



**ASSOCIATION OF
AUSTRALIAN EDUCATION
REPRESENTATIVE IN INDIA**

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1018 Hemkunt Chambers
89 Nehru Place
New Delhi 110019
Tel : 011 4161 9596, 91 98 11 505 494
Web : www.aaeri.in
Email : aaeri@aaeri.in

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To:

Overseas Indian Affairs Division -1,
Ministry of External Affairs,
Government of India,
New Delhi.

Kind attention: Secretary/Joint-Secretary.

I have prepared this communique in my role as President of AAERI (www.aaeri.in). Now in its 22nd year, AAERI is the peak Association of Representatives of Australian Education in India. It has active chapters in Nepal and has associate members in rest of South Asia. A large number of Education Providers are associate members of AAERI. It was setup in 1991 as an initiative of Australian Government and it is now a registered Not-for-Profit Society registered in India.

AAERI welcomes the effort of The Ministry of External Affairs to introduce the Emigration Bill, 2019. The Bill proposes to constitute an Emigration Management Authority (EMA) by the Central Government to ensure the overall welfare and protection of emigrants. It will be the overarching authority to provide policy guidance, undertaking comprehensive review and stocktaking on emigration management related matters.

AAERI WELCOMES the salient features of the bill

1. Mandatory Registration of Indian student pursuing higher studies abroad putting in place an effective emigration management framework aimed at assisting every student in times of distress and emergency
2. Registration and Rating of Student Enrolment Agencies effectively bringing in the control mechanism to ensure strict compliance by every agency.

AAERI welcomes the provision of a representation of the industry in addition to various Government departments. AAERI has studied the bill and is now making a submission before your department as a feedback to the same.

Ravi

Ravi Lochan Singh
President, AAERI.
ravi@globalreachonline.com

OFFICE BEARERS:

President: Mr. Ravi Lochan Singh	Vice President: Mr. Bubby Johar	General Secretary: Mr. C.G. Balaji	Treasurer: Mr. Kishore Beengi	Secretary: Mr. Rupesh Patel
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Other Executive Members

Mr. Rahul A. Gandhi Head, Visa Committee	Mr. Nishidhar Reddy Executive	Mr. Rupesh Duggal Executive	Mr. Nirmal Chawla Head, Disciplinary Committee	Mr. Prasanna Acharya Head, New Applications Committee
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AAERI's Submission/Recommendation to Emigration Bill, 2019

AAERI (Association of Australian Education Representatives in India) (www.aeri.in) welcomes MEA's Emigration Bill 2019. We believe that effective regulation is necessary to protect the interest of the students.

It is encouraging to note the formation of Bureau of Emigration Administration to effectively

- a) *Coordinate and obtain reports from Diplomatic Missions*
- b) *Coordinate with stake holders like the Immigration departments periodically*
- c) *Register, Monitor and regulate Education consultancies and recruitment agencies*
- d) *Collect details, digitize records of students and agencies*
- e) *Blacklist fraudulent agencies, maintain the database and share the same with all stake holders to ensure compliance*

Draft Emigration Bill, 2019 as "General Functions of BEA": "**Encourage self-regulation amongst the recruitment agencies and enrolment agencies;**". AAERI, supported by Australian High Commission in India, pioneered this vision of self-regulation amongst Australian Education Representatives and other stake holders in 1996.

About AAERI

AAERI (Association of Australian Education Representations in India) is a non-profit society registered in India that was set up through an initiative of Australian High Commission, New Delhi in 1996. ***The goal for this initiative was to encourage self-regulation and enabling best practices amongst Education Representatives who work with Australian Universities.***

Enrolment agencies are invited to become registered members of AAERI provided

- a) *They clear a third party integrity check on their conduct, financial status etc.*
- b) *Represent only recognized Institutions of Australia for student recruitment.*
- c) *Staff of the agency clear a knowledge-based certification test.*

In addition to acting as a bridge between education agencies and the compliance teams of the Australian Government, AAERI has also served as a bridge between Indian Government departments and Australian Institutions in the past. In 2009-10, when certain developments affected the "education" relationship between India and Australia, AAERI worked jointly with Indian High Commission in Australia and Indian Consulates in Melbourne and Sydney. AAERI has also worked for recognition of Australian qualifications and has presented before the Ministry of HRD and other departments of the Government of India. Even currently we have issued advisories indicating the type of programs that are not recognized by Association of Indian Universities to ensure that the students being counselled have proper information. A disciplinary committee within AAERI monitors erroneous advertising by members.

Industry Insights:

To be more effective, we sincerely request BEA to collect maximum marketing insight from as many stakeholders as possible before the final version of the bill is drafted.

