

“We might not be citizens but we are still people”: Australia’s disregard for the human rights of international students during COVID-19

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Abstract

Globally, in 2020, the health, social and economic consequences of lockdown laws that were enacted to contain the pandemic disproportionately disadvantaged temporary migrants. In his now infamous statement to visa holders in March 2020, the Australian Prime Minister contrasted “good times” during which “it’s lovely to have visitors to Australia” with “times like this” in which non-residents were no longer welcome in Australia. Despite its relative global affluence, Australia excluded temporary visa holders from virtually all government wage subsidies and other financial support packages. Against the backdrop of Australia’s human rights obligations to migrants in its territory, this article empirically examines the impact of Australia’s response to the pandemic on international students in Australia, the largest group of long-term temporary

visa holders who, with their limited work rights during their studies, have become a de facto low wage migrant workforce in this country. It presents new large-scale data from a July 2020 survey of over 5,000 international students and recent graduates reflecting widespread inability to pay for essential needs (including food and medical needs), lack of access to secure housing, lack of access to emergency support, and their experiences of racism, discrimination and social exclusion in Australia during the pandemic. The article concludes that there must be a national and global reckoning with the immediate and long-term impact of government policies on migrants during the pandemic and reinvigoration of the relevance of the human rights framework during “times like this”.

Introduction

With the spread of COVID-19 across the globe in early 2020, countries scrambled to quickly implement public health measures. In establishing these measures, implementing border closures and allocating social security resources, governments were forced to decide whether we were genuinely “all in this together” (Prime Minister 2020c) or whether losses would lie where they fell in relation to migrants and other marginalised groups. Many of these policies focused primarily on protecting the health and wellbeing of citizens. Other countries, such as Singapore, belatedly strengthened protections for migrants only after it had become clear that the wellbeing of citizens depended on this (Yea 2020).

The health, social and economic consequences of lockdown laws that were enacted in almost every nation in 2020 disproportionately disadvantaged temporary migrants. Thousands were stranded in countries that closed their borders, in some cases resulting in large numbers overstaying their visa (Sanchez and Achilli 2020). Elsewhere, migrants who lost employment options or immigration sponsorship due to lockdowns faced repatriation to their home countries with large debts and unpaid wages (Guadagno 2020). Many countries introduced financial support programs which excluded non-residents or non-citizens, leaving them suddenly without income or social protection.

By mid-2020, the United Nations Committee on Protection of Rights of All Migrant Workers and Members of Their Families and UN Special Rapporteur on the human rights of migrants had called for the inclusion of refugees and migrants, as part of holistic efforts to respond to the COVID-19 epidemic in the general population, echoing a number of other international organisations (United Nations Committee on Protection of Rights of All Migrant Workers and Members of Their Families and UN Special Rapporteur on the human rights of migrants 2020; IFRC 2020a; ILO 2020a; ILO 2020b; ICC and IOM 2020). The International Federation of Red Cross and Red Crescent Societies called on governments to ensure that all migrants, irrespective of status, have access to social protection measures, such as social insurance schemes, or cash support (IFRC 2020b).

Despite its relative global affluence, Australia excluded temporary visa holders from virtually all government social security support packages introduced to soften the economic impact of shutdown measures (indeed, this remained the case even after it became clear that the

allocation for residents' wage subsidies was substantially underspent). This article focuses on the impact of Australia's policy response to the pandemic on the largest group of long-term temporary visa holders in Australia: international students. It also considers the impact of the pandemic on temporary graduates, a large cohort of former international students on post-study work visas.

In the absence of a formal large-scale guest worker labour program, the hundreds of thousands of international students in Australia (with limited work rights during their studies) have become a de facto temporary migrant workforce. Along with Working Holiday Makers, international students in Australia undertake many of the undesired, low-waged jobs performed by migrant workers in other OECD countries. International students were already an especially vulnerable cohort going into the pandemic (Clibborn and Wright 2020). Like migrant workers in other countries, international students in Australia are subjected to systemic workplace exploitation (Farbenblum and Berg 2020) as well as exploitation in housing (Berg and Farbenblum 2019), and the arenas in which they are exploited remain notoriously under-regulated.

In early April 2020, Prime Minister Scott Morrison advised temporary visa holders, including international students and graduates, that if they were no longer able to financially support themselves during the pandemic, they were no longer welcome in Australia:

As much as it's lovely to have visitors to Australia in good times, at times like this, if you are a visitor in this country, it is time [...] to make your way home ... At this time, Australia must focus on its citizens and its residents to ensure that we can maximise the economic supports that we have. (Prime Minister 2020b)

For various reasons, many could not or did not leave Australia. Despite widespread job loss within this cohort when Australia imposed a stringent lockdown in March 2020, it rapidly became clear they would remain in Australia for the foreseeable future of the pandemic. As reports of increasing destitution multiplied, the Commonwealth government nevertheless repeatedly refused calls to reconsider its exclusion of temporary migrants from wage subsidies and other federal support measures. During this time, the government apparently made no effort to collect data on the impact of its policies on international students and other temporary migrants, and instead established a limited fund for small one-off payments to the most needy and reiterated its recommendation that temporary migrants leave Australia.

