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978-0-521-13805-5 - International Student Security

Simon Marginson, Christopher Nyland, Erlenawati Sawir and Helen Forbes-Mewett

Excerpt

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PART 1 STUDENTS IN THE GLOBAL MARKET

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THE STUDENTS

There's hell a lot of differences between living there and living here. The advantage of living out here is it teaches you how to be independent, the survival of the fittest. How to do things, manage your entire life. Back home, you have your parents to support you, back up. Out here, there is no back up; you're on your own. There are crucial decisions, and the decisions have to be taken by you, not by your parents. You learn a lot.

~ male, 27, business, India

INTRODUCTION: HAPPY DAYS

It is early December in Melbourne, Australia, and a pleasant 24°C. Summer has just begun. Those hot dry north winds that make life difficult in southern Australia and drive everyone to the beach, are still weeks away. We are on a large university campus where people are gathering for the graduation ceremony. The string quartet is tuning up to welcome them. The baroque musicians would be out of place in other student settings but today they seem to be exactly right, hinting at something special, at that reservoir of ineffable culture, the mediaeval mystery of deep learning, that the university represents. Graduation is about rites of passage and the journey into work and profession, about long years of investment of family money and economic benefits received, but it is also about something scholastic and timeless and the ceremony will reflect that. Altogether 415 students today will be invested as bachelors, masters and doctoral degree holders. Among the students and their families entering the university hall are many Asian faces. Almost half of the soon-to-be graduates

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are international students, mostly from China, Malaysia, Singapore, Indonesia and India.

Excited students greet each other and their voices echo between the buildings. The atmosphere is upbeat and joyful as if Christmas, which is celebrated by most but not all of the people who are accumulating here, has come early. Many parents and siblings, beautifully dressed in dominant blacks and whites as if they are attending a wedding, seem to glow. Some of the soon-to-be graduates have also made the effort. Others have stuck to their principles, draping the black academic gowns and newly won degree colours supplied by the university over blue jeans with frayed edges above white trainers. Some graduands wear their black mortarboards perched on top of their heads, some carry them a little awkwardly at their sides and others are making as if to throw them in the air in celebration as in the classic graduation photographs. Digital cameras are everywhere. Compact knots of people form, smile in unison and disperse.

It is a great day, one of those truly happy occasions without a cloud in the sky that come along a few times in life and are always remembered. For the families who have journeyed en masse from east and southeast Asia at much expense for this special 90 minutes, the day is especially poignant. Often it has been a great struggle to sustain full cost fee payments and there have been years of constant worry about their children. Were they getting enough to eat? What would happen if they were sick? Was their job stopping them from studying? Who were their friends? Were they getting into trouble? Why hadn't they rung? Now it has all been worthwhile. They have made it, they have finished their degrees. They have learnt to speak good English. The future is bright. They can stay in Australia, seek a professional job and apply for permanent residence. Or they can come home to marry and take a respected place in the community, contribute to the family business and the nation and help to pay for the overseas education of their brothers and sisters.

For the Australian university, also, today is nothing but positive. University leaders and professors watch the families enter the hall as they have done so often before, feeding off the atmosphere around them. The long procession past the chancellor is tedious, but no matter how many graduation ceremonies you attend there is always something warm and fulfilling about them. The happiness of the participants, and the respect parents and families show for the university and its process, ground the university on its own terms and declare

its moral worth. Graduation makes up for the indifference many of the soon-to-be graduates showed towards their teachers. The university invests new hopes in its charges; once they leave (the university hopes) they will become increasingly sentimental and wealthy alumni. Especially, every batch of international graduates, with its clutch of younger brothers and sisters who will attend in future years, is like gold. Without those international graduates and their families, without the continuing growth year by year in their numbers, the university simply could not stay afloat. Their tuition fees, which are carefully pushed up when feasible, finance many of the new buildings and facilities and part of the research that maintain the university's facade of modernity (which is as important as its facade of tradition) and keep it abreast of its competitors. Graduation day is an expensive show, but the ceremony, in all its seductive dignity and glory, is crucial to the consumer equation.

Yes, international education is a winner for everyone: for the players in string quartets who would otherwise be underemployed, for the families, whose long and patient struggle has paid off, for the university, which needs the revenue but still wants to retain its tradition and purpose, for the home countries, which gain skilled human capital generated abroad at the citizen's own expense, for Australia, which gains some of that human capital as immigrants and \$15.5 billion per year (2008) in export revenue¹ by educating over half a million foreign students per year, almost 300 000 of them in higher education. And above all for the graduates themselves.

Yes, full fee international education certainly is a winner all round. Or is it?

