

Immigration issues for consideration by the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA)

Submitted to Mr Lars Ford, Multicultural Section Manager, ACT and Regions Office, DIMIA at a meeting on 23 January 2006 with representatives of the Bangladesh Australia Association, Canberra Inc

The Bangladesh Australia Association Canberra Inc. undertook extensive consultations with Bangladeshis living in Australia and also other stakeholders such as Migration Agents while preparing this submission. The issues identified below are not exhaustive rather it highlights some of the major issues Bangladeshis reportedly faced either at the time the applications were lodged and/or during the processing of applications. The major issues are:

Spouse Applications for Migration and/or Students' spouse applications

1. **Long VISA Processing Time.** This is reportedly the common problem with all types of visa applications. Although we appreciate delays in processing applications for valid reasons, in many cases no feedback is provided to spouse applicants and/or the nominated persons during the applications are processed. The processing time takes even longer in cases where the spouses are of different nationalities (An example: A Bangladeshi, who has a Pakistani spouse, migrated to Australia in April 2005. His wife, who now lives in Pakistan, applied for her spouse visa from Pakistan (file number 05051681 which was issued on 12 September 2005). Since then there has not been any communication from the High Commission Office/Immigration Department. There are many examples of this nature.

2. Unnecessary harassment by immigration officers and unskilled local Bangladeshi officials of the Australian High Commission in Dhaka

In the name of proper checkup of **genuine** matrimonial relationship, local Bangladeshi Officials and/or immigration officers in the Dhaka Mission seek unnecessary documents although all the required documents are supplied at the time the visa applications for spouse visa are lodged. They even want to visit spouses' residence to see whether there are any joint/family photos of groom and/or bride, the albums and at the time of interview they are alleged to have asked personal and intimate questions.

- Under the Bangladesh social structure marriages between two persons of opposite sexes are generally arranged by their parents. In most cases both bride and groom have little or no opportunity to get to know each other before marriage. Consequently the bride and the groom do not have an in depth knowledge of each other's particulars such as what sort of job the spouse is doing in Australia, how much salary he or she is earning, their family background, their personal likes and dislikes, their nick names etc. However, it is alleged that immigration officers ask questions of these nature to spouses and in most cases they fail to answer them appropriately for reasons mentioned. Consequently the visa officer either delay processing times of visa applications and/or reject the applications.
- Because of socio-economic reasons many Bangladeshi male persons living in Australia cannot travel to Bangladesh to get married. They marry a girl living in Bangladesh, over phone under the same social arrangements (arranged by parents). In these situations

generally no communication takes place between the bride and the groom before marriage. In some cases the only communication between the bride and groom that takes place is through phone and/or by email/mail. If the immigration officials ask the bride in Bangladesh about the details of the groom and groom's family obviously they wouldn't be able to answer them appropriately.

3. Financial dealings between newly married spouses as proof of relationship –

Sometimes immigration officers ask brides and/or the grooms to produce evidence of money transferred to their newly married spouse as proof of their relationship. Generally speaking spouses who live in Australia send their money to cover maintenance costs for the newly married spouse and of the whole extended family through bank accounts of mostly of their parents. This is simply because separate transactions between the newly married spouses are not taken lightly by extended family members. This assertion is true in most cases although there are exceptions. The immigration officers need to take this into account while looking for evidence of relationship.

Parents Visa

1. Rejection of visitor visa applications by parents with no valid reasons

Some visitor visa applications for Parents are being and/or have been rejected (it appears random) without much valid grounds. Parents don't think of living here forever - they want to come to see their son/daughter's life here in Australia and spend some time with their grandchildren.

2. The requirement of high bond deposit for parents' visit

Culturally, we depend a lot on our parents, especially during pregnancy, early rearing stages and illness of grandchildren. We also want our children to interact more intensely with their grandparents. The requirement of high bond deposit for parents' visitor visa applications causes serious problems for low-income Australian Bangladeshis.

3. Visitor visas are granted for a very short period only – Visitor visas for parents are granted generally for one to three months. Considering the fact that it is not possible for Australian Bangladeshis and or their parents to make frequent visit to each other, the one-to-three months visa period is very short.

4. Applications for extension of visitor visa applications – Any applications for extension of visitor visas attract another application fee and require submission of all the papers causing significant distress to both parents and their Australian Bangladeshi children/grandchildren.

5. No further stay condition - In most cases while granting short-stay visitor visas the immigration officials put a condition 'No Further Stay' which creates unnecessary problems for both parents and their children living in Australia. An important issue concerning the family sponsored visa is that sometimes a visitor may find himself or herself in a situation where he or she needs to extend his or her visa on medical or other genuine grounds which are beyond their control. If the original visa conditions include "No Further Stay", then even if the visitor gets an extension of visa from the DIMIA while in Australia, he or she will be treated as breaching the visa condition and the sponsor (family relative) will be penalised (e.g., put a bar to further sponsor relatives for a period of five years or so). Once this penalty is imposed, no appeal is allowed or penalty withdrawn on petition.

6. Unnecessary and costly Health checkup – Under the current Australian regulations, for a short visit up to three months no medical checkup is required regardless of illness or disability of parents. However, immigration officials in many cases insist on undertaking medical checkup.