At no stage did the Australian government publicly discuss its human rights obligations to temporary migrants who remained in Australia. Yet Australia has binding legal obligations under several international conventions to fulfill a core set of human rights for everyone in its territory, including international students and other temporary visa holders, including in relation to access to food, secure housing, health and medical care, social protections and freedom from discrimination (discussed below).

To document and evaluate the impact of government policies in each of these key areas of Australia's human rights responsibilities, in June-July 2020, we undertook a large-scale survey

of over 5,000 international students and temporary graduates in Australia (and a further 1,100 migrants on other temporary visas) (the “COVID Survey”). The survey was anonymous, online and disseminated via social media, education providers, service providers and community networks. Further information on research methodology and methodological limitations of this survey can be found in the public report on its findings (Berg and Farbenblum 2020). That report presented findings across different cohorts of temporary visa-holders. This article presents additional data related to international students and graduates with further findings and analysis specific to this cohort that were not contained in the public report. It also draws together and more deeply reflects on the data specific to international students and graduates and draws detailed connections between these findings and Australia’s international human rights obligations.

The 5,049 international students who undertook the survey were nationals of 119 countries, including large cohorts of nationals of China (23%), India (19%) and Nepal (7%). Participants were required to be 17 years or older in order to participate in the survey. The median age of international students was 24. Just over a quarter (27%) were aged 28 years old or older. Only 8% were younger than 20 years. A larger proportion of international students were female (54%). Respondents were asked where they lived on 1 March. Over two thirds (70%) of international students were in NSW, a quarter (23%) were in Victoria, and 3% were in Queensland. Approximately 1% were in each of the other states and territories, other than the Northern Territory. Ninety percent of students lived in a capital city. Respondents were asked when they had arrived in Australia. A quarter of international students (25%) had been living in Australia for approximately 2.5 years or more (since 2017 or earlier). Close to half (46%) had been in Australia for at least 18 months at the time of the survey. One hundred and sixty five international students and 13 Graduates were living in Australia with their children. Among the 661 international students who were aged over 30, 18% were living with their children. Students were asked for the name of their current education institution. A large majority (82%, 4,069 respondents) identified a university and 18% (898 respondents) identified another education provider such as a private college. Students were also asked the program of study in which they were most recently enrolled. The largest cohort was studying a Master degree program (38%) followed by Bachelor degree students (36%) and doctoral students (9%). Fourteen percent of students were enrolled in an English language program or vocational or training program.

The 212 Temporary Graduate visa holders (“graduates”) who undertook the survey included large cohorts of nationals of India (32%), China (9%) and Nepal (8%). Their median age was 27, with a third (32%) aged 30 years or older. A substantially larger proportion of graduates were female (58%). Forty four percent were in NSW, 40% were in Victoria, and 5% were in Queensland, with the remainder residing in each of the other states and territories other than the Northern Territory. Eighty five percent of graduates lived in a capital city. Well over a quarter of graduates (29%) had been living in Australia for at least 5 and a half years at the time of the survey (since 2015 or earlier). Well over half (57%) had been in Australia for at least 4 and a half years (since 2016 or earlier).

This article documents the human rights impact of government policies during COVID-19 on international students and graduates based on the findings of this survey. We consider their inability to pay for essential needs (including food and medical needs), lack of access to secure housing, lack of access to emergency support in the form of cash, food and emergency housing, and their experiences of racism, discrimination and social exclusion in Australia during the pandemic. Australia was not alone in turning its back on the temporary visa holders who found themselves suddenly out of work and unable to meet their basic living needs (and in many cases repay growing debts). In this broader context, we conclude with observations on the consequences of the marginalisation of human rights obligations in States' responses to a global health and economic crisis.

International students in Australia

The past eight years have seen a dramatic rise in the number of international students in Australia enrolled in university degree programs, vocational courses, English language courses, and schools. In 2017, 7% of the world's international students studied in Australia, making it the third largest destination country after the USA (18%) and the UK (8%) (Department of Education and Training 2019). In 2019, the international education industry contributed A\$40.3 billion to the Australian economy, the country's fourth largest export that year (Department of Education, Skills and Employment 2020a). There were a record 718,150 international students in Australia over the course of the year in 2019 – nearly double the number in 2012 (381,642) (Austrade 2020).

When the academic year commenced in March 2020, there were 567,924 international students in Australia (Love 2020) – far fewer than in March of the previous year. This is likely due to the fact that students from some countries were already barred from entering Australia – particularly Chinese nationals, who were the first to be affected by travel restrictions (1 February) and form the largest cohort of student visa holders. Other students may have also returned home after national social distancing measures were introduced in March.

In addition to international students, Australia hosts a substantial cohort of recent international student graduates on the Temporary Graduate (subclass 485) visa. This visa with post-study work rights was introduced to incentivise international students to choose to study in Australia over other competitor markets, in accordance with the Australian government's international student growth strategy (Australian Government 2016). The Post Study Work stream permits graduates with a degree qualification to stay between 2 and 4 years with unlimited rights to study, live and work in Australia. The Graduate Work stream permits international students with certain other specific qualifications to live and work in Australia for 18 months. As of March 2020, there were 96,819 temporary graduate visa holders in Australia (Love 2020).