NOT FOR EVERYONE

Incident 1

One night in 2002 officers from the federal Department of Immigration, Multicultural and Indigenous Affairs (DIAC) entered the home of Muhabab Alam, a 22 year old international student from Bangladesh. The DIAC officers found another student they were looking for was absent and, without a search warrant, searched Alam's room and

1 ABS, 2009.

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belongings. They found payslips that they interpreted to mean the student had worked for 22 and a quarter hours in a particular week, so breaching his visa conditions, which specified he should work for no more than 20 hours per week during study semester. The mandatory penalty is loss of the student visa and expulsion from Australia. The student's payslips were removed as evidence and he was taken away for interrogation. While being removed Alam asked if he could put on a shirt, but the request was refused. After interrogation he was told that he would lose his visa and would be imprisoned in Villawood Detention Centre unless he could pay bond of \$10 000. He could not raise the money on the spot and was forbidden to telephone his sister for assistance; no reason was given.² He was held in prison conditions for three weeks.³

When the case was finally resolved in the Federal Court three years later on 23 July 2005 Alam was successful on appeal, securing the reinstatement of his visa. The judge was highly critical of the treatment Alam had received. In March 2006 the Senate Legal and Constitutional References Committee of the Australian parliament completed an inquiry into the administration of the *Migration Act 1958* (Clth). Its report noted that from 2002–3 to 2004–5 there had been 17 134 raids or 'compliance operations' involving DIAC officers with 24 567 student visas cancelled. While some students left immediately others appealed to the Migration Review Tribunal (MRT), the Federal Court and the High Court. As a result of these appeals more than one-third of the cancellations had been set aside.⁴

Incident 2

In early 2005 police in Canberra, Australia's capital, were called to Chandler Street in Belconnen near the University of Canberra, after neighbours complained of a smell coming from an apartment. Inside was a badly decomposed body identified as 25 year old Chinese student Hong Jie Zhang, also known as Steffi Zhang, an international student at the University of Canberra. Her boyfriend, Zhang Long, who was not in Australia at the time Hong's body was found, was

2 Senate Committee, 2005, 316–17.

3 ABC Radio, *PM*, 27 July 2005; see also Rost, 2005, 18.

4 Senate Committee, 2005.

suspected of the killing. Forensic analysts estimated that Hong had been killed in June 2004. Her body had been lying in the flat for seven months before her death was discovered.⁵ The *Australian* interviewed the University of Canberra vice-chancellor after the discovery was made known:

Professor Dean was cautious in response to questions about whether the university should shoulder any responsibility for the failure to notice Zhang's absence. He cited the failure of social networks. 'The idea that nobody would have noticed her missing from that peer group or from the flat for so long is quite amazing and very worrying', he said.⁶

Incident 3

Late in the evening on 22 January 2008 lecturer and researcher Cao Zhongjun, 41 years, married with one daughter, was walking home in Empire Street, Footscray, from his job at Victoria University when he was attacked by eight youths and men of varying ages. Cao's attackers had met a few minutes before at a nearby McDonald's store and decided to go 'curry bashing', meaning assault and rob a foreign student. The term 'curry bashing' originated because of the large number of Indian students in the western suburbs of Melbourne. The fact that Cao was from China rather than India made no difference. After bashing him so viciously that his body was sent several metres through the air and he landed on his head, the attackers stole his wallet and phone; they moved on to assault and rob another victim in neighbouring Sunshine. Cao never regained consciousness and died in hospital four days later. Ironically, Cao Zhongjun began working as an academic in Sydney in 1997 because he deemed Australia a safe place to live. In 2004, he completed a PhD at Monash University where he was friends with one of the authors of this book. At the time of his death Cao was investigating how Chinese international students were coping with Australia. He was popular at the university; Professor Roger Gabb described him as 'quiet, kind and gentle'. People appreciated

⁵ Green and Rood, 2005; Australian Federal Police, 2005.

⁶ Illing, 2005.

his willingness to join in. ‘He was universally loved’, Gabb said.⁷ Cao was close to his wife Zhou Jingfang and daughter Cao Qing. ‘We had a good family’, Zhou said. ‘A very happy family.’⁸

A year later two of his attackers pleaded guilty in the Supreme Court to manslaughter. One, who had suggested the ‘curry bashing’ expedition, received three years detention in a youth justice centre for manslaughter and two months for robbery. He looked at his father and ‘smiled broadly’⁹ when he heard that he had avoided adult jail. The other received less than two years detention.¹⁰

Incident 4

In relation to questions of student safety, the customary stance of Australian universities, and government officials with responsibility for the export industry, had always been to lie low and say nothing, and to rely on Australia’s reputation as being a safer place than the USA to work in their favour. But in August and September 2008 diplomatic representatives of the People’s Republic of China began to speak out in public about what they saw as inadequate attention to the safety of international students from China who were resident in Australia. Zhou Bo, China’s education consul in Sydney, quoted a survey of 100 Chinese students that found that ‘more than one in four had been a victim of crime, 20 had been burgled at home and six had been robbed, several at knifepoint’.¹¹ China supplies much the largest number of international students to Australia and the intervention by its consular officials was too important to ignore, especially as China’s recent withdrawal of support for New Zealand as a destination on grounds of student safety had sent the number of Chinese students in New Zealand plummeting downward. The Australian government decided to instigate a workshop on international education, to be held on 28 October in Shanghai. The underlying purpose of the workshop was for Australian officials to persuade their Chinese counterparts that the threats to student safety had been exaggerated, and, to the

7 Rout, 2008a.
 8 Anderson, 2008a.
 9 Ross, 2008b.
 10 Rennie, 2008; Anderson, 2008a, 2008b.
 11 Levett, 2008.

extent that safety was a problem, the Australian industry had it well in hand. In other words the workshop was an exercise not in student safety but in policy spin.

