included, would serve to ensure that students would feel welcome, and that social cohesion would be more attainable. With international students now comprising a significant part of Australia's immigration intake, and making a major contribution to Australia's economic survival during the global financial crisis, the current uncoordinated and at times counter-productive policy responses to their presence require systematic review. The way forward necessitates collaboration between the education sector, human rights institutions, all levels of government, student organisations and civil society, on issues far wider than those addressed in the October 2010 National International Students Strategy Research Plan.



Succession: Melbourne, November, 2010. Photo: Andrew Jakubowicz

Foreword

The news in late October 2010 that up to 300 academics and other staff would be laid off at Melbourne's Monash University highlights the role of international students in the financial viability of Australia's education sector. The University's Dean of Economics, Stephen King, argued that the government would have to act:

Fix the visa issue so the Australian education system remains internationally competitive and the cross-subsidy to domestic students can continue. Or massively increase the funding per domestic student so it covers the true cost of that student's education...; or prepare to inject billions of dollars into the tertiary sector in the form of bailouts over the next two to three years.¹

King believes option three is 'the default option' and he expects bailouts will occur, declaring: 'If it does, the federal government will be responsible for trashing the reputation of our universities and killing a viable long-term export industry in education.'²

Three days later on 29 October, the Commonwealth Government's Tertiary Education Minister, Senator Chris Evans, released the national International Students Strategy on behalf of the Council of Australian Governments³. Foreshadowed in May 2010, the national strategy represents the latest step in a series of government actions around international students that stretches back to the early 1950s. It is not at first apparent that the strategy reflects any of the priorities that Professor King identified; its actions will make entering the Australian educational system more difficult for international students (especially financially) and will effectively terminate the avenue to permanent residence opened up over the past decade. For those who do make it through, their costs will rise, though their voices will be more widely heard and better information will be provided to them. Poor quality providers should disappear from the sector. However, on many of the key issues about which they have already spoken out (racism, accommodation, sexual harassment, transport, human rights), the strategy is curiously silent.

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1. Introduction

The attraction, retention, well-being and quality of outcomes for international students have become major policy and political issues in Australia and in many of the students' countries of origin. In Australia the perceived range of environmental and social impacts of a rapidly growing international student presence has stimulated public attention. The economic contribution of international students has also played a critical role in Australia's survival through the global financial crisis, buffering the Australian dollar and sustaining a higher level of service sector export income than almost any other nation⁴.

In coming to grips with the many different perspectives and interpretations of the international student situation, the institutional stakeholders need quality evidence in order to make appropriate policy decisions, and develop meaningful and effective programs. This paper draws on social science research to examine the policy environment, the students' situations, and the responses by government, business and industry, civil society and the wider community. In undertaking this examination, we draw on current research, policy debates and the discussions held among stakeholders and academic experts convened by the project sponsors, namely the Australian Human Rights Commission, the Academy of Social Sciences in Australia, and Universities Australia.

The three sponsors initiated these discussions in early 2010; at that time the focus was on the violence experienced by Indian students in particular, and the changes that were being flagged by the national government to criteria for residential outcomes for students completing Australian qualifications. Safety and security were paramount, though the broader social context was also flagged for examination.

The outcome of the first sponsors' symposium in March 2010 was reported by Professor Adam Graycar⁵ in 'Racism and the Tertiary Student Experience in Australia'. His paper summarised the research presented at the meeting, and concluded with a number of what proved to be controversial discussion points. The focus on reducing race-related crimes raises issues about to what extent criminal attacks on students were racially-motivated; the discussion of the tension for 'foreign' students between educational and residential outcomes can set these up as alternatives rather than complements; the dichotomous differentiation between VET and university programs both underplays the continuities between them and suggests an inappropriate hierarchy of importance; and the use of the term 'foreign' negates the contribution that international students make to Australian education and society.

The evidence presented at the first symposium indicated that the following elements need to be considered in the development of policy parameters:

- Certain cultural groups evince a greater likelihood of experiencing racially or culturally discriminatory and demeaning events, including people from South Asia, people of Muslim faith and Indigenous people⁶.
- The security of South Asian international students was affected by their need to travel late at night and often alone, and by the exposure to potential street crime because of the residence of some in localities where economic pressures have generated unemployment and social exclusion⁷.
- Economic exploitation of international students by unscrupulous employers was prevalent where students had few financial resources and required more than the twenty hours per week of work during semester allowed by their visas⁸.
- Economic exploitation of international students by unscrupulous or poorly managed educational service providers had generated widespread cynicism about the regulation of education among current and prospective students⁹.
- While the residency opportunities introduced by the Federal government through the listing of required occupations and courses had generated a rapid rise in demand, overwhelmingly international students wanted a quality educational experience¹⁰.

- The interstitial status of international students reduced their effective human rights, a situation compounded by economic stress¹¹.
- Female students are at particular risk as they are more vulnerable to physical attack, and more exposed to sexual harassment (especially at work and in negotiations over accommodation), even though they were not victims of the street crime that featured in the Victorian debate¹².

During 2010 the debate was propelled by three dynamics – the upsurge in public debate around Australia's population size and the impact on these projections of the student population; the impact of the Baird report¹³ on state and federal governments' management of the international student industry and the decisions of the Council of Australian Governments (COAG); and the growing concern for the students' human rights and the possible role of Australian institutional racism in perpetuating situations of violence, exploitation and discrimination.

Stakeholders in the international student issue include those organisations directly involved in the industry, the government, students and the wider society. Australians in general benefit from a society free from discrimination, exploitation and violence on race, culture and religious grounds; an educational system that is world class, well respected as ethical, fair and of high quality; sustained and sustainable demand for our educational services as part of our international trade arrangements; an unselfish and developmentally progressive international aid program; and international immigrants who are educated, aware of Australian values and culture, and committed to making their lives in Australia productive and peaceful.

Governments at the federal, state and local levels benefit from stable and respectful international political and trade relationships; targeted and effective foreign aid strategies; secure and peaceful communities; an educated workforce; active and productive participation by citizens and longer-term residents in civic life; a sustainable and supportable population; calm and productive inter-communal relations; and growing infrastructures that enable the benefits of scale.

Universities benefit from international respect for the quality of their programs, their research and their educational environments; continuing international interchange of students and staff in an environment untainted by racism or exploitation; community appreciation of their contribution to quality of life; and a supportive and productive teaching and learning environment.

The VET and school education sectors benefit from a safe and secure community environment; an ethical, effective, and productive range of educational opportunities; an international and local student body that engages mutually and develops critical intercultural competencies in the process; and a reputation as an education industry untainted by suggestions of corruption, inadequate delivery, and irrelevance.

International students benefit from having a range of educational opportunities that enhance their skills and learning; that ensure a high quality of communication skill development; that facilitate interaction with both domestic students and the wider Australian community, both in education settings and more widely; and that show them respect and social recognition of their needs and contribution.

Australian students similarly benefit from an 'internationalising' education environment, from inter-cultural communication and understanding, and from institutions concerned with social sustainability.

In addition the Australian Human Rights Commission is mandated with promoting racial equality and the principle of non-discrimination. The Academy of Social Sciences in Australia has a stake in demonstrating the value of social science research in articulating the complexities of social issues, and the roles that research and debate can play in developing more effective evidence-based policy outcomes.

Threats to the well-being of international students fall into a number of categories, such as:

- failure to complete educational requirements due to the student's unrealistic expectations or inadequate preparation¹⁴;
- lack of effective study skills and English language support from institutions¹⁵;
- group learning approaches that are incompatible with Australian individual assessment processes¹⁶;
- poor quality educational services or services that are essentially 'scams'¹⁷;
- failure of educational suppliers, leaving students without funds and no course to follow¹⁸;
- visa breach issues consequent on failing to pursue the authorised course of study and perform at an appropriate level¹⁹;

- extortion and intimidation by criminal gangs and related issues such as incurring excessive gambling debts in order to cover fees, etc²⁰;
- thefts and muggings²¹;
- racial taints and attacks²²;
- loneliness and isolation²³;
- financial problems brought on by misunderstood purchase and service contracts;
- mental health crises as a consequence of these pressures²⁴;
- exploitation by landlords, overcrowding and unsanitary housing²⁵;
- sexual harassment by employers or landlords²⁶; and
- compulsion to participate in political activities on behalf of country of origin²⁷.

It should also be noted that the overwhelming majority of international students have reported very positive outcomes and have expressed their satisfaction with the quality and depth of education they have received. They have progressed through the educational system, gained from it what they sought, and have either achieved settlement and then citizenship, or moved on back to their countries of origin or other countries of immigration. Others have opted for what Robertson has described as 'denizenship', a status where they retain their citizenship in their countries of origin, and gain permanent residence in Australia, thus optimising a number of aspirational outcomes regarding their education and international mobility²⁸.