In Australia, international students and graduates perform much of the low waged work that is undertaken by migrant workers in other OECD countries. International students are permitted to work up to 40 hours per fortnight during semester and on an unlimited basis during session breaks (Condition 8105, which attaches to most student visas). The authors' previous empirical

research has concluded that around 65% of international students are likely to engage in paid part-time employment in the course of their stay in Australia (Farbenblum and Berg 2020, 4). This would suggest that in 2019, international students and graduates together comprised around 4% of the Australian labour market, assuming all graduates were working (international students alone comprised 12% of the part-time labour market (including casual employees)) (ABS 2019).

Many international students were already in vulnerable situations before the pandemic struck. Many lived in insecure housing situations characterised by overcrowding and unscrupulous treatment by landlords or head-tenants (UNSW Human Rights Clinic 2019; Berg and Farbenblum 2019; Morris et al 2020). A large proportion performed low-skilled work in industries, such as hospitality and retail, where labour compliance is notoriously lacking (Berg and Farbenblum 2017; Clibborn and Wright 2018). Widespread and systemic wage theft involving international students has been confirmed by the Commonwealth Migrant Workers' Taskforce (Australian Government 2019), numerous parliamentary inquiries (e.g. Senate Education and Employment References Committee, 2016 and 2017), and Fair Work Ombudsman investigations. A survey undertaken by the authors in 2019 of 2,472 international students in Australia found that a half (49%) were paid below the basic statutory minimum wage, and over three quarters (77%) were paid below the minimum casual hourly wage (Farbenblum and Berg 2020).¹ A key factor contributing to this wide scale underpayment is international students' acute reluctance to report labour non-compliance for fear of jeopardising their visa, among other concerns (Howe 2019; Reilly et al 2017).

Those student workers who were most vulnerable to wage theft and precarious working conditions in Australia prior to COVID-19 were also likely most adversely affected by dramatic job loss in the hospitality and retail sectors during the national shutdown in March 2020, and other regional lockdowns later in the year. As the next section sets out, they were excluded from financial support provided to citizens and permanent residents through the JobKeeper and JobSeeker schemes. They were also least likely to benefit from changes allowing access to superannuation given relative length of service and superannuation theft (Clibborn and Wright 2020).

Australia's policy responses to the COVID-19 pandemic

After the World Health Organisation declared COVID-19 as a pandemic, the Australian Commonwealth government swiftly implemented a national lockdown to prevent the spread of the virus. Alongside these measures to close businesses, restrict the movement of workers and enforce social distancing, the government also introduced a suite of stimulus and support packages to respond to the economic and personal hardship caused by the lockdown. This

¹ At the time of the survey, the statutory minimum wage rate was A\$18.49 per hour for 20 year old employees in permanent positions and A\$23.11 per hour for those in casual positions.

included introducing a new Coronavirus Supplement, other stimulus payments and the new JobKeeper and JobSeeker entitlements to provide wage subsidies to workers who were stood down from their job for a period or lost their job (Department of Social Services 2020b). Many of these measures have been gradually extended until at least March 2021. Notwithstanding the enormous scale of economic support, international students and other temporary migrants who had lost their jobs or had been stood down were explicitly ineligible for these payments. Despite their exclusion from economic support, reliance on international students as 'essential workers' in the Australian economy was cynically highlighted by the temporary suspension of the strict 40 hour per fortnight work limit in high-risk industries in which there was a perceived shortage of residents willing to work (including aged care, disability support services, health care and supermarkets) (Department of Home Affairs 2020).

Because Australian businesses did not receive subsidies for the wages of workers on temporary visas, they were incentivized to retain their permanent resident and citizen staff over temporary migrants such as international students (Richardson 2020; D'Souza 2020). Moreover, as many international students work as casual workers in areas that were particularly hard hit by the lockdown, such as hospitality, many found themselves suddenly without employment income, facing severe difficulties in securing new work, and unable to pay for basic needs like food and rent.

The only direct financial support for temporary visa holders provided by the federal government was a A\$7 million allocation to the Australian Red Cross (out of a total A\$200 million for charities and community organisations) to deliver emergency one-off financial payments and counselling support to the "most vulnerable temporary migrants" (Department of Social Services 2020a).

One of the only forms of support offered to international students was the ability to access their superannuation (retirement savings). International students were initially excluded from the early superannuation access scheme though this position was later temporarily reversed, permitting international students in their second or later year of study to access the scheme (Coleman MP 2020). However in June 2020, the Commonwealth government suddenly reversed the policy and again excluded temporary migrants from access from 1 July, 2020 (Australian Taxation Office 2020b). Many international students (both those paid in cash but also those paid through direct deposit) soon discovered that their superannuation entitlements were never made by their employers. Some of these offending employers later entered into liquidation and impacted international students were unable to recover their unpaid entitlements (Florez 2020a). Among the very few survey respondents who managed to access their superannuation, some had mixed feelings as one respondent explained in an open response: "Getting my super is not a support, [it] is taking money from my future use now. In fact, it's an expense, not any kind of help or support. And even in this we were only able to withdraw it only once".

