

### DHAKA SATURDAY SEPTEMBER 27, 2008

## FOR YOUR information

# Foreign education and immigration law

MUFASSIL M M ISLAM

HE flight took off from the runway of the international airport in Dhaka. Aboard many passengers on it there was a young man with eyes filled with dreams of a new life laurelled with education and respect from many. Years have passed since that time and I have travelled and lived in many lands. Earned education and professional experience in my field which have broadened my view and have given me the acumen to write the following few lines as a guidance for the future travellers in the academic and professional starry path and to remember the legal barriers therewith. The major destinations of the students of our country are USA, Canada, Australia and the UK. There are many other countries which pre-occupy our youngsters in the pursuit of education, namely, Japan, South Korea, Thailand, Singapore, Sweden and others.

### The pre-visa matters

The academic institutions follow different procedures for admission and that differs from one country to the other. The leading and wellestablished academic institutions usually are very strict in having third party representatives for their institutions and usually tend to have their own offices in foreign countries in order to have foreign students from those countries. The UK immigration authorities have unusually flexible approach towards students from developed countries than from the underdeveloped countries. For example, a Japanese student who came to UK as a visitor can switch his/her status from that of a visitor to that the beneficiary which if spent of a student quite easily unlike a would jeopardise his/her own Bangladeshi.

There are several issues a visa to prove that he has a planned officer of any developed country would follow to either grant or refuse a visa to a student. Against the principles of equity applicable in almost all legal spheres, in the matter of visa applications, the prospective student has to prove that he/she has enough financial In USA, Australia and Ireland the capabilities to complete his/her education and would not become the student's academic life and the reliant on public funds or benefits offices in that foreign country or in other words would not become a steps to safe-guard that. In UK,

student from that country even though it is the duty and our right as per agreement on the passport application, for the Bangladesh Government to bring back the stranded Bangladeshis abroad. A very few cases are there to prove that our Government had done that in the past even in dire situations. To establish the economic criteria, the prospective student will have to prove that he/she has enough finance to pay:

- · for the tuition fee for the whole
- · for the regular expenses includ-
- ingrent for accommodation, · for commuting and even to pay

for his/her pass-times. The source of the finance is also important and the entry clearance officers are aware that our country has a tradition of close-family bonding and even an uncle can sponsor a nephew. But in case of a sponsor other than own parents the judgement criteria swings on the basis of other responsibilities of the sponsor. For example, whether the sponsor has children whose future financial expenses are well planned and whether the sponsor has any ulterior intention in sponsoring the individual. The Australian High Commission has handcuffed the peripheral of the sponsors by various categories as per relation and level of academic intentions. The age of the prospective student is not usually a negative reason to the entry clearance officer as developed countries do appreciate academic pursuits by any individual as long as he/she can justify the true reasons of that pursuit. The sponsor is expected to have a solid constant earning source and he is not expected to spend that amount of money for future economic security. The The main reason is economic. prospective student will also have future for his post-academic life upon return to Bangladesh. It is applauding if the student can establish that there are innumerable job vacancies in the market for a person with the targeted aca-

demic/professional qualification.

medical expenses are an issue for

student is expected to establish

that he/she has taken relevant



student can do the relevant research on the web by searching into some of the following links to know more about related Immigration rules:

- Department of Immigration and Citizenship, Australia www.immi.gov.au;
- ·UK Border Agency www.ind.homeoffice.gov.uk; USIS www.uscis.gov
- · Canada Immigration Service www.canadaimmigrationservice
- Immigration Bureau of Japan www.immi-moj.go.jp/ english/index.html

 ICA Singapore www.ica.gov.sg It must be mentioned that the entry clearance officers in Bangladesh or any representative officer in any of the offices cannot work whimsically with regard to refusing the visas. It is often misunderstood that the visa processing centres or certain countries are the final authorities to issue or refuse visas and with this excuse there have been a number of cases where the prospective visa applicant was subjected to unexpected harsh behaviour. Any justifiable complain against any staff of the charge on tax payers. It becomes a NHS (National Health Service) embassy is treated very efficiently Government to deport a failed the foreign student. A prospective ities. The visa applicant can easily

get informed about the complaint procedure from various websites including the embassy websites and from the Immigration and Home Ministry websites of the relevant countries.

The prospective student can and should take assistance from the intended academic institutions with regard to accommodation and even with regard to being picked up from the airport.