1. Immigration departments of Destination countries are currently the only regulatory body which monitors the ideal Dos and Don'ts to protect the interest of the student.
2. Immigration departments are normally supported by Peak Industry bodies like AAERI for Australia, AIRC for USA etc. who acts as a catalyst between the student, University and the Immigration department having a wealth of insight about the market.
3. An effective Emigration Bill would open the doors for these Immigration departments to throw light on the happenings and difficulties faced by Indian students in their soil and the root cause / wrong information provided to the students in Indian soil. Most of the Immigration departments of destination countries would report instance of wrongdoing; if appropriate mechanism in place to act against fraud.
4. In general a Qualified and registered Education Consultant does not charge any service fees from the student. FREE SERVICE in itself eliminates or nullifies the possibilities of unethical activities. Even when a service fee is required to be charged it should be nominal and within a set guideline and publicly advertised on the agency's website.
5. According to our observation, majority of Unethical operators focus on Work-Permits and migration services, Tourist/visitor visa as these attract individuals who want to go abroad desperately for their livelihood and would often be prepared to take shortcuts. To these agencies offering Education Counselling is just an additional source of income. Thus, a differentiation between migration agents, manpower agents and genuine Education Counsellors is required. As per regulations in place, all contracted University Representatives are listed on University websites and as indicated already, offer the services for free to students or within a fixed and publicly notified nominal fee only.

Our Recommendations:

Recommendation regarding greater consultation with the Industry Peak bodies and Immigration Departments

Identifying good behavior / Bad behavior and possible signs of Ethical OR Unethical agency is most important to strengthen the bill and regulation framework. Immigration departments of Destination countries and Majority of Peak industry bodies like AAERI, AIRC have a wealth of insights about the market. Please capitalize their knowledge by inviting their feedback.

AAERI is desirous to provide all necessary support in this regard by establishing meeting with Peak bodies, Immigration departments, Enrolment agencies and other stake holders.

Recommendation regarding Capping OR Banning Cash transaction:

The first yardstick towards monitoring is restricting cash transactions to bring in more accountability from the agencies. Most of AAERI members are paid by Universities and they do not charge the students. Even when they have to levy a service charge, it is within a publicly advertised nominal schedule of fee.

Recommendation regarding Differentiate High risk Agencies and Low risk agencies

Thanks for differentiating and indicating us as Enrollment Agency and not coupling with recruitment agency or travel agency.

Encouraging genuine agencies and restricting/punishing non genuine one is important. So identifying Low Risk category of Agencies and possibly High risk category of Agencies should be first step of the process. Whole process should be hassle free for genuine agencies.

It is advisable to draw a clear differentiation between University Representatives and travel agencies. Even those who provide both travel services and study services need to create a clear firewall between the two operations and be transparent between both the operations.

Within an International student recruitment industry there is recognition of Enrollment Agencies. AAERI is the most respected and recognised model of self-regulation. Having been active for 22 years, it has also been tested. Quality of advertising and services by AAERI members has led to other countries too taking inspiration from the AAERI model to varying levels of success. Beside AAERI there are other initiatives like AIRC for Enrollment Agencies promoting USA, ENZRA for Enrollment Agencies promoting New Zealand etc... If a student enrolment agency is a member of any of the above specified self-regulating organizations, the chances of unethical activities would be very low as there is control mechanism to monitor the performance of these agencies.

Similarly, if recruitment agency is headed by qualified immigration lawyer / attorney, Chances of ethical / professional practices is much higher.

Recommendation regarding hassle free Registration, Reporting and Renewal of Ethical Agencies

There should be a provision in a bill to have hassle-free Registration and Renewal of such low risk Agencies. This is essential to reward the complying sectors of the industry.

Recommendation regarding Procedure for registration/ cancellation of Certificate and Duties and function of enrolment agencies

On page 33 of Draft Emigration Bill, in section of "Procedure for registration/ cancellation of Certificate and Duties and function of enrolment agencies", Below note is mentioned: The provisions of Section 16, 17, 19 and 20 shall apply to registration, duties and functions, cancellation/suspension of the certificate of enrolment agencies, with such modifications and adaptations, as may be specified by regulations.

However, we firmly believe that Role, Duties, Functions, system, procedures and Risk of Manpower Recruitment Agency and Enrollment Agencies are totally different. So It will be unfair to treat Manpower Recruitment Agency and Enrollment Agencies in the same way.

Over the last 22 years AAERI as a governing body, brought in a fair degree of control to prevent any unethical act by its members. We sincerely submit our interest to be associated in this mission of the Indian Government. We would be highly interested to share all our experience and expertise for the betterment of Indian students.

Submitted on behalf of an AAERI by

RUPESH PATEL

AAERI – SECRETARY

rupesh@competitivecareers.in

AND

C.G.BALAJI

AAERI – GENERAL SECRETARY

balaji@eoaindia.com

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