In response to the growing humanitarian crisis and the desperation of excluded temporary migrants, various state governments gradually established ad hoc relief packages to respond to critical unmet need, as discussed below. Recognising that federal and state government support

fell far short of addressing the depth of need, international student groups and sector bodies have repeatedly urged the federal government to provide further ongoing support (Universities Australia 2020b).

Why international students and graduates stayed in Australia despite financial impact of lockdown

The authors' COVID Survey established a large scale dataset confirming that, following lockdowns in Australia and overseas, with little access to Australian government-funded support, most international students and graduates experienced a swift and significant loss of income resulting from diminished work and/or reduced family financial support. This section presents data from the survey in relation to respondents on student visas or Temporary Graduate visas.

The extent of the financial impact of lockdown on international students and graduates

Three quarters (74%) of all international student respondents to the COVID Survey, and 91% of graduates, indicated that they needed to work in Australia to support their basic living needs. Almost half (46%) of international students were working on 1 March, just before the first national lockdown in Australia. However, one fifth (21%) of international students had only arrived in Australia in 2020, and it is likely that many of these were planning (and needed) to find work imminently. Four in five (79%) graduates were working on 1 March.

In line with previous survey findings on industries and occupations of international students in Australia (Berg and Farbenblum 2017), international student respondents were concentrated in food services (28%) and in retail (10%). In addition, one in five (21%) were in office jobs, including working as research assistants at universities, or as professionals. One in ten (9%) were commercial cleaners, 6% worked in health or aged care and 5% were delivery riders (for instance working for Deliveroo or Ubers). A much larger proportion of graduate respondents (38%) worked in office jobs or as professionals. However, in other respects, their industry profile was not substantially different from that of international students. A quarter (26%) of graduate respondents worked in food services or hospitality, 7% were commercial cleaners, 6% worked in retail and 5% worked in aged care.

As several industries with high concentrations of international students were most severely impacted by the shutdown, the extent of job loss among international students was extreme. Among the 2,083 international student respondents who were working on 1 March, almost three quarters (73%) either lost their job or most of their hours or shifts (57% lost their job and a further 16% reported the reduction of most of their hours). Only 14% retained their job without any loss of hours. However, the 93 international students who were trade union members at the time fared substantially better, with only 38% losing their job entirely and 24% reporting that

they kept their job and did not lose any hours. 15% of international students and 12% of graduates had done work in exchange for accommodation and/or food between March and July. Graduates fared somewhat better than international students, with 56% having their job or most of their hours (45% lost their job and 11% lost most of their hours or shifts), but 27% reporting that they kept their job and did not lose any hours.

Participants were asked whether they were unable to meet their basic needs as a result of financial shortfalls between March and July 2020. Almost two in five international students (38%) and graduates (40%) indicated that they were now unable to pay for essential needs because of job loss or reduced hours of work. A third of international students (33%) and graduates (31%) were unable to afford basic essentials because they could not get a job. A third (32%) of international students reported this was the case because their family was no longer able to provide the same amount of financial support since the pandemic. This was the case for only 17% of graduates whose families were likely not providing substantial financial support before the pandemic.

These findings are consistent with trends identified in studies by other organisations concerning loss of work and hours during the pandemic, including a survey of international students and others working in hospitality (Hospo Voice 2020) and an early survey of temporary migrants during the first hard lockdown (Unions NSW 2020).

Why international students stayed in Australia

Despite the sudden and dramatic financial losses experienced by international students following the lockdown, and despite the Prime Minister's suggestion to "make your way home", most did not leave. According to government data, by mid-June, 80% of student visa-holders remained in Australia (Department of Education, Skills and Employment 2020b). COVID Survey findings reveal that international students did not leave because either it was not possible, or they could not risk losing the significant investment they and their families had made in their studies and life in Australia.

Many faced substantial, and often insurmountable, practical barriers to returning to their home country. One in five (19%) reported that their country's borders were closed. Some countries, such as Colombia and Ecuador, completely barred all in-coming arrivals, including their nationals. In other cases, international students were unable to return home because key transit countries' borders were closed, or due to domestic travel restrictions in their home country.

One in five (20%) could not return because flights were unavailable. Some countries, such as India, Nepal and Colombia, suspended all international flights from late March for several months. International students also encountered the severe reduction of flights from Australia (e.g. from March Qantas had cut 90% of its international flights), the suspension of flights within their home country or from a transit city to their hometown, or the unavailability of domestic flights in Australia to an international departure airport in an Australian capital city.

Inflated travel costs created a further barrier, with one in four (26%) international students reporting that they were unable to return home due to the unaffordability of flights from Australia, or from the international airport in their home country to their hometown. In addition to travel costs, some jurisdictions, such as India and certain cities in China, required incoming travellers to meet the expense of their compulsory quarantine at a government-operated facility.

