

THE LANGUAGE OF MIGRATION: THE EDUCATION INDUSTRY VERSUS THE MIGRATION INDUSTRY

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Recent research shows that some Australian tertiary education institutions have recruited international fee-paying students whose English is limited. The author examines this issue by drawing on his fieldwork among Indian students coming from areas outside the major cities in India, and the branches of the Australian education industry that service them. These students often have poor English and have been recruited by special-purpose agencies with financial links to recently-established private colleges in Melbourne.

AN 'EXTRAORDINARY ATTACK' ON OUR UNIVERSITIES

Two recent publications by Monash-based researcher Bob Birrell and colleagues¹ generated controversy in the press and among those belonging to what is commonly referred to as the 'education industry'. The first reported on the results of English language tests sat by 12,116 former international students who had recently graduated from Australian universities and had received a permanent resident visa in 2005–06. The tests were required by the Department of Immigration and Citizenship (DIAC) as one of the preconditions for the issuance of a permanent residence visa. A third of these former students did not reach level 6 on the IELTS test. Such students would not have been able to enrol in the Australian university they graduated from had they shown such poor language skills when first applying for a higher education student visa. One of the main questions this study asked was: how did students with poor English language skills get into Australian universities, and how did they manage to graduate? Birrell claims that: '... some Australian universities offered courses, particularly in accounting and computing, designed to require minimal English'.² In other cases students coped using means ranging from engaging tutors to plagiarism.

The running theme in most of the press coverage³ of Birrell's report was the issue

of 'soft marking'.⁴ Gerard Sutton of the Australian Vice-Chancellors' Committee (AVCC) 'rejected any suggestions universities had lowered standards to allow fee-paying overseas students—who contribute around 15 per cent of universities' revenues—to graduate'.⁵ The education spokesman of the Opposition was reported as saying that 'under-resourcing of universities increased the danger that some of them are now so dependent on student fees that they might drop standards'.⁶

The Education Minister, Julie Bishop, was also quick to respond claiming that Australian universities would only enroll foreign students once they have achieved international standards of language proficiency. 'This has been an extraordinary attack by Professor Birrell on our universities', the minister was alleged to have said. 'International education is ... our fourth largest export, and it's in the interest of our universities to maintain very high standards because there is international recognition at stake'.⁷ The tone in the press coverage soon became fiercer. The *Sydney Morning Herald* reported that a recently retired academic had claimed to have passed overseas students who handed in work he would never have accepted from domestic students. A lecturer at Central Queensland University estimated that half of her class plagiarised assignments. 'I found about 40

students or mine that had plagiarised but I was told by a colleague, don't fail that many, they'll just target you'.⁸ More and more stories were coming out of teachers admitting to having been put under pressure to pass students who, based on their exam results should have been failed, but the Minister was demanding to see hard evidence.⁹

The Indian press (in India) picked up on a particular aspect of Birrell's findings: DIAC tests showed 17.3 per cent of the Indian graduates from Australian universities had not been able to achieve the IELTS 6 standard (the minimum standard for entry to an Australian university).¹⁰ Though 43.7 per cent of Chinese students and 55.5 per cent of Korean students who graduated from Australian universities and applied for permanent residence did not achieve level 6 on the IELTS test, commentators in India had assumed that Indian students who were (financially) able to go to Australia would be more or less fluent in English. That as much as seventeen per cent of them did not meet this standard was regarded as nothing short of amazing. But was it truly?

My own anthropological fieldwork among international students from India in Melbourne in 2005¹¹ had already shown that, especially among those studying at the cheaper colleges with a lesser reputation, education itself was hardly a priority for most. First and foremost there were the worries about 'migration', something these colleges had also picked up on. Some students even referred to the colleges they, or their friends, attended as 'PR factories' (the PR standing for Permanent Residency), meaning that they perceived these institutes to be mainly in the business of migration, and not education. My research in 2005 showed that smaller, highly price-competitive colleges were quickly entering the market for Indian students. Often such colleges

made use of their own recruitment networks, instead of going through IDP or other well-established recruiters in India, and increasingly they seemed to focus their efforts on smaller cities and towns in India which had previously not sent many students overseas. Their (often) much lower fee structures than more established institutes means that overseas education has become available for a much wider group of Indians.