This paper cannot canvas all these issues, and will concentrate on the relation between well-being and human rights. The project sponsors commissioned this paper to bring together a narrative that locates the issues in an historical framework, applies social science theory and evidence (especially those that address host/guest relations at the societal level), and assesses the debate about racism and human rights as it affects the system of international students' inter-relations with Australian society. We conclude by suggesting for further discussion some policy parameters and short to medium term policy goals. We recognise that policy here relates to all tiers of government and a range of portfolios, business and industry self regulation, and civil society practices. Context can explain a great deal, as the inter-relationships between apparently disconnected processes can produce serious and unintended consequences for all involved.

2. Context

By taking a 'back bearing' on the various elements that have contributed to the current critical concerns about international education and students in Australia, we can identify the policy steps that have had interactive consequences that were not necessarily intended. We frame this context by exploring how racism operates in Australian society, given that racially-based exclusion was a key dimension of foreign and immigration policy until the 1970s. The residues of racialised world views remain apparent today within parts of Australian society, even though public policy asserts a non-racial basis for contemporary international entry to Australia, and racial discrimination is unlawful for the most part, though not usually criminalised. In addition, the policy principles of multiculturalism, developed in the 1970s and codified through the 1980s, still underpin public discourses about the beneficial effects of cultural diversity, and the importance of respectful interactions between people of different cultural backgrounds.

2.1 The Colombo Plan and the 'end' of White Australia

Australia's first major engagement with international education was part of the Colombo Plan, a multinational regional agreement established in January 1950, the first students from the scheme arriving in 1951. This period was both the high point and the beginning of the end for White Australia. At the time Australia was facing internal challenges to the Wartime Refugees Exclusion Act, passed to assist in the expulsion of Asian refugees who had tried to stay in Australia after the end of World War II. Around it former colonies of fading European empires were becoming new nations. A major European immigration program had been launched by the Chifley ALP government, and extended under the Coalition government led by Robert Menzies.

Many of the goals that emerged over the period of Australia's involvement in the Colombo Plan remain relevant today, and reflect a mix of more or less enlightened self-interest and concerns for regional economic and social development. Essentially Australia agreed to sponsor thousands of young people from Asia to study in Australia, in such a way as to lay the foundation for a future network of leaders attuned to Australian

values, fluent in English, hostile to communist ideology, and aware of trans-national issues. In particular the government hoped to reduce the regional widespread hostility to the White Australia policy²⁹. Ironically, the presence of so many young, educated, western-oriented people from Asian backgrounds in White Australia contributed significantly to undermining racism among the young Australian elites in universities, and ultimately to the social movement that ended White Australia³⁰. While the Colombo Plan students experienced Australia as a White domain, many were able to return to or remain in Australia as the racial restrictions eased in the late 1960s.

The end of White Australia occurred in a series of steps. In 1958 the old dictation test was removed, and the residency requirement for Asians to apply for citizenship was reduced in 1965. In 1966 Australia signed the *International Convention on the Elimination of All forms of Racial Discrimination* (ICERD), and in 1967 Australians voted to include Indigenous people as full citizens, and assign responsibility for their well-being to the Commonwealth. By 1973 the racial preferences contained in the Migration Act were removed. In 1976 the *Racial Discrimination Act* outlawed (but did not make criminal) discrimination on the basis of race, reflecting both the ICERD implementation, and the Australian reservation, which rejected the criminalisation of either discrimination or hate speech. This reservation continues to affect policy and government (and police) capacities to prosecute racism. The UN CERD Committee expressed serious concern about this continuing reservation during the Australian Government appearance before it in August 2010. Even so the sequence of both international and national acts, often extended by state-based legislation, cemented into policy discourse the recognition that the racialised world-view of White Australia, with its implicit hierarchies of colour and unchangeable barriers of cultural difference, was no longer acceptable. Australia was becoming a country that acknowledged a racist past, but was now intent on building a non-racist egalitarian future³¹.

However the simple signing and ratification of an international instrument could not and did not transform the whole society. While a certain bi-partisan agreement not to politicise race issues characterised the final years of the Fraser government, the ALP under Hawke found the landscape changing quite rapidly. Elected in 1983, the Hawke government was confronted in 1984 with an intervention by one of Australia's leading historians, Geoffrey Blainey, advocating controls on Asian immigration and an abandonment of the multiculturalism policy. The policy had been developed under the Whitlam government, extended and applied by Fraser, and continued by Hawke³².

Blainey³³ argued both that Asian communities had values that were inconsistent with Australian social mores, and, as importantly, that Australians, after three generations of White Australia, were ill-equipped to engage with culturally and visually distinctive settlers, especially if economic conditions deposited them in working class areas of high unemployment. The Blainey debate would set the tone for ongoing tensions over cultural diversity and the appropriate immigration, settlement and community relations policy settings that Australia should follow.

By the end of the 1980s Blainey's presence in the policy environment helped to influence a government advisory report on immigration and settlement³⁴ that criticised multiculturalism, and argued for a far greater emphasis on social cohesion. While the Hawke government rejected the Fitzgerald Committee's key findings³⁵ they were influential on the Opposition, where they found support among senior figures including occasional Opposition leader Howard. In 1996 Howard led the Coalition to victory in a climate increasingly tinted with anti-immigration rhetoric and assimilationist values³⁶. The election of Pauline Hanson as an independent MP, and the creation soon thereafter of the One Nation Party, reasserted the assimilationist and mono-cultural perspectives ostensibly abolished by the decade of anti-racist decisions from 1965.

So the environment in which the international education revolution was to occur contained both a public discourse of equity, tolerance and acceptance of racial and cultural diversity, and many currents of opinion quite hostile to these same values. It was in that context that Coalition Prime Minister Howard, would say 'We will decide who comes to this country and the circumstances in which they come'.

2.2 Creating the international education industry

Numerous factors were to contribute to the expansion of international education as an industry, and the accelerating rise in the presence of international students³⁷. As Birrell and Healy³⁸ have noted, the key turning point was the decision by the Coalition government in 1999 to expand the range of skilled occupations to be considered under the General Skill Migration Program. This was followed by a decision in 2001 to include a GSM sub class for international students to fast-track into permanent residence.

In the first three years of its government after 1996, the Coalition had tightened immigration entry, slowed settlement and begun to 'harden' Australia's borders against unauthorised arrivals. The Immigration Minister, Phillip Ruddock, had argued³⁹ that Australia faced three major immigration challenges: a rapidly increasing level of competition for high-value human capital by other countries seeking immigrants; increasing pressure from 'lower-value' applicants (especially family reunion of previous humanitarian and lower-skilled settlers); and pressure from refugees. The government wished to sustain the first recruitment of high-value applicants, and was trying a number of related strategies. It also wished to contain or reduce the second category, and limit the third. In order to achieve these goals it would need to re-build wider community support for immigration by toughening border controls. The government would build employer sponsorship through the development of shorter-term visas such as the 457 class (guest worker), and provide an avenue for Australian-trained students to apply on-shore for permanent residence, without leaving the country.

While these immigration issues were being addressed, the government's austerity education policy was also being implemented. University funding was significantly reduced, forcing universities to find alternative sources of income. The introduction of places for full-fee paying local students followed closely on universities turning their attention to the international market place. For many universities international students would soon become the critical economic resource they needed in order to sustain quality education for local students, and a number of entrepreneurial strategies were expanded or introduced. These included contractual agreements with overseas institutions to provide end-on Australian qualifications, the delivery in other countries of Australian programs, and even the opening of international campuses (in which Monash University was the most pro-active). The major emphasis remained on the recruitment of international students for on-shore study. A paradigm shift appears to have been embedded in 2001, when a number of events and decisions lined up.

At the international level, the attacks on the twin towers and the Pentagon (9/11) resulted in the USA effectively closing its doors to international students, while also providing a major disincentive in terms of security concerns for potential students⁴⁰. In Australia the Tampa/Pacific solution crisis produced a series of security-based restrictions on unlawful arrivals, which 'toughened' the borders. Former Prime Minister John Howard has argued that the firm stand on the Tampa, and the unlawful arrivals (asylum seekers), and other signs of re-taking control of borders contributed greatly in the succeeding years to broad public support for 'legal' refugees, and an enlargement of the immigration intake, which by implication would include international students. He described it as 'a policy that contributes, as our policy did, to an increase in public support for orthodox immigration from all parts of the world and the maintenance of a very strong humanitarian refugee program'⁴¹.

The US security crisis, Australia's then cheap dollar, the bounce-back of Asian economies after the economic crisis of 1998, aggressive marketing both directly and through agents by increasingly desperate Australian universities, and the increasing activity of Australian Education International, produced a rapid expansion in demand. With the new immigration rules in place, government had created both demand and opportunity, and the market sky-rocketed. The private Vocational Education and Training Sector (also a Coalition policy designed to privatise provision previously mainly vested in state TAFE systems) turned overseas for students, thereby tapping into a completely new pool of potential applicants from poorer and less well-educated communities for whom the university sector had never been an option.

Almost no social planning to cope with the rapid expansion occurred. As with the parallel 457-visa guest workers, the international students were perceived by government to be transients, not part of the national community, but solely consumers (as the 457s were purely producers). The international political drivers of the Colombo Plan era were by now submerged by the economic drivers of the neo-liberal market place.