### After arrival issues

The student should take registered taxis only and it is usually yellow coloured taxis for USA and Australia and Black Cabs for UK. Even though these registered taxis are more expensive than other cab services, they are far safer than other non-registered ones. It will not be wise to rely on relatives and friends immensely with regard to accommodation, part-time jobs and other issues, as lives in the developed countries are comparatively much busier than we often can imagine. A student should get registered with a GP (General Practitioner) or a Doctor at the earliest opportunity and should try to open a bank account. But owing to international money laundering plete; transferring to working H financial burden even for foreign provides for free health service for and quickly by the superior author- rules, now-a-days banks in Europe are far stricter than they used to be

and a letter from a college and a proof of address in the form of a utility bill are often primary requirements to open an account. Australia and USA are still more flexible in this area but banking rules will require a Social Security Number which can be obtained by producing passport and visa to the nearest Town Hall in USA. UK issues National Insurance number to student which is a must even to get a part-time job. The local Council Office should assist with

Student in UK and Ireland are not expected to rely on own earnings in any way if he/she really intends to finish the education as the Immigration raids are very common in those countries now and a student without real progress in academic area may become subject to deportation. It is true that Australia has much more flexible immigration rules for students and they can apply for residence upon completing their education in certain areas. A student from Bangladesh may be subjected to reporting obligations at times to immigration authorities in USA but once education is comcategory visa is not that difficult.

There are innumerable colleges

and academic institutions around the world who are not up to the expected level and the Immigration Authorities do not recognise them and it is advisable to check their validity with the relevant Government authorities and with the colleges directly as well. Any payment made to the agent can also be verified with the college administration abroad as well. DFES (www.standards.dfes.gov.uk) are

an academic institution in UK. If a student decides to become permanent in Australia, the Immigration authorities are far more welcoming than many other developed countries. There are a number of lawyers are practising in UK, USA, Canada and Australia and they can help with immigration rules and applications as well.

the authority to check the status of

A student must be aware that it is not easy for a student to change from one course to the other simply on the ground that the initially intended course of study is harden or more expensive and he is not expected to work far from his academic institution. It must also be remembered that there have grown mushroom like colleges in many of these developed countries which are apparently run by very efficient people but in reality the institutions are being run by invisible corrupt operatives at times which may jeopardise a student's academic life and even extension of visa whilst abroad.

I believe that if a student is going to get admitted in an external college in the foreign land rather than as an internal student, he/she should consider our local wellestablished academic institutions who are working as the external colleges of those foreign universities. The academic backgrounds of the actual professors of the foreign academics should be checked and it is a legal right of the prospective

It must be remembered by all students at large that we hail from a developing country and it is expected, desired and advisable to return to this motherland upon completion of their studies and to take part in its further development as we who have migrated abroad often feel a migrant is nothing more than a teardrop for our mother Bangladesh.

The writer is CEO, Law Offices of Islam and

## AW amusements

## California (US) Laws

Persons may not sleep on a road Citation: 130.02 Sleeping in public

It shall be unlawful and an infraction for any person to lie or sleep on any sidewalk, street, alley, or other public place in the city.

### One must seek written permission from the Director of Public Works before playing baseball in a city park Citation: 93.55 Baseball playing.

It shall be unlawful to throw or hit or knock any baseball with a ball bat or any other instrument or engage in or play the game of baseball in any other manner on any city park or playground without first obtaining written permission to do so from the Director of Public Works. The Director of Public Works is hereby authorized and empowered to specify the conditions under which the game of baseball may be engaged in or played at any city park or playground. For the purposes of this section, the term?baseball?shall mean any ball having a circumference of less than 11? inches or a weight of less than six ounces and which is commonly used in the game known as baseball.

### Elementary schools may not host poker tournaments

Citation: Section 8-121. Gambling on or about school property.

No person shall play, participate in, or bet for or against any game not mentioned in Section 330 or 330a of the Penal Code of the State of California, in any public place or in any place exposed to the public view located within three hundred feet of any school if said game is played, conducted, dealt, or carried on with cards, dice, or other device, for money, checks, chips, credits, or any other thing which has or represents value.

#### It is illegal to sell gasoline to a drunken person Citation: Section 8-124. Sale of Gasoline to intoxicated person.

No person shall sell, loan, give or deliver gasoline to any person under the influence of intoxicating liquor.

### Permanent markers may not be sold in the city limits Citation: Section 8-133.2. Display of aerosol spray paint containers and

It shall be unlawful for any person, firm, or corporation doing business within the City of Fresno to store, stock, keep or display for sale or transfer any aerosol spray paint container, or any indelible ink marker pen with a tip exceeding four millimetres in width, in an area other than a place that is locked and secure or is otherwise made unavailable to the public and which is accessible only to employees of such businesses.

#### No one may annoy a lizard in a city park Citation: Section 8-410, Distributing animals in parks.

No person shall hunt, pursue, annoy, throw stones or missiles at, or molest or disturb in any way, any animal, bird or reptile within the confines of any park.

#### One may not take his dog on an elevator with him Citation: 6.08.030 Restrictions-Public elevators.

No person owning or having charge, care, custody or control of any dog shall cause or allow it to go or be taken into any elevator in any office building, retail store or public building. This section shall not apply to dogs being used by the blind

#### A person must be 18 years old to buy a wax container Citation: 8.40.010 Findings

The council finds that:

marker pens.

