

## The rights of international students

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*Australian governments should not extend welfare entitlements to temporary residents such as international students, but should resist proposals to reduce their political rights, argues **Andrew Norton**.*

Public hospitals refusing to admit pregnant international students. Government schools charging fees to the children of international students. International students having to pay full public transport fares. These international student entitlement issues made the news last year. They are all aspects of a much bigger issue: what rights and entitlements should be available to non-citizens with long-term but temporary residence rights?

They are not a small group. As of September 2011, it included about 360,000 international students and 310,000 others, mostly on various work visas. A new temporary residence work right for former international students will add to the total in coming years. No one set of rules currently governs their rights and entitlements. Public transport concession eligibility varies between states. Individual hospitals have different policies on treating international students.

Policies on the political rights of non-citizens, once uniform, are diversifying. In NSW, non-citizens are now prohibited from donating money to political parties and, in some circumstances, to other political organisations. If an international student organisation became active in a NSW election, say over public transport concessions, gifts from non-citizen supporters would break the law.

Federally, Labor plans to ban foreign-sourced political donations. This would restrict financial support for political campaigns from parents or other overseas relatives and friends of international students. The Coalition stalled this proposed ban for years, but with Green Senate support it will probably now pass.

From this mix of policies and complaints we are starting to see a more general debate about the legal status of non-citizens, and international students in particular. Human rights commissions and some academics are pushing for a "human rights" approach to international students.

Partly, this is about ensuring that international students understand their existing rights under workplace, anti-discrimination, and other laws. However, it is also about minimising or abolishing distinctions between different residence statuses. A Victorian Human Rights Commission project, for example, is considering whether Victorian government primary school fees for the children of international students breach local and international human rights obligations.

Despite the intuitive appeal of a broad human rights approach, it is problematic for welfare entitlements. All welfare states create rules about who is and who is not entitled to benefits. This is a practical necessity; welfare states only survive if tax revenues match or exceed entitlement costs. The current crisis in Europe is the product of entitlements exceeding tax revenues over long periods of time.

Laws linking welfare rights to citizenship or residence status are one element of managing welfare state finances. In Australia, citizens have the greatest welfare entitlements, though permanent residents also have extensive rights. The economics of these entitlements are linked to their probable very long-term residence in Australia. This ensures that for the majority of people there will be many years in which they are net taxpayers, compensating for periods of net welfare receipt.

The distinctions between citizens and permanent residents partly reflect perceptions of their commitment to Australia. For example, permanent residents are entitled to a Commonwealth-supported place at an

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Australian university, but not to a HECS-HELP loan because of the greater risk that they will move overseas and not repay. Australian permanent migration policy is about managing the intake in light of our welfare state, with low-risk skilled migration favoured over higher-risk general or humanitarian migration.

For these financial reasons, it is unlikely that Australian governments would or should agree to de-linking citizenship or permanent residence and welfare entitlements. Why should Australian taxpayers pay extra because Australian universities enrol international students? Why should existing beneficiaries of the Australian welfare state make do with less when limited resources are stretched across more people? These are the questions that have to be answered before widening welfare entitlements to temporary residents.

The Australian migration model is one of mutually beneficial exchange. Within this paradigm, entitlements could be created to encourage more mutually beneficial exchanges to occur. Using public transport concessions to attract international students is a possible example, but the entitlement would be an incentive and not a right (in this case, the empirical evidence that concessions make a significant difference to student choices is not strong).

Entitlements to healthcare are much less likely to be offered. Healthcare is very expensive, and the public health system barely copes with existing demand. This is why pregnant international students have trouble finding public hospitals to help them. The hospitals are struggling with a domestic baby boom.

However, many rights for non-citizens are inexpensive for Australian governments and citizens. General rights not to be treated in various harmful ways have enforcement costs which increase with population, but usually not prohibitively so. In most cases, international students and other temporary residents have and should have these rights. They are part of what makes Australia an attractive destination for potential workers and students from overseas. Australia's gains from temporary migrants outweigh the costs of enforcing rights for a slightly larger population.

Restrictions on political rights for non-citizens add to rather than reduce campaign finance law enforcement costs. Political organisations have to identify the legal status of each donor, and election authorities have to check whether the law is being followed. The benefits are very hard to see. Arguments about restricting "foreign" influence on Australian politics are parochial and highly selective. Foreign influence is not necessarily a bad thing; the proposition that only Australian citizens can have a worthwhile influence on Australian policy and politics is an absurd conceit. And to crack down on international students spending their or their parents' money to represent their interests in Australia, while leaving unimpeded foreign political information and ideas arriving through the internet and the media, is to dam a trickle while letting a river flow.

A strong human rights approach to international students is not the right one. Making taxpayers responsible for funding international students would trigger a migration policy response. It would take us back 25 years to a time when only a handful of international students attended Australia's universities. But those suggesting a human rights approach are right in one respect: we should think more carefully about the implications of a large population of temporary but long-term residents. If Australians want to enjoy the benefits of international students and foreign workers, we need to offer a fair and mutually beneficial deal.

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