Among these students speaking English may not be as common as is often assumed about Indians who are 'able' to afford to go abroad. What is evident nowadays among the new upwardly mobile middle classes in India is that they have non-English speaking backgrounds, meaning that they received most of their schooling in a vernacular language (for instance Hindi, Tamil or Telegu). As with Chinese students, it seems that studying hard for an IELTS exam 'at home' is one thing, but then keeping these language skills at a certain level after the exam is over is quite another, even though they spend at least two years in an English-speaking country such as Australia. In addition, most Indian students come to Australia on large education loans which they hope to repay by staying on and working in Australia after graduation. Many try to keep this loan as low as they can by working as much as possible while 'studying'.

All this creates an atmosphere where students have little time (and energy) left to focus on their studies. Their lives are often 'lived' among fellow students who are in the same boat, so to speak. This, it turns out, often further hampers them from integrating into Australian society and working on their English language skills. The smaller, recently established and price-competitive colleges seem especially aware of this situation. And not only that, they often seem to profit from the difficult

situation overseas students are in. These linkages between the education and migration industries will be the main focus of this article. In analysing the ambivalent relationship between the two I will draw on my own fieldwork and from media comment on the issue.

A STUDENT RIP-OFF

Less than a month after Birrell's report on the language skills of overseas students came out (in January 2007), *The Age*¹² reported that an investigation had been announced into the alleged rip-off of foreign students by a private education provider in Melbourne. Allegations were made that the International Business and Hospitality Institute in Melbourne could be involved in exploiting overseas students.¹³ Interestingly though, eight months after a report had recommended state investigation into the matter, the institute still remained fully accredited. The article went on to explain how those who had recognised the problems within the institute were not properly listened to by the regulating bodies. In March 2007, *The Age* was able to report that the International Business and Hospitality Institute had finally been deregistered. 'Documents lodged at the Victorian Civil and Administrative Tribunal allege the institute was set up with the sole purpose of offering foreigners a pathway to a permanent residency visa'.¹⁴

The article also reported the experience of another college, the Melbourne International College in King Street which faced an audit by the Victorian Office of Training and Tertiary Education after having received complaints from former staff. One former community welfare teacher claimed to have been told by the management of the college in question to pass students who did not come to class. 'The teacher said the students claimed they had been asked to pay extra so they would not have to turn up'. The college itself

denied all claims. A day later *The Age* announced that 'the Victorian Government's higher education director had quit amid accusations his office is failing to act on complaints of exploitation and corruption in private colleges'.¹⁵ Educators and overseas students had apparently complained that the Victorian Office of Training and Tertiary Education had neglected complaints.

Around the same time (March 2007) Harriet Alexander, the *Sydney Morning Herald* higher education reporter, noted that Central Queensland University (CQU) had been accused of being a front for an elaborate immigration racket. 'Central Queensland University, which is based in Rockhampton, specialises in information technology and accounting courses, which earn students the most points towards gaining permanent residency in Australia'.¹⁶ Michael Jones, a migration lawyer who has acted on behalf of CQU students was claimed to have said that the students attracted to CQU were generally more interested in the qualification than the education itself. He was quoted as having said that: '[t]he students are here for the purpose of a visa'.¹⁷ He also claimed that CQU allowed students to keep failing their courses until they had been attending the university for a year, after which they were allowed to change education providers by law, but that then CQU would report them to the Immigration Department (for poor academic results). Apparently students had protested in Melbourne and Sydney over high failure rates earlier that month. According to one staff member it was virtually impossible for the students to find employment in their chosen fields because of their poor English language skills and their narrow range of skills. 'Yet the education agents who recruited them for Australian universities all but guaranteed them jobs if they came to Australia'.