2.3 The contemporary trajectory for international student growth

By the late 1990s government and educational marketing agencies were turning their attention to the as yet fairly untapped markets of south and east Asia, Europe and the Americas. Students from these regions would join those from Indonesia, Malaysia, Singapore, and Hong Kong, and other more traditional origins. Birrell and Healy⁴² report that the growth in university, VET and school enrolments most dramatically sourced from India and China, but included Nepal, Brazil, Korea, and Sri Lanka⁴³. Between 2002 and 2009 South Asian enrolments grew from 5,000 in VET to 112,000, and in universities from 14,000 to 40,000. Enrolments from China rose from 6,000 to 34,000 (VET), and 16,000 to 64,000 (universities). These two regions together supplied some 250,000 students in 2009.

Table 1 shows the situation between 2007 and 2009, demonstrating the sectoral factors and areas of growth and decline⁴⁴. Australian government non-research funding of universities provides about \$1.60 to every \$1.00 from international fees (\$1.57 in 2007, \$1.58 in 2008)⁴⁵.

**Table 1 Australia's exports of education-related travel services by course
by fees and living expenses (A\$ million)**

	2007	2008	2009	% share of total	% change	
					2008 to 2009	5 year trend
Living expenses – goods and services	7,266	9,315	11,016	100.0	18.3	18.9
<i>of which:</i>						
Higher education	4,702	5,889	6,627	60.2	12.5	15.5
Vocational education and training	1,338	2,040	2,973	27.0	45.7	40.4
School education	498	585	556	5.0	-5.0	8.3
ELICOS (a)	408	434	521	4.7	20.0	15.7
New Zealand (b)	75	88	74	0.7	-15.9	10.0
Other (c)	244	279	264	2.4	-5.4	7.6
Fees	4,778	5,653	6,822	100.0	20.7	14.7
<i>of which:</i>						
Higher education	2,818	3,081	3,717	54.5	20.6	9.0
Vocational education and training	932	1,368	1,872	27.4	36.8	44.1
School education	323	348	347	5.1	-0.3	4.1
ELICOS (a)	383	477	521	7.6	9.2	18.5
New Zealand (b)	39	50	45	0.7	-10.0	14.6
Other (c)	284	329	321	4.7	-2.4	9.5
Total expenditure	12,044	14,967	17,838	100.0	19.2	19.1
<i>of which:</i>						
Higher education	7,520	8,970	10,344	58.0	15.3	13.0
Vocational education and training	2,270	3,408	4,845	27.2	42.2	41.6
School education	820	933	903	5.1	-3.2	6.6
ELICOS (a)	791	910	1,043	5.8	14.6	17.1
New Zealand (b)	114	138	119	0.7	-13.8	11.6
Other (c)	528	608	585	3.3	-3.8	8.6
<i>AusAid/Defence</i>	<i>145</i>	<i>147</i>	<i>149</i>	<i>0.8</i>	<i>1.4</i>	<i>4.8</i>
Total Education-related travel services	12,189	15,115	17,986	100.8	19.0	17.0

(a) English Language Interactive Courses for Overseas Students. (b) Exports of *Education-related travel services* from New Zealand cannot be split by sector. (c) Other includes enabling, foundation and award courses. Based on ABS catalogue 5368.0.55.004.

As a consequence, by 2009 education was Australia's third largest export industry, estimated to be generating \$18 billion in revenue and 188,000 direct jobs (from students and their visiting friends and family), and many more through the multiplier effect (2009 figure calculated from 2007-08 ratio of 0.29 jobs per student)⁴⁶. Many regional universities were dependent on the income they produced, with often quite

aggressive competition for students evident between Australian institutions, and against universities in other countries. Educational agents, both Australian and locally based, became key players in the marketing of education throughout the region. Various payment regimes operated, but most worked on the basis that either the Australian institution or the prospective or successful applicants paid the agent a fee. In either case, the agents' costs were ultimately carried by the student, either directly or through tuition fees.

With 37 public and two private universities, and over 150 other educational institutions⁴⁷ the international student growth (over 650,000 in all education as of the end of 2009) underpins a critical part of Australia's infrastructure. As we have indicated, the growth both fuelled and was necessitated by the decline in real government funding for Australian student places. Marginson⁴⁸ has calculated that real government investment in university education dropped by 54 per cent on a student per capita basis between 1976 and 1998, a period that encompassed both Coalition and ALP governments. The return of the Coalition accelerated this process, reducing real value of government grants by a further 25 per cent (1996-2001). While in 1983 some 91 per cent of university funds had come from government, by 1998 this had dropped to 52 per cent, with 17 per cent drawn from HECS charges and half the remainder coming from international student fees. The impetus to expand this last source continued to grow. With the financial pressures intensifying, capacity to pay became for the first time a crucial criterion for the acceptance of international students⁴⁹.

Koeth's⁵⁰ detailed tracking of policy statements and decisions by government from 1997 to 2010 reveals the steps through which the elements of policy described above by Birrell and Healy⁵¹ were put in place. In retrospect, while each policy decision was sustained by its own rationale, there was little if any sense of an overall guiding hand that could weigh the potential implications of decisions and explore their potential interactive ramifications. Indeed a bureaucratic imperative appears to have emerged, with portfolio departments of the national government arguing a case that would 'grow' their own realm of responsibility. Thus DEEWR was anxious to expand the market for international students, as it implemented the privatisation and cuts programs on universities. It also sought to facilitate the expansion of private VET providers. DIAC wanted to grow on-shore settlement applications, as Australian-educated applicants had a better track record of successful settlement; it could also thereby reduce the number of off-shore applications accepted, or channel them towards state government and employer-nominated entrants⁵².

The surge in VET applications (especially cookery, hospitality and hairdressing⁵³ from 2005 did not in fact produce a reduction in demand for these occupations, as many of the graduates had poor English and very limited work experience; with these critical skill dimensions un-achieved, finding employment remained quite difficult. The government also raised the English language levels required for permanent residence, further constraining opportunities and reducing incentives. However the pressure from students recruited under 'easier' conditions remained in the pipeline, even though some of the VET companies, especially in trades certification, were unable to ensure quality outcomes for their students.

Meanwhile in 2006 the Australian Bureau of Statistics re-framed its methodology for measuring migration, to make it more consistent with the intent of the international definition. The international definition for migration is residency for twelve months or more. Previously, the ABS required twelve months continuous residency to count for residency but this was problematic for international students, many of whom did not meet the twelve-month continuous residency criteria, even though they were in Australia for three to four years, because they returned home during long semester breaks. Instead, the ABS changed to a methodology where anyone resident in Australia for twelve months out of a sixteen-month period should be considered a migrant and counted in the long-term population⁵⁴. This decision, and the strong growth in international student numbers, suddenly transformed the temporary students, previously on the statistical periphery of Australian society, into heartland contributors to population. Over the three years 2007-2010, permanent migration (excluding Australians and New Zealanders) was only about 30 per cent of net overseas migration. Although there has been very significant growth in international students and temporary visitors, possibly up to 40 per cent of this growth may be due to the change in ABS methodology⁵⁵. Furthermore, as they are now classed as migrants, their flow-on effects in population projections were significant. Although only a minority of them would in fact be long term settlers, their presence added to the population growth curve calculations of Treasury to produce a sharpened upward trajectory, and thereby the social panic of 2010 about a Big Australia⁵⁶. In fact as the 'bump' in the system graduates and moves away, the shape of the growth curve is likely to flatten and then possibly reverse, producing a falling population projection (and possibly another

crisis related to concern about too few people). The student decline will have an immediate, though at this point unspecifiable, impact on the ageing of the Australian population.

The new Labor government that inherited these diverse trajectories of issues associated with international students re-organised the major portfolios in late 2007. The super-department of Education Employment and Workplace Relations was confronted with a series of regulatory crises, soon to be exacerbated by the global financial crisis (GFC), and the probity failures of a number of private sector educational organisations. Meanwhile, in the suburbs where many of the new students were seeking accommodation, attracted by lower rents but located at great distances from urban centres and offering primarily poorly paid unskilled work, economic pressures were also causing considerable hardship for poorer families, often from other immigrant and refugee backgrounds. In many of these areas the new arrivals pushed up rents as they were accommodated in overcrowded 'barracks'-type conditions, to the significant perceived disadvantage of longer-settled locals. Classically, youth gangs develop and operate in these areas, often engaging in opportunistic street crimes. What had been spasmodic attacks, apparently at random, on lone, mainly Indian, students (they were by far the most numerous in these situations) traveling late at night home from college, rapidly became more systematic and numerous. Known in the local vernacular as 'curry bashing', these attacks assumed a racialised form, even though they were usually accompanied by theft and police claimed they were not often able to prove racist intent⁵⁷. The issue of race was complicated and challenging, as some of the attackers arrested in police swoops turned out to be from North African and sub-continental communities. Speaking of the situation in June 2009, Victorian Police Commissioner Simon Overland⁵⁸ pointed to the pro-active role of the police, with plain clothes and undercover officers identifying rising crime problems from at least 2007, and taking action through community engagement with students, Indian (especially Punjabi) communities, and universities and colleges.