A quarter (28%) of international students indicated that they avoided returning home because they feared they would contract COVID-19 on the flight or in their home country. International students in Australia were nationals of some of the worst affected countries during the pandemic, including China, US, UK, India and Brazil. In open responses, many respondents expressed frustration that the government wrongly assumed that it was possible for them to simply leave Australia. According to a Canadian woman:

A good portion of my workmates are Indian, and were left unable to go home because of a total border lockdown in India and were left with no means of supporting themselves in Australia. The rest of my workmates are Italian, and could not go back due to crisis COVID levels. To have Scott Morrison make a speech saying that there is 'no reason' that temporary visa holders can not make their way back to their home countries was ignorant at best.

But for the majority, leaving Australia was not an option because of the great investment they had made in their studies (61%). Many education providers did not provide students with the option of continuing their studies remotely indefinitely. Other students faced great difficulties in participating in classes online while overseas due to poor internet connectivity at home, differences in time-zones or, for instance, the internet firewall in China. The risk of having to discontinue or extend the duration of their studies was particularly grave for international students who already bore heavy debts to service their course fees. One 2017 report estimated that the median debt of international undergraduate students was A\$68,000 (Universities Australia 2018).

With Australia's international borders remaining closed, 48% of international students stayed because they feared they would be unable to return to Australia soon, or at all, and this was a risk they could not take. A quarter (25%) of international students had lived in Australia since 2017 or earlier. More than a half (57%) of graduates had been in Australia since 2016 or earlier. Many of these students and graduates had worked in Australia, built social communities and, in the case of 5% international students and 11% of graduates, had a partner in Australia. They felt it was not feasible to separate from work, studies and communities indefinitely, without knowing when they will be able to return.

In an open response, one American doctoral student outlined their social, economic and community contributions in this way:

I work and pay full price for everything, pay a substantial amount of tax (as does my partner) and we both contribute to the community in ways that the current government

can't seem to wrap their heads around. My partner does testing to keep one of the only manufacturing lines producing ventilators in Australia running, while I was invited to the country to complete a fully funded PhD.

Human rights impact of exclusion from government support

Australia has binding legal obligations to fulfill a core set of human rights for everyone in its territory, including ensuring non-citizens can meet their basic needs in relation to food, housing and health. Australia is also required to provide non-discriminatory access to other social protections to non-nationals, including access to income support (after a reasonable qualification period) (CESCR 2008 [37]). The findings of this survey indicate that Australia has failed to meet these obligations for many international students.

Inability to pay for essential needs

The survey revealed the depth of financial distress that many international students confronted and its impact on their ability to meet specific essential needs. Even before the pandemic, paying rent was a major concern for many international students living in Australia's unaffordable housing markets (Morris et al. 2020).

The COVID survey asked participants whether, since March, they were unable to pay for a range of essential items. Almost half of international students (48%) and 63% of graduates indicated they were unable to meet at least one basic living expense.

Australia is obligated to ensure that every person in its territory has access to sufficient food or the means to procure it (ICESCR 1966, art. 11(2); CESCR 1999). Thirty percent of international students and 23% of graduates indicated they were unable to pay for food or meals.

Australia must also ensure everyone in its territory enjoys the right to health, and must ensure access to primary and emergency medical care for everyone in its territory regardless of immigration status including emergency psychosocial support (CESCR 2008 [37], United Nations 2020). Fourteen percent of international students and 23% of graduates indicated they were unable to pay to see a doctor. And 9% of international students and 15% of graduates were unable to pay for essential medicine. In addition, a quarter of international students (25%) and 29% of graduates indicated they were unable to pay for phone credit or internet and one in five (22%) international students and 23% of graduates were unable to pay for transport.

Our research findings echo the results of another large-scale study conducted in the early days of the COVID lockdown, which revealed that nearly half (46%) of international students were financially forced to skip meals on a regular basis (UnionsNSW 2020). Another study found that

one third of international students surveyed (33%) quite often went without necessities like food during the pandemic so they could pay for accommodation (Morris et al. 2020). Throughout 2020, media reports continued to document international students lining up for hours waiting for food and meal donations at restaurants, food banks and charities, especially in Melbourne as the city endured its second lockdown (Henriques-Gomes 2020; Kinsella 2020; Florez 2020b).

Housing and homelessness

For a substantial proportion of international students, their living situation became extremely precarious as the pandemic unfolded. Previous studies have found that the most common accommodation for international students is in share houses (Berg and Farbenblum, 2019; Morris et al, 2020). International students living in share houses and other private accommodation were suddenly at risk of homelessness if they or their international student roommates were unable to pay rent, whilst students living on campus found themselves with nowhere to go as colleges and dorms shut down.

Australia is obligated to ensure every person in its territory has adequate, safe and secure housing, including legal protection against forced evictions and unreasonable rent (ICESCR, arts. 2(1), 11(1); CESCR, 1992). This right includes access to energy for cooking, lighting and heating, and food storage. (United Nations Office of the High Commissioner for Human Rights, 2014, 6-9). Half (48%) of international students respondents to the COVID Survey were unable to pay rent at some point between March and July 2020. One quarter (23%) indicated they had to change housing, with 12% indicating they had to leave their housing because they were evicted or unable to pay for rent, including that they could no longer cover the rent of a flatmate who was no longer in Australia. For some period between March and July (including Australian winter), 18% of international students and 25% of graduates had been unable to pay for heating or electricity.