According to the staff member in

question the students had not asked. 'Through talking to these people you can see the anger [because], in their view, the Government has been lying to them. They believe they were promised jobs, they were promised this utopia, this multicultural country'. For its part, CQU rejected these claims. 'Acting vice-chancellor Angela Delves said the accusations are false and any student who is failing is offered additional support'.¹⁸ According to *The Age*, CQU's spokesman, Marc Barnbaum, said that the university was unfairly singled out. 'All universities in Australia do exactly what we do, yet because we're the largest provider and we have downtown campuses, we're somehow seen as special'. Barnbaum further argued that 'the sandstones' do the same.

CASH COWS ON HUNGER STRIKE

CQU has been a particularly successful recruiter of Indian students, so successful that it has won several export awards.¹⁹ Despite being located in central Queensland, it has branch campuses in Melbourne, Sydney and Brisbane and a number of other locations. It also offers courses at competitive prices and has a well-oiled recruitment apparatus working in India which has seen the number of its Indian enrolments skyrocket in recent years. Interestingly it was these students who made headlines in March 2006, when a group of Indian CQU students announced that they would go on hunger strike because they felt the university was treating them as cash cows. 'A representative of the 60 masters students said CQU treated the Melbourne campus like a bank rather than an education institution that was concerned about its students'.²⁰ Apparently 62 per cent of the students had failed a postgraduate subject which they claimed tested material not covered in the lectures, and were subsequently not given enough opportunity to challenge their marks. On March 17

(2006), *The Age* reported that a second group of overseas students had protested against high failure rates and treatment by CQU.²¹ This time the students were located at the Sydney campus. The article reported that 71 per cent of the Sydney students who had sat the exam had failed.

The CQU campus is run by a private company. This is becoming more and more common. As another media outlet wrote,²² more and more university campuses sign up franchising agreements with private companies. Such companies are then responsible for the daily running of the campus. Many critics, including academics, however, warn that such an arrangement is damaging Australia's international reputation. They further argue that campuses jointly owned by universities and private companies cannot guarantee education standards. In the case of CQU, its commercial partner is Campus Management Services (CMS). A recent audit of CQU cited possible conflicts of interests on the CMS board, lack of transparency and inadequate governance among its alleged problems.²³ CMS is partly owned by the university and partly by a private company, Kallawar Holdings, of which one Mark Skinner is the sole director. The model which CMS has developed is becoming common now among universities wanting to operate offshore or in another city. What it comes down to in practice is that the university takes care of academic affairs, and the commercial partner runs the campus and is responsible for recruiting students and staff. Of the many smaller (and often newly set-up) colleges that operate in and around Melbourne's Central Business District, it is often unclear who is exactly responsible for their academic affairs, and who for their management. In many cases it seems that these two functions go hand in hand in order to meet market requirements.

AN ETHICAL BUSINESS

Housed on the first floor of a neat office building in the Central Business District (CBD) of Melbourne, The Sharma Education Agency²⁴ sees Indian students coming and going throughout the day. The Indian lady in charge is a Punjabi in her thirties. Two of her sisters are also involved in the business; one helps her with office-related matters in Melbourne while the other manages the office in New Delhi (India) where most of the actual student recruitment takes place. The family has been active in the Australian market since September 1991. It was then that it became possible for Indians to study in Australia, as the Indian economy was liberalised at the time. 'My father entered this business back then'. Before that he had mostly been in the business of sending students to the UK or US. 'So I knew a lot about this business through him'. When her father passed away in 1999 she took over the business. The agency now sends around 150 students to Australia per semester. They no longer charge the students for the services they offer. They were forced to stop this practice because most other agencies have also stopped doing so. The office in New Delhi is mostly involved in advising students what might be the best course(s) to enroll in. Staff there go through what the student in question has studied before and what their expectations of their studies are. The next thing they do is suggest some universities that might be an option. 'But', she was quick to add, 'we never push them into anything. It has to be their own choice'.