By 2008 the international student sector in Australia was starting to produce its own social movement. In his discussion of social movements Melucci points to their emergence at moments of significant social disjuncture, when social expectations of opportunity among marginalised or subordinate groups are thwarted by inadequate state action, or structural inertia in social institutions⁵⁹. These conditions definitely applied in relation to the Indian students in Melbourne, whose various plights included violent attacks, collapsing private colleges, poverty, exploitation in low paid work, crowded but expensive accommodation, and racism in everyday life. The rapid emergence of an international students' organisation in such circumstances turned these individually experienced problems into a social issue; in July 2010 the Council of International Students Australia was launched by the National Union of Students, the Australian Federation of International Students, and the Council of Australian Postgraduate Associations.

The media in Australia and India became heatedly involved in the debates, and international relations between Australia and India began to suffer in the light of perceived Australian 'racism'. While police attention was directed towards intervening in what they saw as escalating street-crime, there was considerable division over whether what was occurring was 'racist'. The police argued that a 'racist' designation⁶⁰ required evidence of racist intent, while victims and their supporters argued that any-cross race attack should be regarded as racist in effect. It was in these circumstances that the various stakeholders' definition of their interests became most clearly revealed.

Governments were concerned to defend Australia's reputation as a non-racist society, denying any institutional or structural racism was present. While some officials conceded racist attitudes might have played a part in some of the attacks, they refuted claims by student advocates and other commentators, and the Indian media, that racism was endemic in Australian society. Marginson and his colleagues⁶¹ have argued that government was not pro-active in recognising the student safety issues, preferring rather to leave student welfare to the educational institutions. Moreover institutions had traditionally been concerned about safety issues only on campus, and had a limited reference frame from which to engage with issues off-campus or in the wider society. The least well-resourced of the institutions, the private colleges and VET sectors, often had barely any contact or relationship with students outside class, concentrating on the commercial viability of their businesses. A vociferous minority of students was increasingly angry about their education, its quality and the viability of their providers (many of which were failing during 2008 and 2009), their marginalisation and lack of rights, the changing parameters of policy regarding permanent settlement, and their increasingly insecure futures in Australia.

But most of all, they were enraged by their sense that they were second class, treated with less than natural justice and respect because of their skin colour and national origins.

2.4 The current crisis

As the international student situation began to unwind, fuelled by the allegations of racism, the vulnerability of students, economic emergency, and international media alarm, the Australian government initiated a number of interventions. Former Liberal MP Bruce Baird, chair of the Refugee Resettlement Council, was appointed to undertake a review of the Education Services for Overseas Students (ESOS) Act. His primary brief, which did not include human rights and race issues, was to assess the conditions of international students, the quality and provision of educational services, and make recommendations about changes to the Act. His report was brought down in March 2010 and recommended:

- more support for international students and improved information;
- stronger consumer protection mechanisms to ensure students are protected from unscrupulous operators;
- improved regulation of Australia's international education sector;
- improved support for those who study and live in Australia, including having somewhere to go when problems arise⁶².

Australian Education International carries major responsibility for the implementation of recommendations agreed by government. In the main these go to greater regulatory oversight, a focus on quality of education, an enhancement of consumer rights, an improvement in information provision, and a single point of contact for students in need of support. Baird thoughtfully also points to invidious discrimination suffered by international students who are exploited by landlords or employers, and those state transport authorities which refuse them student travel concessions.

By late 2010 further ramifications of the earlier revisions were becoming apparent. The regulatory regime in regard to private VET colleges had been tightened, and a number had closed down. The Migration Employment categories had been changed, so that the hospitality, hairdressing and non-accountancy business qualifications were no longer useful in securing permanent residence⁶³. A transitional process was introduced for students who had commenced study under the old rules that allowed them to seek permanent residence if they could secure an employer nomination. Debate continues over whether these nominations would be really tied to jobs, or indeed whether the employer guarantees of employment would ever eventuate for all the applicants⁶⁴.

In a summary of the issues apparent for the sector as a consequence of the government responses, in September 2010 the International Education Association of Australia (IEAA) expressed its concern that there was now a looming crisis in international education. The Association noted a 16 per cent decline in visa grants to students to June 2010, projecting a fall by the end of 2011 of over 130,000, leaving the international student load at less than 500,000. Over 30,000 jobs would be lost were this to eventuate, with the IEAA arguing that lack of coordination in government was a major factor in ineffective action. The Association called for the government to appoint a Parliamentary Secretary for International Education, arguing that the role should sit in the Prime Minister's portfolio as it bridged so many responsibilities - from regional development, to education, to foreign affairs, to human rights, to health and mental health, to trade, to foreign aid, and to immigration.

The reason for this diversity of responses, many leading to potentially stalemated policy discussions within and between governments, lies, we would propose, in the failure to clearly articulate what international education is for in the Australian context. We turn now to address this question through an examination of the relationship possibilities between international students and Australia.

3. Guest, host, customer: reciprocity, needs, and outcomes

3.1 Host and guest

If we consider individual students arriving in Australia as visitors about whom the Howard government asserted 'we decide who comes to Australia and the circumstances under which they come', then who are the students we (Australian society) decide to admit, and what are the circumstances we accept or create? We have already canvassed some of the stakeholders in this process and their interests - government, educational providers, the education industry, tourism, employers, trade unions; there are also of course local communities and businesses and ethno-cultural communities from the students' countries of origin,

often themselves once students. Each may have a more or less different view of whom it would be best to admit and in what numbers, and may well define the circumstances acceptable to them rather differently.

French social philosopher, the late Jacques Derrida, drawing on social and cultural anthropology, has explored the host/guest relationship⁶⁵. Derrida distinguishes between conditional and unconditional hospitality. In the realm of immigration and international students, we are dealing with a situation of conditional hospitality, spelled out in the concept of 'who' may be admitted to the status of guest, and what the conditions or circumstances of hospitality may be. Derrida argues that the guest/host relationship requires arrangements of reciprocity, albeit that the host may have a great deal more power than the guest, as the host can always withdraw or modify his hospitality, but the guest can only really overwhelm the host, or leave. Moreover as Deutscher⁶⁶ points out, the host in proposing hospitality is assumed to have the power to do so and the capacity to uphold the conditions of the reciprocal agreement first encountered when the hospitality was initially negotiated.

In order for such a relationship to develop, the reciprocity has to include a 'politics of recognition'⁶⁷, that is an acceptance that the 'Other' is worthy of recognition and that a relationship of trust can be developed. Australia's offering of its educational services into the international environment necessarily calls into play a politics of recognition that encompasses all the stakeholders, even if they do not all recognise this parameter. A dynamic tension emerges between Australia's intentions in inviting applications from international students, and their desires, motivations and understandings of the relationships they are entering into⁶⁸. Many mediators such as educational agents and the marketing arms of education service providers may further distort the communication flows, or even seek to delude and mislead both the providers and the students. Increasingly media reports add further confusion, especially in situations where media seek to expand their own circulation and audiences by magnifying conflicts and rousing populations with xenophobic demagoguery.

3.2 Potential relationships

How might the definition of the potential relationships between Australia and the student affect the security, well-being and outcomes for the student after arrival? We identify four examples of the relationships that could be encountered within the host/guest rubric, each of which carries different human rights implications: international aid recipient; potential citizen; service consumer; and export 'carrier'.

Aid recipients (as under the old Colombo plan) are expected to be grateful for the gift bestowed, and to take the gift as the giver has intended, within the giver's protocols, and return to their own countries where they will implant the values and the capacities they have gained when in Australia. The host's hospitality is curtailed as soon as the guest has completed his/her studies and any associated on-the-job training; from that point the host perceives any attempt by the guest to remain longer as traducing the bonds of hospitality. Yet, while mostly privatised, education remains a very real investment in the future, made in part by students, their families and governments, and partly by previous generations of Australian taxpayers. One of the parameters of the debate over the pathways to permanent residency concerns the ensuring on the side of the host, and sometimes avoiding on the part of the student, successful graduates returning to their country of origin to apply their skills to the development challenges locally. In terms of the host, the rights of the student are limited to those necessary to gain the specific agreed educational and training outcome, and then leave the country. For the student, universal rights remain relevant, if difficult to enforce.

In offering conditional hospitality, the host lays out the acceptable 'circumstances, while the person who wishes to become a guest accepts them. For international students the issue of their potential settlement in Australia has presented them with a 'don't ask, don't tell' situation. To announce at the outset their desire to settle after successful completion of their education would immediately breach the conditions of the visa which they have received on the grounds of returning student status. Yet many have chosen the Australian option both because they respect the Australian education system and its quality, and because they hope for or even assume (as a result of agent advice or the communal gossip network) that they will get 'PR' at the completion of their qualification. Should they secure that outcome, they will have achieved a potential major personalised benefit for themselves and their immediate families, moving from a low-wage economy to a much higher one, and entering a society with good basic health, housing and social services. They will also bring the 'human capital' generated within their countries of origin, and add to the mix of creativity that comes from cultural diversity and interaction. As potential citizens, the human rights issues are those of equal rights other than those that require citizenship, including the right to participate in decisions that affect them.