A. Large numbers of paraffin or wax containers are being discarded on the sidewalks of the city by children. Such containers, when discarded, become soft from the warmth of the sun and create a waxy, oily, greasy, slippery, dangerous and unsightly condition. The condition is aggravated because the contents of the containers attract large numbers of noxious flies.

B. The discarded wax containers constitute a hazard to pedestrians and-

pery condition resulting on the sidewalks. Several persons have fallen because of that condition. Such containers are a hazard to the health of the city because of the number of flies attracted to them. C. Because of the hazard to pedestrians and the hazard to health and

make the sidewalks unsafe for foot travel because of the greasy and slip-

safety, the presence of the containers is a public nuisance.

D. This public nuisance can best be abated by prohibiting the retail sale, gift or transfer of the containers to any person under the age of eighteen years in the city.

Source: www.crazy-laws.com

## LAW week

## RTI given go-ahead

The council of advisers gave final approval to the much-awaited Right to Information (RTI) Ordinance 2008 aimed at ensuring people's right to information.

New posts will be created in most of the government offices and nongovernment organisations (NGOs). Officials holding those posts will provide people with the information they seek within 20 days of receipt of applications from them, says the ordinance. But in cases of issues concerning a person's life and death, arrest and release from jail, the officials will have to provide primary information within 24 hours, it says.

The widely-debated law ensures people's right to information from organisations run with public money, and the NGOs using foreign funds, Information Secretary Jamil Osman, who placed the proposal before the council of advisers, told The Daily Star. The law covers government offices down to upazila level. - The Daily Star, September 21, 2008.

## RPO of contention

The Representation of the People Ordinance promulgated on August 19 has already become the centre point of a debate about how the parties should behave themselves in elections and how they should reform themselves for fair polls. As the political parties are widely divided on changes to the RPO, it is worthwhile to take a look at the basic changes the new rules. Following are the highlights of the amendments for the readers to understand how relevant the rules are and what their aim is:

Registration of political parties with the Election Commission is made compulsory and a ban is slapped on having front organisations and overseas units of political parties.

Loan defaulters and war criminals, declared by a local or international court, are made ineligible to run in elections. An option to cast no-vote is given to voters and if 50 percent of votes are no-votes then the constituency will have re-election. - The Daily Star, September 22, 2008.

## HC stay on re-demarcation of constituencies throws the spanner

The Election Commission (EC) finds itself in a tight corner in gearing up for the December 18 poll as two of its vital tasks -- preparing the constituency wise electoral rolls and finalising the list of polling stations -- remain suspended because of a High Court (HC) stay on recent re-demarcation of the constituencies.

The stay order will expire on November 6 while the EC must announce the detailed poll schedule in early November in order to allow a required gap of 42 to 45 days between the polling date and the date of announcing the detailed schedule. And constituency wise voter lists are required before announcing the detailed poll schedule.

EC officials said at least a week will be needed to have the constituency wise voter lists ready, which must be available at the offices of returning officers for prospective candidates, as soon as the detailed poll schedule is announced. -The Daily Star, September 22, 2008.

## Dear reader,

You may send us your daily life legal problems including family, financial, land or any other issues. Legal experts will answer those. Please send your mails, queries, and opinions to: Law Desk, The Daily Star, 19 Karwan Bazar, Dhaka-1215; telephone: 8124944,8124955, fax 8125155; email:dslawdesk@yahoo.co.uk, lawdesk@thedailystar.net

### EU pledges continued help in climate changestrategy

The European Commission (EC) will continue its support for the Bangladesh government's Climate Change Strategy and Action Plan through substantial contribution to various programmes, Ambassador and Head of Delegation of the EC to Bangladesh Dr Stefan Frowein said.

A huge fund is required for mitigation and adaptation projects, said Stefan while speaking as the chief guest at a workshop on 'Climate' Change: Facing the Challenge Together,' organised by Institute of Media and Communication Studies at the Chhayanaut Seminar Hall in the capital. The challenges of climate change should be faced with combined efforts by all, he said. Stefan said Bangladesh would be one of the worst sufferers of the impacts of climate change though it is not responsible for emitting greenhouse gas according to the forecasts of Intergovernmental Panel on Climate Change (IPCC). - The Daily Star, September 23, 2008.

## 2 new PS start functioning in city today

Two more police stations under Dhaka Metropolitan Police (DMP) start functioning. With the new ones, Darus Salam Police Station and Kadamtoli Police Station, the number of police stations under DMP will rise to 35. Darus Salam Police Station has been set up taking some areas from Mirpur Police Station while Kadamtoli Police Station from Shyampur Police Station. Inspector General of Police Nur Mohammad will formally inaugurate the two police stations. - The Daily Star, September 23, 2008.