'It has to be their own choice' was often repeated by people in the business of student recruitment. As with this particular agency most of the agencies active in the recruitment business specialise in a number of universities but, as the lady at Sharma explained: 'We act as a representative for all of them'. Their revenue comes from the universities. 'They pay us for the students

we enroll with them'. The amounts vary between five hundred and a thousand dollars'. The more expensive universities and colleges usually also pay more, in part because the amount paid to the agency is usually a percentage of the first semester's college fees. 'But it really depends', she added vaguely. Within the industry education agency commissions are a closely guarded secret. A safe estimate (based on accounts from several informants) is that commissions average around ten per cent of the first year's fees.²⁵ But in a recent *7.30 Report* (ABC TV, 3 April 2007), it was stated that some agents take as much as four to five thousand dollars, or some 35 per cent of a year's tuition fees. The Sharma agent said: 'We don't take it into account when we guide students though ... we are an ethical business and we like to keep it that way'. She continued: 'If a student is not happy and he finds out that he has been tricked in taking a certain course then he will tell others and after a while you don't get any students at all'.

The Sharma Education agent was very clear on how she felt about certain institutes that charged very competitive prices and who focused on helping students gain permanent residency rather than guiding them towards the most appropriate education. As she often had students come in to change courses or universities, she had heard her share of stories about these institutes and commented: 'These institutes are just in it for the money. Nothing else'. According to her they did not care about the students at all. And not only that: 'I probably should not be talking about this but I firmly believe that they fail students on purpose just for the money. They are just in it for the money really ... So they fail these students and then they have to take that course again so they [the institutes] get more money'. The agencies that did do business with such institutions,

sne argued, were in fact really migration agents. 'They are not education agents like us. They guide these students to these institutions of their choice for the money. It will get them PR'. She refrained from giving any PR related advice herself, adding that universities generally did not like it when agents did both. 'We follow the ESOS act and there is a very fine line between migration and education in it. So we stick to that'.

A VERY FINE LINE, INDEED

The ESOS (Education Services for Overseas Students) Act²⁶ is supposed to regulate the education and training sector's involvement with overseas students studying in Australia on student visas. In principle the ESOS Act, and associated legislation,²⁷ is meant to protect the interests of overseas students by providing tuition and financial assurance. Closely connected to the ESOS Act is the National Code.²⁸ The Code's purpose is to provide nationally consistent standards for CRICOS²⁹ registration³⁰ and for the conduct of CRICOS-registered providers.

The Code proves to be especially relevant when it comes to understanding the thin line education providers, education and immigration agents, and others involved walk when dealing with overseas students. Under the heading of 'marketing and student information' the Code states that the CRICOS-registered provider³¹ is responsible for ensuring that marketing of its education and training services is carried out with integrity and accuracy. The code also stresses that the provider must uphold the reputation of Australian international education and training. Furthermore, the Code states that 'recruitment of overseas students must be conducted in an ethical and responsible manner'. When it comes to recruitment agencies it stresses that, 'the registered provider must not accept or continue to accept overseas students

recruited by an agent ... if they know, or reasonably suspect the agent to be: engaged in dishonest practices, including suggesting to overseas students that they come to Australia on a student visa with a primary purpose other than full-time study'.³²

In the case of many Indian overseas students, their presence in Australia is not even 'remotely' about studying. This is also known in India. *The Hindu* (9 April, 2006) reported Racquel Shroff, Manager, Chennai branch of IDP Education Australia as saying: 'Most Indian students are looking at a return on investment and ... outcomes are better in Australia than in the US and UK'. According to Sanket Shah, CEO of Planet Education (another person quoted in the *Hindu* article), 'in terms of education leading to immigration, Australia beats even the US'. And as is evident from the discussion so far, some educational institutions are also not very concerned about the educational aspect of their businesses. They are also in the business of migration. But so too, in effect, are some of the mainstream universities.