Perhaps in an era of neo-liberal market perspectives on individual/society relationships, the student might best be considered as a consumer of educational services. This market model underpins the Baird report and its recommendations, that speak of market failure, unscrupulous exploitation and consumer rights. With Australia selling education in the international market place, different providers have positioned themselves at different market points. They compete on price, prestige, recognition of qualification, safety and security of locality, access to employment and accommodation, cultural responsiveness, reputation for program, and either implicitly or explicitly, pathways to PR. The PR component has now been truncated, and the situation has been greatly clouded by the concerns over racism and racial attacks. A market approach would therefore respond to these problems by asserting a consumer rights approach, a focus on accommodation and employment, strategies for improving safety both on and off campus, and a clarification of the PR pathway question. It would also examine how to include students' rights perspectives in the management of the educational service, with a market ombudsman standing by (as in telecommunications, banking and insurance) as a port of last resort in the face of system failure.

Associated with but quite distinctive from the market model, the 'export industry' approach tends to view students through a rather more cynical frame. Education exists as any other major export industry, and the aim is to maximise through-put, revenue and returns. Infrastructure investment remains at minimal levels, and the focus is on marketing the services; at the margins this approach has been shown as highly vulnerable to market and currency fluctuations and is driven by the assumption that other 'attractors' (especially PR) exist that will maintain demand for non-performing or poor quality services. The Baird report has documented the effects of such an approach, which avoids even the consumer-rights concerns discussed above. In such a view the marginalisation, poverty and vulnerability of students (to economic exploitation and sexual harassment) actually increase their dependence on registration with the service provider. Government and industry regulation have been tightened in the past year to ensure that this perspective is lessened if not removed from the environment.

The insecurity of the international student is thus framed by the lack of clarity in public policy and its related discourses as how to best conceptualise the human rights dimension of the international student presence. The insecurity has found political expression.

3.3 The rising voice of the guest: student aspirations and expectations

It was not until the rise of the students' social movement, and its use of the media both in Australia and overseas, that student voices have been heard in a sustained and policy impacting way. Research undertaken on international students has tended to be based on public records and surveys, neither of which are necessarily dependable sources in such a volatile context. Interestingly the research by Robertson⁶⁹ using non-traditional and ethnographic methods has contributed an important qualitative dimension, allowing a clearer appreciation of the decision-processes of and influences on the students.

Even so much of the policy debate has been based on anecdotal evidence, and behavioural data that reports applications, enrolments and educational outcomes⁷⁰. We still know little about the ethnography of the students, their family income and other situation, their expectations for their time in Australia and thereafter, and the reflections of those who achieve permanent residence on the process and its aftermath⁷¹. In one of the few attempts to gauge student motivation, Jackling⁷² interviewed 300 accountancy students at Melbourne University, of whom 235 (84 per cent) indicated a desire to remain in Australia after graduation.

At the most basic level, a student's choice to follow an educational pathway, at an institution outside their own country, will be based on a cost/benefit assessment. They believe that the benefits can be identified, and include access to new knowledge and skills not available at home, a quality of education not available to them at home, exposure to another society in which English language skills can be acquired and polished, joining a network of other students which will serve them well later in life, and an opportunity for a time to escape the constraints of their home society - family, hierarchy, and traditional culture. To be an international student is a chance to become a global 'modern', and enter a world-wide culture of youth and opportunity. Australia becomes the location in which to pursue this goal because of many additional factors - safety, reputation of program, incentives from agents or institutions, networks of association with previous students or family already living in Australia, local communities of same culture, financial arrangements including tuition and agency fees, cost of living, and opportunities to earn an income.

Australia offered an additional incentive when it opened up the possibility of on-shore transition from student to resident status. However that opportunity carried another set of challenges, especially those associated with acceptance and safety. Given Australia's past history of racism, and despite the government policies and discourse of racism being unacceptable, there were no strategies in place in Australia from the early 2000s when the student surge began, to manage the entry of a suddenly increasing culturally diverse student population into local communities. Whilst multiculturalism was still official policy at both the national and state levels, in practice the Federal government had prioritised its attention on the 'de-radicalisation' of male Muslim youth, while states were focusing on the settlement of 'new immigrants', including humanitarian entrants from Afghanistan and Africa⁷³.

In a sense then, no one took any responsibility for the community relations issues generated by the student arrivals - neither for the students nor for the local communities in which they would live. Thus the students entered environments which were unprepared for them, and for which they were equally unprepared. Where problems occurred, host and guest were to be equally overwhelmed.

4. Human rights

Human rights are protections accorded to individuals irrespective of their social status: human rights are said to exist apart from states, yet paradoxically require states to protect them. International students are therefore bearers of the range of rights identified and acceded to by state parties. Australian human rights institutions primarily act to resolve issues of discrimination once they have been identified, and then primarily through individual action. Given the range of international human rights instruments which Australia has signed, made reservations about, and ratified, some of which are given domestic impact through legislation, there now operates a complex web of rights based on civil and political, race, gender, social cultural and economic, age and disability grounds. Different state jurisdictions have different coverage and rights, some of which criminalise racism, while others do not. The Australian Human Rights Commission can only take direct action where complaints are lodged, and then only to the point of conciliation. If that fails then the aggrieved party must take further action on civil grounds through the Federal Court. The AHRC can, though, negotiate standards as it has done in many areas of disability and gender; it is now embarking on such negotiations to draft a set of minimum standards for international student safety.

4.1 A common humanity

In its 2010 report on Australia's application of the ICERD, to the Geneva-based Human Rights Committee of the United Nations, the AHRC has argued that: 'international students in Australia have a discernable set of human rights, including their rights to security of person, non-discrimination, housing, employment discrimination and information'⁷⁴. Even though these rights might be said to exist in a general sense, they are not easily identifiable or enforceable for international students in Australia. Marginson et al⁷⁵ have further argued that international students are systematically excluded from entitlements available to local students, such as subsidised transport, free medical care, student loans, and higher degree scholarships.

Given that the students are often 'resident' in Australia for a number of years, these exclusions could be seen as evidence of discrimination on grounds of civil, cultural and social rights. In addition the experience of racism adds to evidence of discrimination on grounds of race, ethnicity or religion (the latter included as grounds in some states but not nationally). These are not rights that pertain to people resident in Australia only by dint of their citizenship, but because they are deemed to be 'lawfully' resident (as compared to asylum seekers, who are detained with effectively only the right to have their claim for protection processed). In addition students who spend a considerable time in Australia pay taxes to all levels of government - if they are employed they pay income tax; if they shop, they pay GST; if they rent they pay Council rates as part of their rent. Yet despite their significant financial contribution to tax revenues, they are often excluded from services provided to domestic students from taxation. Their political presence is effectively denied.

4.2 The language of rights in education

Australia has not traditionally thought of international students as being subjects of a specific rights discourse. In so far as they are students, normal student conditions were thought to apply. For instance international students can participate in the governance of universities through both elected positions and consultative pathways. In the VET system they have whatever access is available to local students. In so far as they are 'international' they are covered by the ESOS National Code of Practice. All education providers

need to be registered with the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). The CRICOS framework monitors the standards of the programs offered.

The language of the CRICOS process can be far from transparent, while utilising the proper pathways can be intimidating for a young person for whom English is not their first language (or indeed who is in Australia to learn or improve their English). For instance, the poor standard and low quality of classroom provision in some private colleges can be quite confronting for newly arrived young people from cultures where authority is vested in formal institutions of learning, hierarchy and age.

The AHRC noted in its September 2010 ICERD submission that the ESOS Act constrains the attention of regulators only to monitor the 'regulation of international education providers'⁷⁶. The ESOS language is dense, and individual students would find it difficult to navigate or even comprehend many of its provisions. The only rights discourse relates to consumer protection, and the opportunities to recover monies from failed providers. Students seeking to move between providers in other circumstances can find themselves harassed and intimidated, with the possibility of being reported to DIAC for breaching visa conditions (which in other situations might indeed be the fault of the provider).

4.3 Social movement for international student rights

Given the 'legal limbo'⁷⁷ that international students stumble into on arrival in Australia, the emergence of a social movement, now globalising, has become of some significance. We have noted the formalisation of an Australian national movement in July 2010; in October 2010 an international network of national bodies issued a 'Global Mobility Charter' for international students⁷⁸. Based on the International Labour Protocols for migrant and transnational labour, the proposal argues that global student mobility has become a fact of international life, with many nations hosting hundreds of thousands of students totaling in mid 2010 some three million, for both short and extended periods.