One in seven (14%) international student respondents reported that they had effectively been homeless for some period of time between March and July 2020. Out of a total of 4,009 respondents, 419 international students had slept on the couch or the floor in someone's house, 100 had slept in a car, 95 had slept in a building on campus, 47 had slept at work, 41 were homeless in other circumstances, 24 had been on the street, and 21 had slept in a homeless shelter. Nearly half (43%) of international students feared they would become homeless in the future. Another study into the impact of COVID on international student housing similarly found that more than a quarter of international students (27%) were unable to meet their full rental payments and almost one in ten (8%) had been threatened with eviction despite moratoriums on evictions (Morris et al. 2020).

Among the 1,931 international students who indicated they had not been unable to pay for rent at some point since March, just under one quarter (23%) received a rent reduction. A much larger proportion (41%) indicated they requested a reduction but were refused. Just over a third of international students did not ask for a rent reduction because they were afraid of losing their housing (20%) or for other reasons (16%). This was despite a six-month national moratorium on

evictions (Prime Minister 2020a) and the banning of rent increases by some states (see e.g. Andrews 2020a). The Australian Red Cross has indicated that rent relief schemes were not consistently available to temporary migrants (Australian Red Cross 2020, 7).

Respondents on Temporary Graduate visas also faced housing crises. Well over a half (54%) of graduate respondents to the COVID Survey were unable to pay rent at some point between March and July 2020. 17 graduate respondents (12%) reported that they had effectively been homeless for some period of time between March and July 2020.

Provision of financial support was severely inadequate, and mostly from education providers

In the early weeks following the sudden national lockdown and widespread job losses, the Commonwealth government provided no support whatsoever to international students and other temporary visa holders. In response to community pressure to include temporary migrants in government wage subsidy schemes, in April 2020 the government established a A\$7 million relief fund for temporary migrants to be delivered by the Australian Red Cross. Its main support services were the provision of emergency relief payments (for food, rent, utilities, transport, medication, education) as well as casework support, food parcels and referrals (Australian Red Cross 2020, 11). The Red Cross has noted these one-off emergency relief payments were “not enough to sustain the increasing needs of people on temporary [visas] or without visas” (Australian Red Cross 2020, 10). The agency estimates that approximately 60% of the temporary migrants it supported during the pandemic were international students (Australian Red Cross 2020, 12).

In the absence of meaningful support from the Commonwealth government, various state governments gradually established ad hoc relief packages to respond to critical unmet need (Australian Trade and Investment Commission 2020b; NSW Government 2020; Andrews 2020b; Queensland Government 2020; Marshall 2020). For example, the NSW state government introduced temporary free accommodation for vulnerable international students through approved student accommodation and homestay providers (Study NSW 2020). The Victorian state government introduced an international student emergency relief fund to provide one-off payments to international students capped at A\$1,100 (Andrews 2020b). Some states also made temporary migrants eligible for pandemic leave disaster payments (Services Australia 2020; 2020). State governments also offered some financial relief for students, to be administered by the universities, but some of these funds were exhausted in weeks (D'Souza 2020). Councils like the City of Melbourne created meal programs and vouchers for students, with some so heavily subscribed they were temporarily shut down (Dexter 2020). The City of Sydney provided a \$1 million grant to food rescue charity OzHarvest to provide essential supplies to new cohorts of vulnerable inner-city residents including international students (Bamford and Hoh 2020).

In response to the growing humanitarian crisis among international students, many universities also offered their students forms of financial assistance including limited housing support, fee

extensions and/or one-off payments to cover basic needs (Australian Trade and Investment Commission 2020a), including all 39 Universities Australia member institutions (Universities Australia 2020a, 17). Between March and June 2020 Australian universities provided A\$110 million to more than 75,000 international students (Universities Australia 2020c, 13). However, this support was unavailable to the many international students studying at smaller private colleges, and was unavailable to Temporary Graduates who were no longer enrolled at a university.

Among international student respondents to the COVID Survey who were unable to pay for at least one essential need, 57% indicated they had sought emergency support. Those who did not seek emergency support indicated that they did not know where to go or it was too hard (72%), they felt embarrassed (22%), or it wasn't a significant problem (11%). Many international students, including 33% of college students and 27% of university students indicated that they did not seek help because they were worried about their visa (in order to be eligible to apply for a student visa, applicants must demonstrate they have access to funds over a certain threshold in to support themselves financially during their stay in Australia).

Only 20% of international students reported that they received emergency support in the form of money to pay for basic needs. Those who did receive financial relief were only able to access small one-off amounts: only 6% of international students overall received emergency support of more than A\$1000. One in six (16%) international students had received emergency food support. Smaller proportions received emergency assistance to pay bills (8%) or emergency housing (2%).