Back in Sydney on the day the Shanghai workshop was held, an intruder forced his way into the apartment of four international students and raped them in turn at knife point. Two of the students, a woman of 18 and a man of 19, jumped naked from the balcony of the apartment in a desperate bid to escape their tormentor. The young woman died and the young man suffered permanent spinal injuries. The media were soon onto the disaster and within 24 hours it had been reported in hundreds of newspapers, on radio and television stations and on internet sites around the world, thoroughly overturning the Australian government's strategy in Shanghai of talking down the safety problem. When the mother of the young female student came to Sydney to attend her daughter's funeral, her lawyer announced that the family believed inadequate attention was being given by Australian authorities to the security of international students. The family intended to establish a fund to provide for the instruction of newly arrived students in matters of safety, the lawyer said. They wanted 'all overseas students and the public to know that safety issues for overseas students are very, very important'.¹²

INTERNATIONAL STUDENTS AS WITNESSES

Some might say that these incidents are selective, sensationalised, cases of tabloid research. Comparative data show that Australia is safer and more tolerant than most English-speaking countries. Statistically, 99.99 per cent of Australia's half a million international students survive their sojourn and most graduate after a largely happy experience living and studying in Australia. Surveys of international students in Australia and the UK record satisfaction rates of above 80 per cent (though it can be less for students from specific nations or in particular localities).

All of that is true. But the above incidents are also true and there are other cases like them. International education is not always the

12 Cited in Tibbits and Robinson, 2008.

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win-win that happy graduation days suggest. Nor is it easy. Nor are its problems always transparent.

International education involves wonderful opportunities, exciting freedoms, disabling changes, and real difficulties and dangers. It does not affect everyone in the same way. Many of the issues are felt differently and involve different cultural interpretations. There is a dark side: international students do not always enjoy full security and non-white students, especially, experience exclusions in the foreign land. This dark side affects most students to some degree. Yet those who benefit from the burgeoning global industry want nothing but good news stories, and policy makers, regulators and researchers rarely seek advice from the international students themselves.

In the last two decades, in the era of global convergence via the internet and the reduced cost of air travel, international education has become a great export industry that has financial flows estimated at \$40 billion worldwide. Each year three million people cross national borders for at least 12 months for education; many more travel for shorter periods. Cross-border migration, whether permanent or temporary, for work or study, is always challenging for those undertaking it. Mobile people move from familiar rules, conventions, supports and citizenship rights, to another, less familiar, country where they have less support, lack citizen rights and where the rules may be unknown. Global mobility demands adjustment by mobile people and by the institutions they encounter. Social science and market research suggest that for some international students the issues are not successfully resolved, that the experience could be better for almost all students, and that the experience is also unsatisfactory for some of those who educate them.

The commercial character of international education in Australia, the UK, New Zealand and some other countries and programs, in which international education is a revenue-raising business and its students are seen as consumers with needs and rights understood in terms of a bargain struck in the marketplace, creates further challenges. Part of the dynamism of international education derives from its commercial character but this can generate limits, frustrations and abuses. Are the supports and protections part of a consumer bargain adequate to the needs of international students as they see it? Do these supports and protections deliver a common entitlement to human rights? What kind of international student security regime is consistent with the

healthy functioning of the global education market and the human needs and rights of the students themselves? More generally, what are the implications of human security regimes, national in nature, for moving cross-border populations in a globally convergent world?

These are important questions. They have been little explored or settled, yet they have much to tell us about the fast-changing times in which we live. They are the questions that have brought *International Student Security* to life.

The focus of the book is the human security of mobile students. We set out to clarify what human security means, and the strengths and weaknesses of existing practice in the context of the global education market. These matters are addressed in terms of international students as a globally mobile population, and international students as people mostly engaged in an intercultural educational and social experience.

For the purposes of *International Student Security*, the social and economic security of cross-border students is defined to include personal safety, financial issues and work experiences, housing, health and welfare services, language problems, students' personal and social networks, including family, community and affinity groups, and experiences with government and university authorities.¹³ We investigate not only the formal legal framework governing international education and the institutional educational practices fostered within it, but also the non-government, informal and private organisations and life worlds that also contribute to student security as broadly understood. Here we develop the idea of a regime of international student security, that is constituted on the one hand by the formal domain of policy and regulation (part 2), on the other hand by the informal and private domain (part 3), and examine the implications for formal governance of the security gaps in the informal and private domain.

The underlying objective of *International Student Security* is to improve the human security of international students. At the same time we are aware that to understand and advocate things as they should be, we first must understand things as they are. This book is grounded in four research projects that were designed to map and monitor international student security, principally, an Australian Research Council (ARC) funded study that involved intensive interviews with 200

13 Chapter 4 explains the rationale for this broad definition of student security.