All these students have restrictions placed on their rights, often encompassing the loss of freedoms and entitlements they might have expected in their countries of origin. While individual nation states may balk, the advocates of such an agreement argue that on balance the world and the students would be better off were they to be treated as 'quasi-citizens'. The major student-receiving countries, such as Britain, Australia, Canada, the USA, Japan, South Africa and South Korea, have been drawn into this conversation. A key dimension in the conversation about rights refers repeatedly to 'racism' as a problem, and anti-discrimination as a strategy. We now explore the 'race' question.

5. Racism, its recognition, response and reduction

5.1 Race, racialisation, racism and racial discrimination

While 'race' as a concept does not actually explain any social phenomena, beliefs about race carry great social power. Opposition to racial discrimination can only be feasible if 'race' can be operationalised - and the Racial Discrimination Act, while never defining race, has no hesitancy in proscribing actions that are deemed to be carried out because of beliefs about the race of people. Proxies for race include 'visible difference' (usually skin colour), national origins, ethnicity and, in some cases, religion (eg, Judaism, sometimes Islam, but not Christianity).

Racist attitudes, either submerged or well displayed, require a belief that race orders a hierarchy of acceptability, or forms the basis for conflict and competition between groups. One method for determining the extent of racism in a society utilises some sort of social distance scale (developed in 1926 by American social psychologist Bogardus and widely used ever since)⁷⁹. People place themselves on a series of criteria in relation to 'racial' groups, the closest being 'happy to have a child marry one', to 'would exclude from country'. The most widespread use of these and similar measures in Australia can be found in the work of Dunn and Forrest and their colleagues⁸⁰. Social distance research remains controversial, as some critics of diversity policies argue that it shows inter-group prejudice is reciprocal and thus in some sense distributed, omnipresent in all groups (and individuals) and therefore natural (and irremediable).

The critical finding for our purposes points to the discovery that 83.1 per cent of Australians surveyed believe Australians are racist, though a much smaller minority 9.4 per cent either hold overtly racist views or identify themselves as racist⁸¹. It is not absolutely clear what those people surveyed think that 'being racist' means, though it is likely to include a range of perceptions, from action directly associated with violence or exclusion

of 'other races', to a much more passive and neutral preference for spending time with 'people like themselves'. Whatever the specific meaning for individual Australians (those surveyed included people who may be both perpetrators and targets of racism in different contexts), Dunn and his colleagues argue that racism has become normalised in Australian society, something like a 'tide mark' of acceptable prejudice. In such a context the experience of racism for international students may be rather more shocking than the perceptions of that experience among Australians. However the reality of racism cannot now be sensibly denied - how widespread, pernicious and dangerous it has become are the important questions for policy. For instance, some people⁸² propose that ethnocentrism is both rational and sensible, and should be the moral standpoint for settlement and population policy. Others⁸³ argue that such a perspective is neither rational nor sensible and contributes to the intensification of racism through its apparent licensing of prejudice.

The Dunn paradigm⁸⁴ explores the experience of racism (name calling, discrimination, violence), linking this to attitudes to different groups, including self-awareness of prejudicial perspectives among respondents. They point to class, education, gender and ethnic origin factors as affecting attitudes. Recently they have begun to work on so-called 'bystander' studies, exploring what people have done when they have seen others experiencing racism as taunts, discrimination or violence.

While there appears to be a 'normal' distribution of prejudice in society, attitudes can be affected by community influentials who might lead public debates towards more tolerant and accepting perspectives. Even so, political psychologists point to the difficulty of changing the attitudes of people with authoritarian personalities; in any normal curve of societal distribution of attitudes to race, the most negative attitudes are held by those who are generally prejudiced against many minority groups⁸⁵. They are the least susceptible to evidence-based arguments against racism; they are a minority but can be vociferous, often unyielding and unfortunately influential.

Racist behaviour affects the mental and physical health of the victims, undermines social trust, diminishes bridging social capital, and mobilises anti-social inter-group violence⁸⁶. Racist behaviour can take many forms. These range from the inter-personal to the group to societal. It can be overt, announced and targeted, or submerged, disguised and systemic. Its effects, if not the intention of those who have the power to control it, are pernicious.

Racism may be sustained through processes of social exclusion. It may be sustained and transmitted through media programs and digital media interactions, through the promotion of demeaning stereotypes. This has occurred recently with TV sketches and advertisements, and on the Internet; in the last case, senior Victorian police officers were charged over demeaning and scatological emails⁸⁷. It is primarily civil society groups that have confronted hate speech (including Holocaust denial) while the AHRC has recently teamed up with the Internet Industry Association to strategise over 'cyber-racism'⁸⁸.

The international student crisis has occurred within wider debates about the social make-up of Australia, population and cultural power. The arguments left unresolved in the 1970s and 1980s continue to reverberate, especially in relation to 'multiculturalism'. Multiculturalism was introduced as public policy in the late 1970s, reaching its apogee as a broadly acceptable strategy in the late 1980s. Its effect was to reframe immigration as part of Australia's integration into a modernising, mobile, globalising world. Under the ALP (1972-1975) the greatest focus had been on immigration as part of workforce planning. With the Fraser government (1975-1983) the social and cultural integration of immigrants was given greater prominence through a reciprocal set of relations of respect, the essence of the multiculturalism philosophy.

The policy divided the Coalition when in opposition in the early 1990s, and was one of the policy areas that provided a symbolic fault-line between more progressive and more conservative Coalition members. Throughout the term of the Coalition government from 1996 to 2007, multiculturalism suffered a continuing reduction in status, resources and policy purchase. In 1996 the Office of Multicultural Affairs in the PM's department was abolished; soon after the Bureau of Immigration Multicultural and Population Research was closed, ending broad policy-relevant research by government. In 2007 the Department finally lost its Multicultural Affairs label, to have it replaced by Citizenship. In 2010 the Gillard Government chose to finally remove the title of Multicultural Affairs from the position of Parliamentary Secretary. With government leaders distancing themselves from multiculturalism, except when they appeared at 'ethnic' functions, the public service capacity to understand and provide advice on cultural diversity issues was seriously truncated. The

policy shallowness would become evident as government battled to diagnose and respond to the racial dimension of the international student crisis.

5.2 Individual discrimination and exploitation

To what extent does race play a part in the discrimination suffered by international students? Andrew Leigh and his colleagues⁸⁹ tried to answer that question, for local people of different backgrounds, by using mail applications for jobs and only changing the name or ethnic background of the applicant. In this test Leigh found a very significant prejudice factor, where people with 'foreign' names fared poorly compared to people who had more standard Anglo names. Leigh's study provides fairly strong evidence that an ethnic name may restrict access to employment and accommodation. Thus any identifiable 'ethnic' or 'Other' factor would exacerbate any discrimination on the basis of foreign origin or overseas permanent residence.

Nyland et al⁹⁰ speculate that some 300,000 international student workers were in the workforce in 2008, and this may have risen during 2009 and peaked in 2010. Students are a significant part of the Australian workforce, though they are not immediately thought of in those terms. Many international students experience severe financial hardship, particularly those from developing nations; they therefore often find themselves in highly exploitable labour situations. Nyland et al⁹¹ critically reviewed government policies in relation to international students and found that in the lead up to the 2007 Federal election a high level of importance was given to the 'Work Choices' agreement focusing on vulnerable employees. Specific groups such as women, youth, migrants and workers on Australian Workplace Agreements were mentioned in the debate. However international students in the workforce did not receive a mention, reinforcing a sense of their 'invisible' presence. Nyland and his colleagues are interested in long-term policy solutions that improve the employment outcomes and 'bargaining powers' for international students.

However Nyland et al⁹² also consider the multiple disadvantages that international students experience such as lack of language and cultural skills, lack of a broad range of job options, mostly limiting them to the service industry such as taxi driving, hospitality and kitchen hand jobs. Most importantly, research in the last few years has revealed that international students repeatedly work for less than the 'legal minima'. Ironically, international students who are able to gain employment with employers of similar ethnic background are less likely to experience racism but more likely to experience exploitation.

Australia has developed a robust set of institutions to identify and address situations of discrimination and disadvantage. Over the years a number of intervention strategies have been developed within the broad framework of these institutions, and we turn to explore these in the next section.

5.3 Intervention strategies

While racism persists in Australia, the situation compared to two generations ago has been fundamentally transformed. When the Colombo Plan was launched, White Australia was a central tenet of political life. Today White Australia has been relegated to a place as a shameful remnant of an earlier and less enlightened time. Australians have accepted (not always unanimously or even knowledgeably) that the immigration program will be based on skill and capacity, not race or colour. A Racial Discrimination Act allows dozens of people each year to pursue claims for unlawful discrimination. Senior police who engage in cyber-racism are prosecuted, and police who have harassed young Black men are found guilty and the victims compensated⁹³. Prime Ministers decry racist practice, though they also might be seen to license the holding of racist views. Limited funds are directed towards anti-racism education, harmony events and multiculturalism, though far more finds its way to counter-radicalisation and security surveillance. A government multicultural advisory council still remains buoyant, awaiting a response by government to its rather restricted proposals⁹⁴. Leadership has been identified as a critical dimension for combating racism, and that remains the most problematic challenge.