Considering the number of Indian students who convert their student status into permanent residence after graduation, many of these students must have been studying at one of the mainstream universities in Australia. I interviewed a number of teachers (five in total) all belonging to the same department at a large university in Melbourne one afternoon. It became clear that the reality of migration was known to all of them and was something that they had had to find ways to deal with. Some of them had been on so-called 'road shows' in India to recruit students for the university and had soon realised that the first question on most students' minds was: will this course get me PR? Most admitted that answering such questions was 'pretty much' unavoidable and that you had to find a way to deal with it.

They were aware that they were supposed to be recruiting students, not migrants, yet they also knew that with 'selling education' came something else. Students often also asked what chances they would have for getting a job in their field in Australia and how much they would be making.

Other teachers and university staff I met at the Australian International Education Conference (AIEC) 2005, held at the Gold Coast Exhibition Centre in the state of Queensland, painted a similar picture. All had been overwhelmed by questions relating to PR and career opportunities in Australia while touring in India. Often, the university and the courses themselves were of limited interest to students. The conference itself painfully avoided the subject. Migration almost seemed a non-topic, something that those in the business of education knew they were not supposed to talk about. Some even claimed that by law they were not allowed to do so. Some also referred to the ESOS Act and National Code. This also meant that they did not have brochures or sections of their (agents', colleges' or universities') websites devoted to answering the most common questions about PR. IDP, the biggest recruiter in the field and co-organiser of the conference, seemed to have an official policy of not answering questions related to PR. Some students' had already told me this. It was fascinating how everybody on the one hand seemed to have found a way to deal with it in practice, while on the other also having found a way to avoid the topic in public.

MARKETING EDUCATION (AND MIGRATION)

An interview with two senior marketing officers employed by a large university in Australia, shows how complex (and in a way contradictory) the business of student recruitment has become. Talking about the

PR issue they were both somewhat hesitant at first. As one initially put it, 'India is a price sensitive market. Many of the students are also interested in PR'. He added that he thought that Indian students had always been interested in PR, but that they were now much more aware of it. 'We don't push the PR issue however, it is not something we advertise with'. Asked why, he explained that actually they are not allowed to market the PR issue. 'We look for other avenues. We want to offer a distinguishing product. We underline the prestige of the degree'. Yet talking about the issue a little more he also admitted that at times they do try to encourage faculties to change their programs so they come closer to what the market demands, but that 'it takes time to change a program'.

His colleague had introduced himself earlier as being responsible for the recruitment team at the university in question. He explained that in his previous job (with a different university) he headed 'the India missions' regularly. For about five years he had been in and out of India. 'We would go there on these three week missions to recruit students'. They would talk to the students and their parents and everybody else involved during such missions. 'We would organise these educational fairs there. But we would also do these interview programs, and we would provide training to agents'.

In addition to such activities his team organised lectures as well. When I asked him what sort of questions students generally asked he replied: 'You will be surprised to learn how few questions they had'. In his opinion, Indians really stood out in that. But he also added that there generally isn't a whole lot of time to answer detailed questions. According to him, the biggest problems these students experience are ('above all else') related to paperwork (visas and so on). The issue of PR was certainly not unfamiliar to him either.

They are very focused on PR, at least some are'. But he was quick to add that universities are supposed to provide education. 'But students are mostly outcome driven so you cannot really ignore the fact that they come here for that reason; they see it as a pathway to something'. And, he added: 'The government is clear that it wants migrants'. But here his colleague, who had stayed silent for a while, was quick to reassure me that the university was not involved in actually recruiting migrants. His colleague agreed: 'We don't promote it as such but we try to answer questions as best we can'. Yet talking about this a little more, he also remarked that 'some say this is a migration market'.

Both marketing officers were thus perfectly aware of the motives Indian students had for wanting to study in Australia. Yet PR and student recruitment kept on being awkward (if not illegal) bedfellows in the world of overseas education. As one of them made quite clear: 'It is a civil offense to give advice on PR'. He added that you can only do so when you are a registered migration agent. 'But we can give the information that is on the website or a referral to the website of DIMA [Department of Immigration and Multicultural Affairs, now DIAC] of course. Individual situations tend to be different but it is fine to give basic information'. He also thought that his university did not need to use PR in marketing material as the Indian students already seemed to know everything about it.

