

Abuse of Student Visas

Migration should be focused on the prevention of migrant exploitation and the cracking down on the [use of student visas for the purposes of human trafficking and prostitution](#). Poor or non-existent training institutions which exist simply for the purposes of granting people student visas should be barred from operating and de-registered.

According to a [report](#) by the Australian Institute of Criminology (AIC), half of the sex workers in Australia are international students on student visas. The abuse of the student visa system cannot be tolerated any longer.

Contract Cheating, Fraudulent Academic Transcripts Lowering Standards within Australian Universities

With the over-reliance on international students as a source of funding, instances of contract cheating and professional cheating have skyrocketed, particularly within the international student community and international students arriving from China. Cheating services are openly advertised in Mandarin on university campuses and sent to student emails in addition to WeChat.

Overseas Study and Migration Consultants Actively Fabricating Documents, Degrees, and Transcripts

Since 2013, a [reporting](#) by the ABC has revealed that migration consultants were fabricating documents, transcripts, and degrees in order to deceive Home Affairs officials and secure student visas for international students wishing to study within Australia.

"For almost 30 years, they have experienced problems such as fake qualifications, questionable agent behaviour, visa-driven enrolments, nepotism in offshore campuses, loss of intellectual property to partners, unwitting involvement in offshore bribery, cheating and plagiarism, academics exploiting students and students offering inducements to staff."

-International Student Director at NSW university.

The [increasing numbers of individuals](#) deliberately and intentionally defrauding the visa system in order to secure bridging visas and therefore work rights are also out of control and should be mitigated. Owing to lack of information sharing between universities and the government, international students who underperform or [engage in contract cheating](#) or are expelled do not have their visas cancelled, and are able to move into other universities where their behaviours are replicated.

The vast majority of Chinese international students arriving in Australia study in Commerce or Arts related fields whereas a comparatively fewer number choose to study STEM related fields in line with Australia's skills shortage needs. [Contract cheating companies and syndicates operate with impunity](#) in such fields and target students with poor English ability in English intensive courses such as business and finance or courses where essay writing is required such as international relations, arts and sociology.

"The university students that I am acquainted with ... almost all of them have used contract cheating services once or more and haven't been caught," she said.

"This becomes a culture of international students."

Chen, a Chinese master's student who has graduated from the same university and used a pseudonym, estimated about half of the students in her major had used the service. As for the university students she was acquainted with, it was 80 to 90 per cent.

One of the biggest agencies, Meeloun Education, claims that their 450-plus writers (53 per cent with master's degrees outside China) completed more than 30,000 assignments between 2009 and 2018.

A dedicated portal must be set up to report contract cheating services and websites so that these sites can be blocked and companies offering such services can be shut down and fined. It is imperative the Australian government take a harder line on this issue so that the overall integrity of the higher education system in Australia is not undermined.

Fraudulent Transcripts and Grades by International Students

Owing to the fact that the Chinese secondary education system is different to that of Australia, international students often submit transcripts from Gaokao examinations, however there are no methods or techniques for verifying the authenticity of veracity of transcripts submitted when applying for universities in Australia, either by Home Affairs or by Australian universities themselves. Given that there [were 164,000 Chinese international students in Australia as of 2020](#), this puts a significant jeopardy on the integrity of Australian higher education system as a whole if even 1% of transcripts are fraudulent.

The Ministry of Education of the People's Republic of China operates CHSI (Now CSSD) or [China Credentials Verification Service](#), an online platform from which Gaokao scores, high school education transcripts and higher education degrees and transcripts can be verified for authenticity, similar to eEquals Australia. It is unknown if the Department of Home Affairs is aware of the platform or if it is actively used by universities and immigration officials when vetting visa applications. The use of the platform and equivalent platforms for other countries, not just China should be compulsory for all Australian universities as a matter of law in order to preserve the integrity of Australia's higher education system. Academic integrity in the context of student visas and fraud prevention should be the number one priority for the Australian government in the context of student visas.

Given that [academic fraud is endemic in China](#), with fake degrees, transcripts and results being fabricated the Australian government should reconsider its policy of attracting international students from high risk countries.

With the signing of the India FTA and the influx of Indian international students, the Australian government should also undertake measures and sign agreements with the Indian government to verify the authenticity of Indian academic credentials and transcripts in order to prevent fraud. Currently the Indian government is in the process of establishing the NAD or [National Academic Depository](#) service and the [digital locker service](#) to help individuals verify the authenticity of academic transcripts and degrees. I urge the Australian government, TEQSA and the Department of Home Affairs to engage with the Indian government on this matter and make all necessary arrangements to make sure both Australian immigration officials have access to the system and Australian university admissions departments are aware of such a system and how to use such a system when processing applications from abroad.