In the field of education anti-racism has had a difficult time finding space in a pressed curriculum. The Ministers for Education have established a 'Racism No Way' website⁹⁵ that works for schools and should also serve the VET community (though limited in its up-keep). The NSW Board of Studies in conjunction with the Queensland and Victorian Education departments maintains a teaching resource archive at 'Making Multicultural Australia'⁹⁶ that publishes contracted original research and public domain material (directed by the first author of this article).

Universities and TAFE colleges are required to have Access and Equity Plans (though private VET organisations are not). These plans include grievance procedures, and identify appropriate non-racist and sexist language and related practices. Many have consultative structures that seek to involve international students. They also have national clubs and societies. However, strategies that effectively involve international students in interaction with local students appear to be less common, and often have to deal with conflict between local and international students, or with lecturers. Critical issues such as employment, accommodation and safety may fall outside the purview of the institutions, which might offer services but may feel constrained in following up employment and accommodation rights problems.

While the media play such a major role in defining, circulating and reinforcing social attitudes, there have been no major media campaigns against racism for over twenty years. The HREOC (now AHRC) inquiry into racist violence, that reported in 1991, was the last major attempt to understand the dimensions, intensity and complexity of racism as a social phenomenon in Australia. Its recommendations included a national anti-racism poster and limited media campaign. In the past twenty years no major government strategy has sought to promote intercultural respect and social cohesion in a multicultural society.

Since that time the only national study of racism initiated by government occurred in 1998 during the height of the Hanson debate on race and tolerance. The study, undertaken for the Immigration Department, was used to frame and underpin the Living in Harmony program, the alternative advanced at the time to making race hate a criminal offence. However, the study has never been published and successive governments have refused to release it, citing Cabinet confidentiality. In effect, apart from the Dunn et al studies (undertaken with Australian Research Council support and initiated because of Dunn's frustration with the refusal of government to release the 1998 report), there has been no government research on the extent and nature of racism, meaning that all policy has been developed in a fairly evidence-free environment.

While government leaders have been quick to condemn major outbreaks of racist violence, they have also endorsed the right of people to voice racially demeaning attitudes under the aegis of 'feeling free to voice their concerns' and 'getting away from political correctness'. Gail Mason⁹⁷ has described Prime Minister Gillard's comments on whether the Indian student attacks in 2009 were racist, as being 'no acknowledgement and no denial'. Overwhelmingly, government and police statements played down or denied racism, though the Victorian government specifically modified the Sentencing Act in 2009 to allow for racist motivations to be considered when sentencing was carried out. The Victorian police require specific evidence of racial motivation before they will flag an incident with a racial tag; such evidence might include witness testimony, a perpetrator's confession, or some other corroboration. A cross-'race' attack does not in itself trigger a 'race' tag, though there have been recent convictions where the Sentencing Act provisions have been applied by the judge⁹⁸.

The media have been regularly identified as a problematic arena for policy intervention⁹⁹. Governments have been wary of being seen to be involved in social engineering, though in other areas of public safety governments have cooperated and even funded media programs (eg, reality TV such as 'Border Security', 'Customs', 'Recruits', 'SAS'). Governments have also been wary of criticising the media, having experienced backlashes from media outlets in the past. Australian media regulation history reveals a number of cases where media racism and intolerance have been criticised, and the media have attacked their critics. Among the broadcasters and commentators who have been taken to task and survived are the Melbourne Herald Sun's Andrew Bolt¹⁰⁰ Channel 9 and 2UE's Alan Jones¹⁰¹, and retired broadcaster John Laws¹⁰². Media industry self-regulation renders complaining about breaches of the codes and guidelines a slow and exhausting business.

Police action on issues associated with the attacks on students have been perceived in rather different ways. Indian student groups were angry about what they saw as the failure of the police to act, whereas the Victorian police¹⁰³ were able to demonstrate significant action - but much of this could not be made public as the perpetrators were minors processed through the juvenile justice system.

In Sydney the emergence of a vigilante group among students at Harris Park, accompanied by street confrontations with harassers (including local young men of Middle Eastern background), prompted a police rethink of strategy. Police had previously treated the reporting of assaults and thefts as insurance claim paper work, rather than the intimidation and violence that the students experienced. The police met with the elders of the Indian community and student leaders, and with the elders of the Middle East community associated with the local church. These leaders were then prevailed upon to collaborate in the calming of

tensions; local police began to acknowledge that racial prejudice was part of the problem, and that telling students to look after their own safety was not helpful in building trust among the student body.

The range of interventions reflects a fragmented and at times contradictory political response. Overall there was no overarching strategy embedded in a sense of multicultural and trans-national citizenship that could bring the students into the conversation within Australian society. Australian students were not widely encouraged to engage with the international students, though many did, both through specific university projects, and more generally via social contact. So what then can be done to move the situation forward, especially given the emerging evidence of a rapid decline in new applications for places in Australian education from overseas?

6. Moving forward to real action

6.1 National strategy

Much of the current debate is now framed by the National International Students' Strategy, adopted by the Council of Australian Governments in April 2010 and finally released in October 2010. The practical initiatives implemented include:

- An international student consultative committee will be established to give international students a national forum to put forward their views on issues affecting their study and living experience in Australia.
- International students will benefit from a national community engagement strategy that will facilitate connections between international students and the broader community, including increased understanding of rights and support services.
- A Study in Australia information portal will provide a single source of authoritative, comprehensive, accurate and up-to-date information for students, including information on personal safety, student support services, and tenancy and employment rights and responsibilities.
- Provider Closure Taskforces in each state will ensure rapid and coordinated support for students in the event of provider closure.
- From mid-2010, international students will be required to provide evidence of health insurance cover for their proposed visa duration at the time of visa application. This will help guard against failure by students to renew coverage.
- From 1 January 2011, international students will have access to an independent statutory complaints body, as international education providers will be required to use this as their external complaints and appeals process. Where a complaint or education provider is not covered by a State's statutorily independent complaints mechanism, the Office of the Commonwealth Ombudsman will act as the external complaints mechanism¹⁰⁴.

Various projects have been implemented to encourage greater student awareness of safety issues, such as 'George' as the figurehead for the 'Think Before' campaign launched in August 2010¹⁰⁵. George has a Facebook site¹⁰⁶ and comes with an SMS strategy; whether George is a culturally useful symbol, for a market where 45 per cent of the students are from India or China, remains to be seen. He reinforces the idea that student safety remains primarily a student responsibility. The 'Think Before' travel campaign presents safety messages delivered via technologies students use every day – web¹⁰⁷, mobile phones, SMS, open video and social networking sites. Safety messages are in English and twelve other languages – Arabic, Chinese, Hindi, Indonesian, Japanese, Korean, Nepalese, Portuguese, Punjabi, Spanish, Thai and Vietnamese – reflecting the main international student groups¹⁰⁸.

6.2 Missing in action

Significantly, four key areas of concern do not appear in the strategy. A number of these have been identified by the Australian Human Rights Commission in its media release welcoming the strategy but decrying its limitations¹⁰⁹. For the Commission, these problems encompass:

- no strategic goals associated with combating racism (except through an undefined community engagement process that places the onus on the students to become engaged);
- no discussion of access to affordable transport,;

- no discussion of access to affordable and appropriate accommodation;
- no affirmation of human rights.

The apparent strategic bypassing of some issues, though the direct action on others (especially financial probity of providers) reflects a possible misfit between policy and research. Research by social scientists, patchy though it is, and under-resourced for such an important area, reveals an uncomfortable picture. Poorly researched policy, under-theorised analyses, segmented and disconnected responses, and unco-ordinated strategic perspectives have produced a somewhat chaotic environment. While government responses have sought to 'clean up' some of the worst points of social concern, the actions suggest an avoidance of some longer term considerations of the impacts of decisions and a lack of awareness of the multiple interactions they may have with other policy areas. We have shown that the conception of the international student in policy has focused on Australia's bureaucratic, political and economic context, but has paid far less attention to the international student's needs and interests. There needs to be a sustained broad-ranging social science research program that can help guide policy, and that reflects *inter alia* the perceptions, expectations and experiences of international students. To some extent the strategy's two proposed surveys of students may create an initial data base, but it will need to ensure the full range of issues is covered, not just those announced in the strategy.

6.3 International students' human rights

As societies engage ever more with the turbulent processes of globalisation, former apparently stable categories dissolve and reform. We have seen how the latest population crisis, a concern for environmental sustainability, and a slightly bizarre discourse of 'size' - a 'Big' versus a 'Sustainable' Australia - was a result of a large increase in net overseas migration driven largely by an apparent increase in international student numbers, exacerbated by a change in ABS methodology. We have then seen how the GFC helped trigger a collapse in marginal and fairly unscrupulous education providers, exacerbated by a regulatory tightening prompted by concerns about falling respect for the Australian system in the international market, and a worry about the consumer rights of students. In the meantime an emerging social movement of students, aggravated by perceived police inaction on violence and government inaction on racism and exploitation, rewrote part of the international education agenda, especially in relation to Australia and India. These flows of energy coalesce around a human rights agenda for international education.