Unsurprisingly, the survey data indicated that international students' most common source of support was their education provider (23%). However, the level of support varied depending on where the student was studying. Among 3,319 international students at universities, 26% received support from their education provider. Among the 511 who indicated the amount of support, 39% received A\$500 or less. Among the 752 international students at other education institutions such as VET and English-language colleges, 11% received assistance from their education provider. Among the 51 students who indicated the amount of support, 51% received A\$500 or less.

International students also reported receiving assistance from friends and family in Australia (13%), food banks (4%), state governments (4%), charities, churches or community groups (2%), the Australian Red Cross (2%) and local councils (1%).

In contrast to international students, among graduate respondents to the COVID Survey who were unable to pay for at least one essential need, only 38% indicated they had sought emergency support. Only 12% of all graduates received emergency support in the form of money to pay for basic needs. Among the 35 graduates who received support from any source (23% of all graduates), by far the largest source of assistance (46%) was from family or friends in Australia. Five individuals received assistance from the Red Cross.

Racism

Australia is required to ensure that every person in its territory enjoys freedom from racial discrimination, and must implement measures to eliminate racial discrimination in all its forms (ICERD arts. 2, 5).

Survey participants were asked whether they had experienced racism or discrimination in Australia since 1 March which took the form of: “harassment/verbal abuse”; “people avoiding me or staring at me because of my appearance”; or “other forms of racism or discrimination”. The question couched these as forms of racial discrimination, we acknowledge that that some participants may have misinterpreted stares or avoidance that were in fact based on other reasons. However, these concerns are somewhat offset by the fact that thousands of participants provided specific narratives that contextualised their experiences as racism.

One quarter (23%) of international students reported that they had experienced harassment or verbal abuse, and 25% indicated they had experienced racism in the form of people avoiding them or staring at them because of their appearance. Among all temporary visa holders who responded to the survey, nationals of Asian countries reported the highest incidences of racism: more than a half (52%) of Chinese nationals reported racist verbal or people avoiding them because of their appearance, followed by other East Asian and South East Asian nationals (40%). Experiences of racism were also gendered, with women more likely to experience racism in the form of people avoiding them (26% versus 23% for men) whereas men more likely to experience verbal abuse (25% versus 22% for women). This pattern was particularly stark amongst Chinese nationals, with 39% of women reporting racism in the form of people avoiding them (versus 28% of men), and 37% of men reporting verbal abuse (versus 33% of women).

Survey participants were also given an opportunity to provide details of their personal experiences. Many international students recounted being targets of derogatory and xenophobic slurs with the onset of the pandemic such as being told they were “coronavirus”, “fking corona”, “Chinese virus”, “Asian virus”, “Chink virus”, “virus” or “Wuhan” when walking on the street, commuting on public transport, shopping for groceries, driving or at work. One international student observed that this kind of harassment “is regular thing for Asian people in Australia”.

Many international students reported being treated as though they were personally infected with COVID-19 by virtue of their Asian or other foreign appearance. A Vietnamese international student recounted: “white people here in Australia often mocks me with Chinese language ‘ching chong’, ‘ni hao’... My recent internship, one of the people there literally asked me not to use ‘Good day mate’ since it’s not for Asian people!”. Hundreds of respondents described being harassed because they chose to wear a face mask as a public health precaution in the early stages of the pandemic. Countless respondents described experiences of being stared at, being threatened, ridiculed, abused, mocked, shouted at and getting “strange looks” because they wore a mask.

In addition to these cases of verbal abuse, many respondents recounted alarming experiences of physical abuse, some of which were particularly serious. Some respondents described being victims of assaults such as being punched, hit, kicked or shoved. For example, one international student from Vietnam recounted an incident where “[p]eople were saying some racist comments and pushed me, saying that I was the reason for covid and I should go away”. A number of respondents said they had been victims of people throwing food, rocks, cans or bottles at them. For example, one Chinese Masters degree student described how “I have been harassed by teenagers and throwing eggs on my way home from school”. An international student from India recalled: “I had a lady kick my leg asking me not to sit in the tram opposite her. However, when another person came (looked like an Australian resident), she did not react to them. Other bystanders apologised to me on her behalf but this was hurtful”.

A number of international students described being deliberately spat at or coughed on by passers-by on the street or commuters on public transport. As one doctoral student from China described: “I am Asian, one time an old Caucasian lady saw me walking on the street and raised her arms walking past me ‘leave me with this distance’. She did not do that to other passengers but only me. When people saw me wear mask they would pretend coughing hard in front of me. And yes there is a lot of staring since COVID situation.”

Respondents of a range of nationalities reported being regularly told to “get out of Australia” or “go back to China”. As one Colombian student put it: “I received many comments from Australian[s] telling me leave the country, go back your home, ask you[r] family for money, respect the Australian people.” Others described experiences of “[r]andom people shouting ‘go back home’ to my face” such as “f*ck off back home”. An Indian student recalled being told “to go back to my country by random strangers on the street while working as an uber eats delivery man”.

