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The SVP club: can't win if you're not in

BERNARD LANE THE AUSTRALIAN FEBRUARY 12, 2014 12:00AM



Syed Niazi, in Sydney yesterday, was caught up in the row about overseas students at universities outside the Streamlined Visa Processing system. Picture: James Croucher Source: News Limited

IT was a classic Catch-22. If Syed Niazi, a business student from Pakistan, followed the advice of the immigration authorities, he had to leave the country or swiftly rejoin a university within the Streamlined Visa Processing club.

Niazi knocked on the door of one such university, but it wouldn't let him in - precisely because he had once strayed outside the SVP club.

"Sorry we could not help you in this instance and best of luck for the future," was the cheery sign-off he got from the Queensland institution.

The way Niazi tells it, he tried to do the right thing at every point, only to have his future imperilled by what he sees as an unfair and retrospective ruling.

After a month of uncertainty and apprehension for students such as Niazi, the immigration department relented yesterday - it would not act on its implied threat to cancel potentially hundreds of visas. Niazi's story helps explain this change of heart.

He chose Macquarie University and began his studies last February. Three months later came news from Pakistan that his father had been killed in a car accident. He wanted to go home but his mother urged him to continue his studies. Wishing at least to be close to family in Brisbane, he asked

Macquarie to let him shift to the Central Queensland University campus there.

He says that by the time Macquarie responded, he had missed the census date, not only at CQU but also at Macquarie. Feeling Macquarie had let him down, and conscious of time passing, Niazi looked elsewhere. Victoria University's Sydney campus was full, but in the same building he chanced on the Australian Institute of Business and Management. They had space in a bachelor of business degree and he was able to start last September. Niazi says he duly informed the immigration department.

On January 14, other students started to get emails from the department, warning them they had breached a visa condition by abandoning a university within the SVP club for an institution outside it, such as the AIBM. Sure enough, Niazi's email arrived a week later when he was in the thick of mid-trimester exams and assessments. Before this mass email, Niazi says he and his fellow students had no idea theirs were not ordinary visas, and no inkling that a switch to a non-SVP degree program could put everything in jeopardy - academic progress, fees already paid, and their visas.

The department has now acknowledged that many students had no idea they were doing the wrong thing. Agents handle the visa paperwork, and the official visa grant notice is silent on whether or not the SVP system has been used. It does include a catch-all condition "8516 must maintain eligibility", and this was invoked by immigration in January to say SVP students must stay with SVP institutions.

Niazi struggled to find anyone for whom this application of condition 8516 was anything but a surprise. "I've talked to agents, lawyers and university deans, and nobody has any idea what's going on," he says. He concedes some students may have done the wrong thing - jumping ship from an SVP degree to a cheap vocational training course outside SVP, for example - and he has no objection to a policy disallowing the movement of SVP students without a new visa, as long as it is made clear at the outset and not applied retrospectively.

And that was the argument accepted yesterday by the immigration authorities, who say they will not take action against students such as Niazi who unknowingly left the SVP club before the department's mid-January crackdown.