KNOWING THE MARKET

These marketing officers' knowledge of the reasons and motivations of Indian students for coming to Australia was interesting and not uncommon. Most people I met who were in the business of student recruitment were able to produce similar accounts. These marketing offic-

ers were working for a large university with a solid reputation when it comes to education and research. The general narrative about what those within the industry generally refer to as 'dodgy providers' usually concerns much smaller, newly established colleges, often located in city centres, and catering to students from one particular country (China, India, Malaysia) or region (East Asia, South Asia or South East Asia).

One such 'college' was located in the CBD not too far from Flinders Street Station, Melbourne's central station. Recruitment had been down for a while but as they were developing new course programs they expected business to pick up soon. When I asked about the courses which they had on offer (mostly accountancy-related) and thus fetching the most points when applying for PR, the director laughed a little and remarked: 'We have quite a bit of experience with the MODL list, sure'.³³ He admitted that most of the students that attend his college come to Australia for migration purposes. 'They have borrowed a lot of money. And they have come here with falsified documents. So they know the risk they have taken'. He added that in a way: 'They have mortgaged their lives'. What he meant by falsified documents remained unclear but, based on interviews I conducted with students myself, it is safe to assume that it concerned overvaluation of property on which they had been granted loans. In practice this would imply that the value of the property back home would not be enough to repay the loans; even more reason to make sure the loan was paid back while working in Australia.

The college this director had helped found had been in the business of overseas students for more than eight years already. As he put it himself, he had always refused to do the 'MODL courses' but that there was 'no escaping it anymore'. He added that he had always believed in education.

'I guess I was too idealistic; the numbers were not growing at all'. In order to get more growth the college had now ventured into providing graphic arts courses. 'And from January onwards we will be starting cookery courses; that will be Indian cooking, professional cooking and all that'. He continued: 'The trend is now that only MODL courses make it'.

A similar college located a couple of blocks further from Flinders Street train station, seemed to think in similar terms about the business of education. The institute was a relative newcomer in the field of international education as the man in charge of its daily running was quick to point out. The institute was registered in late 2003, and had been operational since early 2004. The first students had then started coming in from mid 2004 onwards. It was founded and jointly owned by three men (one Australian, two Indian) who all had international-education related backgrounds. The director in charge of daily affairs within the institute used to be the international director at a Technical and Further Education (TAFE) college in north Melbourne; the two Indians were education agents from India with offices in Australia as well. The institute had grown so fast since it had opened its doors that it was already looking for a new location at the time of the interview (end of 2005).

In July 2005 they had only had forty students, the director explained. Only half a year later this number had grown to three hundred, almost all Indian (about 97 per cent). This was also where the institute focused most of its marketing efforts. 'PR is what is driving it', the director offered as an explanation for the institute's success. Although the institute referred to itself as an 'institute of technology' all students were enrolled in cookery courses that led straight to PR. There were four classrooms. Teaching was done while the door was kept

open, allowing students to walk in and out as they pleased. Sometimes a group of students would leave by elevator to one of the practice areas the institute had managed to arrange for them. Most of the time they would head to one particular Indian restaurant where they would learn how to cook in the kitchen. The restaurant was only open in the evenings and thus was a good place to conduct training, according to the director. Cheerfully he pointed at big posters stuck on a wall in the back of the common room where names were written down of students who had failed a particular subject or whose attendance were low. But it hardly seemed important. Students did sometimes miss classes, he admitted, but staff would then do their best to explain to them that just because they had paid their fees this did not mean that they could just do as they pleased.

This particular 'institute of technology' was one of the most price competitive colleges around, making studying in Australia available to an even wider group of Indians than ever before. The students in question appeared to be less likely to speak English than those at mainstream universities. For this reason, the director was now looking for Indian teachers with fluency in languages such as Punjabi (spoken in the state of Punjab) and Telegu (spoken in Andhra Pradesh). These teachers would then be able to better explain particular things, he added. This was 'highly necessary to keep things running smoothly', he laughed.

