

# IMMIGRATION NEWS

(Volume 87)

Today's News Story

"We'll Say You Did The Hours"



## **Today's Newspaper Story Concerning International Students**

27<sup>th</sup> July 2008

Dear Students

Welcome to the latest edition of IMMIGRATION NEWS. Today's article comes from The Australian Weekend Edition.

For over three years now a thriving corrupt industry has flourished under the very noses of DIAC (Immigration), TRA (Trades Recognition Australia) and VETAB (NSW Vocational Education & Training Accreditation Board) with all three organisations demonstrating a naive incompetence when it comes to understanding what creates corruption in the first place.

Today's newspaper article is not news, it's just reporting on events that have been going on for too long.

Our office warned in writing the top level managers at the DIAC Adelaide Skilled Processing Centre (ASPC) three years ago of what was occurring with regard to many applicants paying money for their 900 hour letters. There was a reply that they would pass the information onto TRA and subsequently wiped their hands of the matter. History has shown the TRA took no action either.

Link:

<http://www.theaustralian.news.com.au/story/0,25197,24078364-5013871,00.html>

## **We'll say you did the hours**

The Australian: Elisabeth Wynhausen | July 26, 2008

**OFFICIALS from the Department of Immigration raided the Swanston Street, Melbourne, offices of Deepak Bajaj, a registered migration agent, last May. Bajaj, who has apparently returned to India, is under investigation after lodging hundreds of applications from overseas students seeking recognition of their qualifications after studying in Australia.**

The documents under official scrutiny include references saying the students have completed 900 hours of work experience in a restaurant kitchen, printing shop or hairdressing salon.

Another migration agent tells Inquirer that some of Bajaj's clients who ended up in his office seeking advice about their applications did not know the name of the establishments where they were supposed to have worked the 900 hours. The agent says he told them they should consider withdrawing their visa application, go back to their studies and reapply after legitimate work experience, especially since Bajaj's office had been raided.

Whatever happens in that case, other agents say the purchase of bogus work experience documents is the latest lurk in the vocational education and training sector.

Last year, in a report called *Cooks Galore and Hairdressers Aplenty*, migration experts Bob Kinnaird and Bob Birrell reported that the number of overseas students enrolled in cookery and hairdressing courses had trebled during the past few years.

Private vocational colleges were increasingly using the federal Government's Migration Occupations in Demand List to promote hairdressing and cooking as what one disillusioned former college teacher described as "the easiest, cheapest and fastest way for students to get permanent residency".

Before students doing trade courses can apply for permanent residency, they need a trade certificate III and references saying they've completed 900 hours of work experience. The documents are evaluated by Trades Recognition Australia, the body that assesses trade qualifications and work experience.

A positive assessment means they can apply to Immigration.

The Department of Education, Employment and Workplace Relations says it is unable to respond to "unsubstantiated assertions", but the provision of fraudulent documents in support of TRA applications for skills recognition is considered a very serious breach of the law.

"DEEWR commits significant resources to identifying, investigating and prosecuting instances of fraud. As an example, in March 2008 a Sydney migration agent was found guilty of two counts of fraud in relation to the provision of false documents to TRA. A

number of other similar investigations are ongoing in a number of states."

Of course gaining the work experience may be easier said than done. The present situation "has opened up the door for some colleges, migration agents and also restaurants to take \$5000 from students to give them the reference saying they've done the 900 hours", says Sydney migration agent Jonathan Granger, who has heard that some students are paying up to \$7000 for the bogus documents.

One fraudulent document obtained by Inquirer says: "This is to certify that Mr ... has been working for (name deleted) Bistro and Pizza ... in the position of a cook" undertaking unpaid work experience for "more than 900 hours". Purportedly signed by the owner of the pizza restaurant in northern Melbourne, the reference enumerates all the tasks supposedly undertaken by the unpaid worker, from mastering the equipment and checking the cleanliness and storage conditions of the food to poaching fish, baking cakes and preparing and presenting "good-looking dishes".

The owner yesterday was unable to confirm or deny he had issued that reference.