Other respondents shared broader experiences of racism in their workplace, including those working as a cleaner, supermarket worker, home care worker or food deliverer. Many described enduring “verbal attacks, discrimination, bullying”, “jokes about my accent and my skin colour”, “verbal abuse [from customers] for enforcing the covid safety measures”, being “told to go home, colleagues say I don’t belong here”. A Colombian student in a vocational college recounted that “people ask me things in a derogatory way just because I was the cleaner or they noticed my latin background”. One Bangladeshi student described racism as a “standard work hazard in retail”. One female international student from Sri Lanka stated: “I was asked to return home because ‘I take jobs which are for Australians’ and that I don’t belong here. I have never felt so lonely and depressed before. I felt so unwelcomed in this country”.

In general, international students’ and graduates’ experiences during COVID-19 influenced how they felt about Australia generally, but experiences of racism had an especially profound impact. Among students and graduates who did not experience racism, 18% were far less likely to recommend Australia as a result of their experiences here during COVID-19 and 30% were somewhat less likely to do so. In contrast, among students and graduates who experienced

racism, 38% were far less likely to recommend Australia as a result of their experiences during COVID-19 and 34% were somewhat less likely to do so.

Alarming accounts of racist abuse and harassment have been echoed in various media reports of spikes in racism following COVID (Fang, Renaldi, and Yang 2020; Koslowski 2020; McCarthy and Hadley 2020) and reports by the human rights commissions and community organisations (see e.g. Asian Australian Alliance and Chiu 2020; Victorian Equal Opportunity & Human Rights Commission n.d.; Australian Human Rights Commission 2020; but c.f. Biddle, Gray, and Lo 2020).

Social exclusion

Over 3,000 participants elected to contribute open responses on their feelings about their treatment by the Australian government during COVID-19. Many associated their exclusion from national support measures and the instruction “to make your way home” with a broader sense of social exclusion and dehumanisation. One Colombian Masters student emblematically described feeling “as if we weren’t humans living and being part of the community.” Other participants similarly described feeling like “some aliens who don’t belong here”, “inanimate objects”, “discarded, unimportant and expendable”, “trash”, “garbage”, “dirt”, “I’m a shit and I don’t belong here”. Some participants shared sentiments of profound worthlessness: “they don’t see us. They can’t hear us”, “like we do not exist”, “like I didn’t matter”.

A striking number of respondents indicated that the Australian government viewed them only in terms of their fiscal contribution to the economy and not as human beings. They used language such as: “cash cows”, “I see myself as merely a money printing machine”, “ATMs of the Australian government”, “walking moneybags”, and “just money, otherwise we are not worth anything.”

Many explained that especially given the exceptional nature of the global pandemic the government should have done more to transcend distinctions between citizens and noncitizens, rather than perpetuate them. As one German female student explained: “We are all in this together and everyone is doing their part to stop spreading the virus, not only Australians”.

Many respondents indicated that over their years in Australia they had integrated into the Australian community. A very large number of international students stressed that in light of their contributions to the Australian community and economy through work and paying taxes, they expected to be treated inclusively by the government during the pandemic. One Chinese woman concluded: “I have been living in this country for more than 6 years and I was treated like unwanted goods”. Many emphasised the specific contribution of international students to the labour market, especially as “essential workers”. A female Masters student from Russia shared, “We did all dirty work Australians don’t want to do and what about us? ... It is nice to have invisible cheap workers that will be silently committing to work when you and your family can stay at home or work from home and get government support and don’t lose any money.”

Conclusion

In his now infamous statement to visa holders in March 2020, the Prime Minister contrasted “good times” during which “it’s lovely to have visitors to Australia” with “times like this” in which non-residents were no longer welcome in Australia. Consistent with this statement, the Australian government turned its back on non-residents including the hundreds of thousands of international students and graduates who remained in Australia, and explicitly excluded them from economic and other support leaving many destitute. It does not appear that the government rejected or reinterpreted its international human rights obligations to individuals within its jurisdiction – human rights responsibilities were apparently not a consideration at all.

It is “times like this” – during economic downturns, when health fears are acute, when job loss is widespread, and when resource scarcity is feared – that human rights protections are most important for the most marginalised members of society. The international human rights framework, as it arose in the aftermath of World War Two, was explicitly designed to address a global order in which only citizens, those with the “right to have rights”, were presumed deserving of protection (Arendt 1951).

COVID-19 presented a historic moment in which the world truly was “all in this together” – a moment in which common humanity and interdependence could have guided government decision-making to strengthen the social fabric, reduce xenophobia and correct pre-existing inequalities based on citizenship or visa status.

The Australian government instead chose to deepen these inequalities through its rhetoric and resource allocation. It is therefore unsurprising that racism has flourished during the pandemic with many Asian non-citizens (and Australians of Asian descent) experiencing abuse and being told to go home. Australia has been deservedly praised for its world-leading containment of COVID-19 and its generous financial support for citizens and residents during the economic downturn. As Australia enjoys the economic rewards of these achievements, attention must be paid to the longer term domestic impact of its disregard of its human rights obligations during “times like this”, as well as the immediate impact on the wellbeing of hundreds of thousands of international students and other visa holders who have called Australia home during the pandemic. More broadly, there must be a global assessment of, and reckoning with, the immediate and long-term impact of government policies on migrants during the pandemic and reinvigoration of the relevance of the human rights framework during future moments of crisis.

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