THE PR FACTORY IN PRODUCTION

The situation described above helps explain how it was possible that seventeen per cent of Indian overseas students who had graduated from Australian universities and colleges could not achieve level 6 on the IELTS test when tested at the time of the PR application in 2005–06. As I ob-

served while doing fieldwork during 2005, new students coming in to study at the smaller, price-competitive colleges, hardly had any interest in the courses they were enrolled in. They would often find part-time jobs in Indian restaurants, driving taxis or as security guards, jobs for which they did not need much English. The colleges did require attendance but were never very strict, and in rare cases, as some students explained, such attendance was simply up for sale. These students were there for the purpose of making money and getting a PR, 'studying' overseas was simply a means to achieve this. It should be noted that although this group was already growing rapidly in 2005, it was still comparatively small relative to the number of Indian students enrolled in higher status universities. In general, such students took their education seriously, although I have also shown previously that the drive for permanent residency also played an important role in these students' lives.³⁴ Most of these students would not have much trouble meeting the necessary language requirements. My research indicated that these students generally originated from the bigger Indian cities, having received schooling in English most of their lives, and were thus very much used to conversing in English.

Those enrolled in smaller newly-established colleges, in contrast, were often from backgrounds where speaking English was much less common. They had received training in a local vernacular language, and being part of an environment where they would be required to speak English most of the time was new to them. This was a

group for whom it probably also would not have been easy to get admission (based on academic results in India) to some of the higher status Australian universities. Most would also probably not have had the necessary funds. Smaller colleges that operate in the bottom-end of a very price-competitive market have made it possible for these students to come to Australia as well. Such students do not usually come through IDP, but through recruiters with a (financial) stake in a particular college in Australia and who only operate in particular regions of India (as described above).

A recent academic report found that in recent years there has been a spike in the number of overseas students enrolling in courses such as cooking and hairdressing.³⁵ The report seemed to agree with my own findings that such courses are seen as an easy way into Australia. The authors also argued that only a minority worked in those occupations once they had graduated. They argued further that, in a sense, the migration industry has hijacked the education industry. Although I agree with this statement, I would like to further argue that with the commercialisation of higher education and the dependence of Australian colleges and universities on money coming from overseas, it is not surprising that marketing departments, recruiters, and others involved in getting overseas students to Australia, have (truly) started to use the knowledge they have of the market. That they will continue to do so is self-evident as for many colleges and universities there is no turning back from their dependence on overseas money.