Student Visa Applications

1. No on-line application facilities for Bangladeshi students – It is highly appreciated that the Immigration department has developed an innovative on-line application system for potential overseas students although students from some countries of which Bangladesh is one are not allowed to take up this option. There are many potential and brilliant students who live in rural areas and cities. Many of them do not have any place in Dhaka to stay overnight. The non-availability of on-line application facilities create more divergence between Dhaka and rural/other city students. This is not a socially desirable outcome.

2. Proof of financial capability of sponsors of visa applications - DIMA generally demands a bank balance for the past six months from the date the application was lodged from sponsors of students as proof of their capability to meet the costs of sponsored students for the duration of their study. For example for a 2 year study the scenario is as follows:

<input type="checkbox"/>	2 years tuition fees (Academic fee) ----	\$30,000.00 (Average)
<input type="checkbox"/>	2 years living cost ----- \$1000@24 months=	\$24,000.00

Total amount = \$54,000.00

It means sponsors have to show a bank balance of \$54,000.00 for the last 6 months from the date the applications are lodged. In Australia there are many people who do not have that sort of bank balance. Many people, depending on their own individual situations, arrange their financial matter in many different ways. For example:

- A person with mortgage now have 'viridian line of credit' with withdrawal facilities under which they amalgamate all their mortgage and personal accounts into one account and put all their salaries into it in order to pay-off their mortgage quickly. Consequently it is hard for them to show a deposit of the required amount as per immigration officer's demand. In this case, it is intended they consider how much withdrawable amount are there in that one account.
- If a person owns a house and earns good salary income and is in continuous employment that should be considered as adequate security for sponsorship purposes.
- Also given the fact that the sponsored students in most cases are brothers/sisters and/or close relatives and they mostly stay with their sponsors, which saves lots of money for sponsored students. This factor needs to be taken into account while considering sponsorship issue.

3. Illness of Bangladeshi private students in Australia while on student visa and related issues – An example will highlight the problems and issues. A Bangladeshi student Mohammad Shahed Hossain came to Australia for higher study with the hope of a bright future like thousands of other Bangladeshi students. He was studying at CQU (Sydney campus). Unfortunately towards the end of his first semester he became seriously ill. He was taken to the hospital. Hospital took about a month to identify his disease, he was suffering with meningitis and then TB in the brain. He had to go through brain operations twice in Liverpool Hospital. He was in the state of coma for about a month, for more than two months he could not recognise anyone and he was in Intensive Care Unit for about two months. He has been struggling for his life for last five months in the hospitals (first in Bankstown then in Liverpool). Recently, he is improving very slowly and the Doctors are hoping his recovery (although it might not be 100%). As a foreign student he did not get any help from Australian Government, only his Medibank covered his treatment expenses. His wife (who is expecting a baby soon), could not bear the costs of maintaining a unit, which they have been renting in Lakemba. At one stage the Real Estate served notice to vacate the unit as they could not pay the rent. Last 4 months his wife has been living here and there sharing with other families.

For the help of the patient and his wife Doctors from Liverpool hospital strongly recommended bringing someone from Bangladesh for their support. Accordingly from Liverpool hospital they have sent a strong letter to give visa for Shahed's brother-in-law. Unfortunately, the Australian High Commission in Bangladesh refused to give visa. His case was such an unusual that SBS TV has made a documentary on his disease. His wife is expecting a baby this month. She was in need of help at this critical stage. There are many other cases of this nature which need to be looked at more humanely.

On-shore migration applications

1. IELTS Score – If the IELTS score of on-shore applicants is marginally short, instead of hanging on and/or rejecting the applications DIMIA should consider other factors to make a decision. The factors are:

- Whether the applicant has other genuine qualifications such as “certified one way translator (by NAATI) from the English language to Bangla language.
- Australian degree – Whether the applicant has a degree (recently) from Australian institutions - a 2 year study in Australia leading to either Diploma or Masters degree in any subject may be considered as at least adequate for immigration application purposes.
- An overall IELTS band score of 6 and or 6.5 may be considered adequate for immigration application purposes.

Working Holiday Visa

No Working Holiday Visa arrangements with Bangladesh - Australia has Working Holiday Visa arrangements with many countries of Bangladesh is not one. However, Australia would be greatly benefited from many Bangladeshis both skilled and unskilled through this arrangement. For example, it is reported in Australian papers that due to the lack of seasonal workers many farmers have difficulties in picking up their produce and market them at the appropriate time. Bangladeshis are very hard working and they would be quite happy to come to Australia for a short period to meet its short seasonal demand.

Sponsored Employee or a Skilled Recruitments

Australia is currently recruiting skills manpower from other countries such as Philippines, India, Bangkok etc. Bangladesh has a vast and highly trained educated manpower, proof of that is the estimated 15,000 Bangladeshis who have come to Australia under skilled migration program. We request DIMIA to consider organizing a **Sponsored Employee/Skilled Recruitments** fair in Bangladesh in the near future. This can also be organized at DIMIA's next recruitment round to the region such as in India or Bangkok.

Applications for permanent stay in Australia under the refugee status

Non-availability of support for applications under refugee status - Many Bangladeshis who applied for refugee status have been living in Australia for more than 7/8 years without any concrete outcome of their applications. Like many other refugee applicants, they cannot travel anywhere from Australia, are not generally offered any work permit, are not entitled to any medical facilities from Medicare. Many families who applied for refugee status are not allowed to send their children to Australian primary/secondary schools.