Abuse of the SIV by Corrupt Actors

The SIV program has for too long existed as a funnel for corrupt Chinese officials with connections to the Chinese Communist Party and the Chinese government to launder illicit wealth obtained as the result of corruption. Money laundering throughout the scheme is pervasive and there is no way for Home Affairs or any other government agency to effectively verify the veracity and legitimacy of corporate structures in addition to the sources of wealth since the PRC (People's Republic of China) has no official companies register and platforms providing access to corporate information in China.

Case: [Philip Dong Fang Lee](#) (Publicly Available Information)

Phillip Dong Fang Lee is a Chinese businessman who came to Australia on the Significant Investor Visa. The businessman with assets in China has also been [involved in tax contraventions with the ATO](#). Recently as of 2020 Mr Lee was also involved in the Star Casino Investigation amid allegations of money laundering in which the Star Casino helped Mr Lee transfer some \$11 million AUD using China Union Pay Cards from

Mainland Chinese bank accounts in violation of anti-money laundering laws. Mr Lee has also engaged in extensive purchases of Australian commercial and residential real-estate in which he [engaged in illegal developments, severely damaging the local environment](#) resulting in fines of some \$250,000. When subpoenaed by the NSW inquiry into Star Casino, Mr Lee spoke through an interpreter and did not appear to possess any English language capabilities [despite being an Australian citizen and being in the country since 2006](#).

Anti-Money Laundering Capabilities of the Foreign Investment Review Board

It must also be noted that the Foreign Investment Review Board has no Anti-Money Laundering capabilities and it is unknown whether FIRB engages in information sharing with AUSTRAC in order to determine the legitimacy and legality of funds coming into Australia in the form of foreign direct investment.

Partner Visa Fraud, Fraudulent Marriages for Sale for Permanent Residency

In addition to the issue of fraud, human trafficking and prostitution in the student visa system, the Australian government should also extend the partnership marriage time requirement beyond 5 years for a partnership to be considered a genuine partnership. Sham marriages for the purposes of obtaining work rights and access to social security are [rife within Australia](#), with the average cost of a marriage for visa scheme being \$200,000 or less. I urge the Australian government to take action to curb the quantity of fraud within the visa system in addition to

Exploitation of Temporary Visa Holders by Food Delivery Companies and Gig-Economy Platforms

Timeline of Events:

On 8th of October 2020, 43 year old Chinese national: Xiaojun Chen a [migrant worker](#) from rural China contracted by Hungry Panda (熊猫外卖) [was killed after being hit by a bus](#), while delivering food for the company in Sydney. As stated in the article by ABC, Mr Chen was working as a food delivery driver to send money home to China to pay for the livelihoods of his wife Lihong Wei, their 15-year-old daughter and eight-year-old son as well as both his and his wife's parents. Chen's widow, Lihong Wei, had previously [told Guardian Australia](#) that Chen's death would leave her and their two children financially destitute, because they also had to look after both Chen and Wei's elderly parents, who had acquired disabilities.

The company, Hungry Panda initially did not reach out to Chen to inform her that her husband had died. Hungry Panda did commit to pay for funeral costs, nor did it offer to pay for flights from China to Australia for Ms Wei and two family members until what appeared to be after the release of the ABC article and significant media and public pressure. The company's HR manager "Tina" Sun **was not even aware** the company had to report the driver's death to Worksafe NSW in accordance with its legal obligations and subsequently [failed to appear](#) at an NSW parliamentary inquiry into the gig economy. The company then belatedly sent a letter of apology more than 2 hours after the event stating it was sorry for failure to attend the reason ostensibly being 'staffing issues' and the safety education of its riders. Hungry Panda's delivery manager, Luna Wei, was scheduled to speak at the inquiry but at 12pm on the day however Labour MP Daniel Mookhey had to tell those watching that the company had simply not shown up. The week prior, Chen's widow, Lihong Wei, testified before the committee. She stated that that her husband's death had left her family in financial ruin.

Earlier in the inquiry, two riders testified that Hungry Panda had cut pay rates for its riders – from [approximately \\$7.50 per delivery to \\$3 per delivery](#). Sun also told the inquiry that Hungry Panda had "around 100 to 150" workers in Sydney at any one time, and that their business model was "very similar with UberEats or Deliveroo or other delivery companies". Hungry Panda was established in the UK in 2016,

and came to Australia in 2019, Sun said, where it targets “a niche market dedicated to Chinese and Mandarin speakers”.