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- ² 'Labor blasts overseas student rorts', *The Age*, 29 March 2007
- ³ *The Age*, 29 January 2007; see also *The Australian*, 29 January 2007
- ⁴ Soft marking generally comes down to being less strict with certain students (in this case 'overseas' students) when grading papers or exams. *The Australian* reported a month later that research (conducted by Tracey Bretag, senior lecturer with the University of South Australia's School of Management) was able to confirm that academics had 'been going soft on fee-paying international students'. See L. Macnamara, 'Soft on foreign students', *The Australian*, 28 March 2007, p. 34.
- ⁵ 'Uni language claims "extraordinary"', *Sydney Morning Herald*, 29 January, 2007
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- ⁷ *ibid.*
- ⁸ H. Alexander, 'Pressured to pass poor students', *Sydney Morning Herald*, 30 January, 2007.
- ⁹ O'Keefe and Illing, *op. cit.* See also *The Courier Mail*, 10 February 2007. 'A leading Queensland academic quit his university post in disgust after being told to pass fee-paying overseas students he had intended to fail'. He claimed to have been put under enormous pressure from senior academic staff. 'They had not even come close to passing'.
- ¹⁰ See Birrell, 2006, *op.cit.*, p. 7. IELTS stands for International English Language Testing System. See < <http://www.ielts.org/>>.
- ¹¹ In 2005 I conducted one year of intensive anthropological fieldwork among Indian overseas students in Melbourne. In total I gathered data on 230 people, including 130 Indian students (mostly enrolled in postgraduate programs in the field of IT and accounting as well as in diploma courses in the field of hairdressing, cooking and hospitality management), and 100 people who are all in one way or the other connected to the world of these students (such as education and migration agents, teachers, tutors, professors, marketing officers, local community representatives and so on).
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- ¹⁹ D. Illing, 'No frills but plenty of fees', *The Australian*, 1 July 2006
- ²⁰ D. Rood, 'Cash cow students take stand against uni', *The Age*, 14 March 2006
- ²¹ D. Rood, 'More student protests planned', *The Age*, 17 March 2006
- ²² D. Hoare, 'Academics warn against uni franchising', *ABC Online*, 15 March 2006
- ²³ Illing, *op. cit.*
- ²⁴ In order to protect the privacy of the agency some small changes have been made in the name and location.
- ²⁵ See also S. Ravinder, *Universities and Globalisation: To Market, To Market*, Lawrence Erlbaum Associates Publishers, London 2006.
- ²⁶ When the Code was updated (revised) in 2006 this caused quite a bit of protest from the side of education providers and agents: 'New Federal Government rules on overseas students are extremely confrontational and will cost universities millions of dollars to set up and administer, vice-chancellors warned. But the greater cost could be the loss of students, as the charges are passed onto them'. Changes included checking students' attendance at all lectures and tutorials and making sure they meet with visa requirements. The AVCC calculated that the changes would cost universities up to A\$41 million extra (*Sydney Morning Herald*, 31 May 2006).
- ²⁷ There are a number of pieces of law which make up the ESOS legislative framework:
 - *Education Services for Overseas Students (ESOS) Act 2000*
 - *Education Services for Overseas Students (ESOS) Regulations 2001*
 - *The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code)*

- *Education Services for Overseas Students (Registration Charges) Act 1991*
- *ESOS Assurance Fund Act*.

- ²⁸ This code replaces the Code of Practice in the Provision of International Education and Training Services (which was established in 1994 by the Ministerial Council on Education, Employment, Training and Youth Affairs). It has been drafted drawing on the provisions of that code and experience with it, according to the National Code itself.
- ²⁹ CRICOS stands for Commonwealth Register of Institutions and Courses for Overseas Students.
- ³⁰ The ESOS Act requires providers of courses to international students to register their institution and the courses they offer with DEST, previously DETYA (Department of Education, Training and Youth Affairs). The State Office of Higher Education (OHE) and the Education Minister approve registration before a code is allocated and the details recorded on the CRICOS register. Providers and their agents must not promote a course to overseas students unless it is registered on CRICOS. See also <<http://cricos.dest.gov.au>>.
- ³¹ It doesn't matter here whether this be (actually) conducted by (i) the provider, (ii) their agents or (iii) those involved in the provision of a course under an arrangement with the registered provider.
- ³² See also *Universities and their Students: Principles for the Provision of Education by Australian Universities*, which was published December 2002 by the AV CC. 'Universities should ensure that Australian Diplomatic Missions and relevant government education agencies overseas are fully cognisant of their involvement in promoting, marketing and delivery of education to international students and that such involvement meets all official in-country rules and regulations ... Universities should ensure that their promotions and advertisements, including those involving third parties, truthfully and accurately describe the education services, including the nature of courses, facilities and opportunities available to international students. Statements about the merits of courses offered by other universities, or about the universities themselves, should be fair and not misleading or malicious' (p. 27). Similar rules and regulations can also be found in earlier publications such as *A Guide for Providers of Education and Training Services to Overseas Students* (1999) which was based on an earlier version of the *ESOS Act* (1997).
- ³³ MODL stands for Migrant Occupations in Demand List. Applicants for permanent resident visas gain extra points on the points test if they have qualifications in an occupation that is on this list.
- ³⁴ M. Baas, 'Students of migration: Indian overseas students and the question of permanent residency', *People and Place*, vol. 14, no. 1, 2006, pp. 8–23
- ³⁵ Birrell et al., 2007, op. cit.