The chief executive of a small vocational college says: "Migration agents are paying money to restaurants to issue the voluntary certificates." Students studying cooking and supposedly gaining work experience in a restaurant kitchen often can be found working as waiters instead, he says. "When they apply for the TRA, they go and sit in the kitchen in their uniform for 15 days."

The same source contends that some unscrupulous college owners charge cookery students \$5000 for the bogus references, then use the money from these students to open a small restaurant.

Fraudulent references are also showing up in hairdressing, says Ruth Browne, director of Pivot Point International Academy in Melbourne, one of 2000 Pivot Point colleges in 72 countries: "I've heard there's all these scams with students paying for the industry validation certificates of 900 hours work experience. It just seems to be rife. It's a well-known fact within the international education industry that some migration agents are providing documents for required working hours; students don't even have to go to a salon to do it. But salon owners tell me some kids come in and say, 'I'm happy to work for nothing or my agent can arrange it.'"

Browne, a board member of the Hair and Beauty Industry Association, says the rorts are undermining the apprenticeship system in Australia.

Until now, TRA has allowed the requisite 900 hours to be voluntary work, making it harder to prove wrongdoing. "The TRA doesn't require pay slips," says Granger.

Something of an anomaly under industrial law, this is set to change after September 1. TRA says it is tightening the requirement so that the 900 hours must be employment

rather than work experience.

"It won't stop the scams," Granger says, reporting on another common practice migration agents are talking about. Students pay unregistered agents or bent employers \$10,000 in cash up-front. The agent creams off a so-called service fee of a few thousand dollars, presumably splitting it with the employer who doles cheques and group certificates in the student's name.

According to the Reserve Bank Bulletin last month, the value of education services to foreign students studying in Australia has grown at an average 14 per cent a year since 1982. Confusingly classified as an export by the Reserve Bank, though 97 per cent were delivered onshore, these education services were worth \$12.6 billion in 2007. They now constitute "Australia's third largest export, behind only coal and iron ore".

Since some people do more than one course of study, official figures for (full-fee international) students on student visas deal in the number of enrolments rather than the number of students. In May this year there were 376,867 such enrolments, according to government website Australian Education International. A total of 149,191 were in higher education, 69,555 in intensive English language courses and 115,791 in the vocational education sector, which was expanding so fast that the number of new enrolments had increased 43.7 per cent between May 2007 and May this year.

In Victoria alone there are 100 new colleges in the pipeline. But it is clear that the Victorian Registration and Qualifications Authority and the NSW Vocational Education and Training Accreditation Board - the state authorities regulating the colleges - can't keep up.

"Students who have failed a subject on Thursday are reassessed on Friday and deemed competent," says the disillusioned former college teacher, who happened to be teaching a cookery course at a large NSW college. "Of course there is an extensive but meaningless paper trail to satisfy the inspectors from the Department of Education."

Three years ago all students had to do an industry trade test and it was a better system, Browne says. "It was a fair way for hairdressing - or cooking - students to be assessed on their skills. Since the previous government abolished the trade test ... there's been an explosion of schools for overseas students."

In fact some colleges are legitimately advertising that they can provide guaranteed work experience for an additional \$4500 to \$9000. There are even migration agents capitalising on the guarantees such colleges offer. "We can help you change to commercial cookery, hairdressing, community welfare ... and other permanent residence track TAFE courses, with ... GUARANTEED 900 hours work experience," (their italics and capitals) says the website of the Kangaroo Immigration and Education Consultancy, set up by registered migration agent Syed Mohammed Nazmul Kabir. Kabir tells Inquirer he is about to meet Immigration Department officials who've asked him for a clarification. He says that as a migration agent he merely helps students to switch to

colleges that offer the guaranteed work experience.

Of course that means some will study hairdressing or cooking, though they will not spend a day of their lives working as hairdressers or cooks.

Melbourne migration lawyer Michael Clothier says: "I have so many clients abandon their courses in maths and science to take up hairdressing and commercial cookery because its easier to get permanent residence. One of the enticements to get people to the 'arse end of the world' to do their studies is that they can get (permanent residence) at the end of it." In fact some of the students who have come to him for migration advice were confused about the fact they actually had to attend classes, Clothier says. "They thought the fix was in."

End Story

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