On November 30th, 2020, it was reported by technology magazine [Tech Crunch](#) that the company had secured **\$70 million series C funding** backed by Kinnevik (a prolific backer of e-commerce startups), with participation also from 83North and Felix Capital.

On 19th February 2021, it was reported by the ABC that the company, despite already being under public scrutiny and failing to appear before a state parliamentary inquiry into the death of what is ostensibly an employee under their custody, had [fired two workers](#): Jun Yang and Xiangqian Li, in retaliation for organising a small strike in the suburbs of Burwood, Melbourne. Hours after the strike, the two riders received termination notices electronically from Hungry Panda that their quote on quote 'cooperative agreement' with the rider had been terminated. Mr Yang stated that: "After almost one year of hard work for Hungry Panda, I was sacked on 2 [February], the day I arranged the protest.", Additionally Yang also stated that: "They slashed our pay, sacked us with no warning and now they are spreading lies that we were rude and abused customers." Mr Yang, 51, told the ABC he worked for Hungry Panda in Sydney for more than a year, working at least 10 hours a day, seven days a week to provide for his wife and four children in China. Mr Li said he used the money he made delivering food on his motorbike for Hungry Panda to provide for his wife and son.

On 24th February 2021, just **4 months and 16 days** after Xiaojun's death it was reported by the ABC that Hungry Panda had instituted what has been referred to an ['impossible' bonus system](#) with the potential to cause drivers to take more risks on the road. The system ostensibly gives riders an extra \$15 if they deliver 25 orders a day, while riders who delivery 70 orders a day can earn a measly \$65 bonus. According to calculations by 7.30's investigative reporting however, even if a rider worked a 10-hour day they would have to deliver seven orders an hour to earn the \$65 bonus. Hungry Panda strategy vice-president Panwen Chen that the new system was about incentivising 'high performing drivers'. NSW gig-economy inquiry committee chair and NSW Labour MP, Daniel Mookhey, told 7.30 the bonus system was "illusory", and would put more pressure on riders to travel faster stating: "To get a \$65 bonus, you have to make 70 deliveries a day. That's physically impossible. It's a joke," and that "Hungry Panda [was] providing an economic incentive for riders to ride unsafely."

In 17th February 2021 it was reported by [Bloomberg](#) that Hungry Panda had secured a [raised \\$130 million USD series D funding](#) round to fund company growth. According to business intelligence, the latest investment brang the [total raised by the company to \\$220 Million](#) which would be used to: 'further enhance the business globally and pursue strategic acquisition opportunities'.

On January 10, 2022, it was revealed that Hungry Panda had acquired Melbourne based food delivery app and company [Easi](#) and New Zealand based platform 'Buy@Home' specialising in Asian grocery home delivery for undisclosed sums. Easi subsequently stopped operating in North America, Canada and the UK, all coincidentally regions which Hungry Panda also operates in, ostensibly to avoid cannibalisation of market share. Easi national operations manager Kitty Lu said the acquisition would increase the business' effectiveness and reach in a crowded industry. During 2021, Hungry Panda launched 'Panda Fresh', a platform for Asian fresh food and grocery e-commerce.

On 22nd June 2022, it was reported that the [wife of Xiaojun was awarded some \\$834,000 under the NSW worker's compensation scheme in a landmark ruling](#) after the Personal Injury Commission determined that Xiaojun had died as a result of injuries during the course of his employment with Hungry Panda. Under the NSW workers' compensation scheme, the dependants of an employee who dies because of a work-related injury are entitled to a lump-sum payment of just over \$834,000 and weekly payments of \$149.30 for each dependant child until the age of 16. The NSW's worker compensation scheme is managed by state-run tax payer funded insurance firm iCare, which has already been subject to allegations of waste, fraud, abuse

and underpayment as well as been the subject of a [\\$1.9 billion tax-payer funded payout from the NSW government](#). However, it was revealed in a report by the ABC on 23rd February 2021, that Hungry Panda in fact [only paid just \\$3,000 per year in insurance premiums](#) for its 25 workers at its corporate headquarters. Additionally, it was revealed that Hungry Panda required its drivers to have their own insurance and had no way of verifying the authenticity of insurance certificates collected. NSW Greens MP David Shoebridge stated that Hungry Panda was: "getting a free ride from the system here,".