The international student movement has developed a proposal for countries to sign on to an international charter of student rights. International students make up some 3 per cent of Australia's population, provide maybe 4 per cent of the workforce, and at their height contribute \$18 billion annually to GDP through fees and living expenses. While these numbers will not be sustained (due to government policy measures, global financial trends and changing perceptions of quality and safety) the society and economy has begun to adapt somewhat to their presence. The constantly floating pool of students, replaced by new applicants as graduates move on, constitutes a new fraction of the national community. They have a stake in the effective delivery of education, a supportive and livable environment, and a financially feasible 'life world'¹¹⁰. They would benefit from a national compact, between students, institutions and governments, that could require sign-on, performance and review.

6.4 Leadership and human rights

The call for an international charter of student rights gels with the findings of much recent research, that many of the problems experienced individually by international students are in fact systemic and common. They therefore require national and trans-national responses. While the Federal Ombudsman's office has been identified as a point of final reference, this does not meet the need for a national information resource, which is flagged to be provided through a single portal. There are currently a number of such portals (eg, commercial sites such as Study in Australia¹¹¹; IDP's Study in Australia¹¹²; Information portal¹¹³; as well as the official Study in Australia¹¹⁴, so that providing clarity to students about the status of information sites will be a challenge.

Such a resource would have to reflect a uniform implementation of a students' rights framework across all education sectors, notwithstanding that different rights regimes in relation to discrimination on race and religious grounds operate state by state. Moreover, given that Australia's political structure welcomes pluralism and encourages participation, international students should be provided with access to some political influence, perhaps through being given the right to vote in local elections after twelve months'

residence, lasting for the period of their enrolment and recognised work experience. As tax payers they should have access to the pool of resources to which they contribute. For instance, they should be covered by a national student travel authority to which they contribute personally, but which is also funded by educational institutions and the national and state governments. They should also have access to housing supported by the government through the Social Housing Initiative and the National Rental Affordability Scheme.

Australia has its own human rights awareness-raising challenges. With the failure of the national government to support the National Human Rights Consultation report recommending a Federal Human Rights Act, the broad human rights agenda lacks many key constituents, especially in terms of legislative review and empowerment to test laws. However the three-part commitment the government made prior to the election includes a national human rights education exercise which should include international students, a process for examining proposed legislation to ensure it is cognate with Australia's international human rights obligations, and a parliamentary joint committee on human rights. These initiatives should now be introduced as a matter of urgency, and rolled out to include coverage of the international student communities.

The work of Amanda Wise and her colleagues at Macquarie University's Centre for Social Inclusion has identified many dozens of community projects, both in Australia and overseas, that contribute to building a resilient everyday multiculturalism of which international students are a part¹¹⁵. VicHealth has initiated two innovative cross-cultural development programs in Whittlesea and Shepparton local government areas, integrating university researchers, local communities and public health professionals¹¹⁶. Some local councils, such as Darebin in Melbourne, have established liaison committees to welcome and support international students locally, with varying degrees of success. Some too have used the 'Living Libraries' strategy to connect local residents with locally resident international students. For some councils these students are a major population group who draw on council services (everything from sports fields to housing inspectors) yet have no formal way (eg, voting, standing for election) to voice their concerns and express their interests¹¹⁷. All local government areas with significant international student communities should create local liaison groups, including police, education, student and community bodies, that can identify emerging issues and facilitate local integration.

Leadership has emerged as a critical issue. Public figures play an enormous part in signaling acceptability to the population. Senior government and opposition leaders at federal and state levels should be drawn into a network of events and opportunities for them to espouse the values of cultural diversity, and the importance of receiving and supporting our student guests. Demonstrating good behaviour as host elicits reciprocal good behaviour in guests, given the power of the host. If the host neglects, ignores or marginalises the guest, then the guest may respond in kind.

Australia lacks a strong research base about cultural diversity and racism on which to build good policy. In part this is a consequence of conscious government decisions to close down research capacity, and withhold research findings from community review. As this paper suggests, little is known about the ethnography of international students, their life trajectories, and the career, family and social outcomes for them and the community of their time studying in Australia. Yet we live in an era of diasporic mobility, where people may move comfortably between Australia and their countries of origin, knitting opportunities here with resources there, and so on. Without a strong policy-linked research program, one which encourages the social sciences to engage with public concerns, and resources them to dig deeply into the constantly evolving structure of modern Australian society, our governments will be caught unawares again and again as crises emerge. We will be hobbled with reactive policies that look backwards, rather than being empowered by new knowledge to explore developing opportunities.

Media issues in relation to racism require much wider transformations than can be canvassed here. However, universities and colleges should engage with local radio to develop programming that can respond to international students issues. In addition, local Facebook and Twitter sites may be useful ways of building community, developing networks and keeping information flowing. In terms of broadcast media, stakeholders should explore the possibility of a reality TV show on international students, that follows them across the world, explores their experiences, and tracks their fights against scams and exploitation, as well as showing them enjoying the benefits of international education. It should be rights focused and be developed with one of the commercial channels, or as an international co-production.

Safety questions continue to dog the international student situation. Particular issues arise for female students where sexual harassment can become a major danger. While safety on campuses has been addressed to some extent by universities through housing and employment alternatives, many of the safety pressures in the community have not been resolved. Travel, employment, debt and accommodation can create unsafe conditions; these can be ameliorated through access to cheaper travel, provision of safe and better-paid employment on or close to campuses, student-focused financial counseling, and affordable accommodation. Safety can be extended through creative, responsive and proactive policing that builds partnerships with local government, institutions, ethno-religious and student organisations. Safety also has to encompass gender-related threats, and the capacity of local agencies to respond to sexual harassment complaints¹¹⁸. In order to engage with human rights issues, community legal centres, in areas of high international student concentration, should be resourced to provide advice, advocacy and support.

6.5 International students in multicultural Australia

The Australian Government has received the report of the Australian Multicultural Advisory Council, 'The People of Australia', to which it will develop a response. The Federation of Ethnic Communities Councils of Australia has put out a call to 'reclaim multiculturalism'. International students have become part of multicultural Australia, whether as permanent residents or longer-term temporary settlers, or as 'denizens'¹¹⁹. As Australia has demonstrated in the past, multiculturalism is a dimension of social justice, not simply an issue of cultural relations. Multiculturalism asserts the inclusive participation of all Australians in building the nation, not the imposition of one set of cultural priorities on everyone. Multiculturalism endorses the creative interaction and transformation of cultures as a keystone to economic prosperity and social cohesion. Multiculturalism welcomes cultural pluralism within an overarching commitment to structural unity and equality of opportunity.

Cultures have developed over centuries as 'social technologies' to manage the relationships between people, their economies and their environments. To say cultures are equal does not mean to say all are equally well-adapted to contemporary Australia. Traditional Anglo-European Australian cultures have not dealt well with the environment of Australia, nor with relations between settlers and the original Indigenous Australians. Traditional more tribal societies do not always equip their members well to face the challenges of a contemporary, democratic, egalitarian, urban and high technology society. Yet contemporary Australia has become a country that has absorbed many cultures, transforming them and being transformed by them in the process. This multi-cultural resource has become an invaluable characteristic of Australian society, one of its major strengths in a competitive, globalising world.

Even more today, contemporary Australians, from whatever origins, need to work collectively in facing our challenges and building a prosperous, safe and sustainable future. The only policy setting that can hope to ensure such collective ownership of the issues and collaborative engagement with them is drawn from multiculturalism. Any other pathway threatens to limit economic opportunity, reduce security, increase conflict and erode sustainability. We have seen the catastrophic impacts of racism on social cohesion, of intolerance on economic development, and segregation on environmental sustainability. Multiculturalism requires a politics of recognition, of reciprocal engagement and respect. Respect for difference does not require endorsement of different values; core values that speak of democracy, freedom, tolerance and opportunity are trans-cultural, and are the necessary framework for ensuring harmonious social relations.

Multiculturalism remains a whole-of-government responsibility, for its social justice, economic opportunity and international relations policy implications require an overarching view of the interaction and impact of government across the board. Every portfolio can either enhance or undermine these broad social objectives by adopting multicultural perspectives on the one hand, or marginalising diversity on the other.

Given the link between education and immigration, that has been so carefully nurtured over the past decade or more, breaking it down has already brought its own challenges, exacerbated by the rapidly rising Australian dollar¹²⁰. International students remain a whole-of-society challenge as they generate a whole-of-society benefit; policy determination requires open conversations, stakeholder engagement and social change policies. We need to recognise that the students enter Australian society as active participants in learning and social interaction. Given Australia's history, whole-of-government, cross-society, collaborative action alone can ensure optimum outcomes for Australia, specific stakeholders, and the students themselves. The future should be one in which Brand Australia reflects quality, diversity, justice and rights, not just fun in the sun or a ticket to stay¹²¹.

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