Xiaojun's left behind two children at the time of his death, one of them being a son of 8 years old and the other a daughter of an unknown age according to [reporting](#) by the Sydney Morning Herald. According to the compensation required to paid out by law, the total cost of Chen's death and Hungry Panda's negligence and failure to take responsibility for the safety of its riders to taxpayers would therefore be \$62,108.80 for at least one of Chen's children; making the total cost some \$896,108.80 or approximately \$890,000 or **\$887,000** (if accounting for the amount paid by Hungry Panda in worker's compensation premiums per year).

In September 2nd 2022, it was reported that Hungry Panda had recorded significant growth in the Australian market six months on from its acquisition of Asia-focused food delivery business EASI. Data showed that Hungry Panda "stormed the local market by doubling usership and active merchants, seeing order volume increase by **140 percent**". It was also revealed that Hungry Panda expanded its city coverage throughout Australia with new business in **Melbourne, Sydney, Canberra, Adelaide, Brisbane and Perth**. Commanding **90 percent of Chinese food merchants nationwide with the largest Asian takeaway platform market share**. ([Source](#))

On an earlier note, on January 8th 2019, news.com.au reported on what appeared to be an Easi driver [eating from a customer meal before closing the package and while ignoring onlooker attention](#). While the company pledged that the driver's employment would be terminated as a result of his actions, no follow up was given and it is unclear if the driver was indeed terminated or simply allowed to continue working. No food safety investigations or fines under what was clearly a breach of the Food Safety Act were issued to Easi for allowing such behaviour to occur.

The issue of migrant exploitation in the gig-economy:

On 13 September 2018, reporting by the SBS revealed that [Easi](#) was allegedly exploiting workers by recruiting Chinese migrant workers on tourists via WeChat as well as other Chinese social media platforms to work as food delivery drivers for the company and paying as little as \$6 per hour. Transportation Union secretary Michael Kaine stated that some 80% of gig-economy workers were on temporary tourist visas. One of the workers interviewed identified simply as "Lee" stated that she collected her earnings directly from Melbourne Delivery customers in cash and UberEATS via bank transfer and admitted to having no idea about her tax obligations. Her earnings from her first 24 orders goes towards covering the weekly rent for a Melbourne Delivery motorised bike, a \$180 fee she described as "too expensive". In a statement, the Australian Delivery United Group (formerly Easi, now currently Hungry Panda) rejected any suggested mistreatment of workers, saying riders were sub-contractors rather than employees, and were therefore **responsible for their own tax obligations and insurance**.

Hungry Panda operates in six countries – the UK, the US, Australia, Canada, France and New Zealand. Like companies including Uber Eats and Deliveroo, the food delivery workers for Hungry Panda are classified as independent contractors, not employees, meaning they are not entitled to minimum wages, sick leave and workers compensation for death or injury.

Key issues:

- In all cases reported above of workers employed by Hungry Panda, all were low skilled migrant workers with little English ability from mainland China on either temporary, tourist or some other form of working holiday visa. The other category of riders employed were international students studying in Australia.
- Drivers employed by Hungry Panda were almost exclusively ethnically Chinese and the restaurants and target customers being the ethnic Chinese diaspora in Australia.
- **It is unclear if Hungry Panda made any efforts to inform riders about their tax or income reporting obligations to the ATO, their rights under Australian labour laws, or made any rights to verify the legality and right to work of the migrant workers they employed then subsequently exploited.**
- International students employed by Hungry Panda did not appear to be verified by the platform in terms of their working rights to ensure they had not broken any immigration laws.
- All workers were subject to what has become known as '[algorithmic exploitation](#)', in which their working hours, conditions, pay and other terms of employment were arbitrarily and cruelly dictated through digital means with no means of appeal in the case of unfair dismissal, retaliation or exploitation and no means of negotiation.
- The Australian government must require Gig-Economy platforms to verify the working rights of the riders which they recruit and share information with the department of Home Affairs.
- The Australian government must pass the [Migration Amendment \(Protecting Migrant Workers\) Bill 2021](#). The bill compels businesses to use the VEVO system to verify the working rights of visa holders and allows the ABF to ban certain businesses from employing migrant workers for a certain period of time if said business has been found guilty of migrant exploitation.
- ATO regulations must be amended to force Gig-Economy platforms such as Uber, Doordash, Deliveroo and Hungry Panda to collect TFN numbers of riders and share information on income with the ATO to prevent tax avoidance and evasion.

Additional Sources:

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