## 36 Bangladeshis held in Delhi

Thirty-six Bangladeshi nationals, including women and children, were arrested in the national capital for residing here without valid documents, police said.

The illegal immigrants were taken into custody from Kalyanpuri in east Delhi during checking in the area on Sunday, Deputy Commissioner of Police (East) Ajay Choudhury said. Among the arrested, ten are women and 11 are children. Police has intensified its drive to flush out illegal immigrants in the wake of serial blasts in the national capital on September 13 which claimed 24 lives. - The Daily Star, September 23, 2008.

## Digitisation must for land reforms

A high-powered government taskforce is going to recommend digitisation of the country's entire land records and turning district administration offices into monitoring bodies from its present role of service provider to ensure transparency and reduce corruption.

Led by former adviser to a caretaker government Abdul Muyeed Chowdhury, the five-member taskforce said a commission should be formed comprised of government and non-government experts to spearhead modernisation of records and land registration system.

The proposal notes that the entire reform is possible with the present strength of the government and using local resources without having to take foreign consultancy. - The Daily Star, September 24, 2008.

### ACC sits on \$7.5m money laundering evidence A Korean citizen claims that an Anti-Corruption Commission (ACC) official

has stopped proceedings of filing a case regarding laundering of about \$7.5 million although National Coordination Committee (NCC) to combat serious crime and corruption has evidence. Ok-Kyung Oh in a press conference at Jatiya Press Club said a

South Korea by her former husband Bo- Sun Park, chairman of TaeHung Packaging (BD) Ltd, and forwarded the matter to ACC for further action. She alleged ACC did not make any probe into the matter for mysterious reasons except changing the enquiry officer three times. - The Daily Star, September 25, 2008.

taskforce team this year found evidence of laundering the amount to

## Minews

## INTERNATIONAL DAY OF PEACE UN spotlights link between human rights and peace

EAMING up with a range of actors, from artists and students, to cell phone companies and chess enthusiasts, the United Nations is celebrating the International Day of Peace (September 21) which this year holds special meaning since 2008 also marks the 60th anniversary of the adoption of the Universal Declaration of Human Rights.

"We know that human rights are essential to peace," Secretary-General Ban Ki-moon said in his message to mark the Day, which is observed every year on 21 September.

"Yet too many people around the world still have their rights violated especially during and after armed conflict. That is why we must ensure that the rights in the Declaration are a living reality that they are known, understood and

enjoyed by everyone, everywhere," he stated. Mr. Ban kicked off this year's celebration of the Day at the traditional peace bell ringing ceremony in New York on Friday, joined by four UN Messengers of Peace. During the event, the Secretary-General sent a text message for peace, as part of a UN campaign that urged cell phone users to compose peace messages to be published on a website and delivered to world lead-

ers gathered for the General Assembly this week. Assembly President Miguel D'Escoto Brockmann, in his message, said it is fitting that the Day closely coincides with the opening of the body's new session each September. "This is when representatives of the 192 Member States gather to renew their commitment to work together in the quest for world peace, the eradication of poverty and to pursue the progressive advancement of human rights," he stated.

"We must never delude ourselves, or let others pretend, that peace is merely the absence of war or some exalted state of impassivity," he added. " World peace will only be achieved through active resistance to all that negates and diminishes human dignity, and waging peace, is therefore, eminently political and oftentimes provocative."

Noting that this year also marks the 60th anniversary of UN peacekeepers, Mr. D'Escoto urged support for the Organization's efforts to bring calm to conflict-ridden areas and for the over 100,000 soldiers, police and civilians deployed worldwide to keep the peace, prevent conflicts, and safeguard fragile peace processes.

The UN's peace operations around the globe

are also commemorating the Day with various

activities. For example, children in Naqoura

the walls of the headquarters of the UN Interim Force in Lebanon (UNIFIL). In Juba, the UN Mission in Sudan (UNMIS)

and its partners are celebrating the Day a photo exhibition entitled "Images of Peace," focusing on similarities and differences in the cultures of Southern Sudan and aiming to foster better community dialogue and understanding.

Meanwhile, communities across Afghanistan are marking the day with sports events, marches and gatherings, all part of what the UN mission there known as UNAMA has described as an "unprecedented" campaign in the run up to the Day. In addition to the many events, teams of health workers fanned out across the country in the most ambitious Peace Source: UN News Centre.



were invited to paint their visions of peace on Day polio vaccination effort to date, aiming to reach 1.8 million children.

Other UN-organized activities taking place around the world include a peace walk in Accra, an observance in cooperation with Chulalongkorn University in Bangkok, a peace bell ceremony in Mexico City, and a traditional UN Cup Chess Festival entitled "sports for peace" in the Armenian capital,

Yerevan. In addition, 60 students from Belgrade, Ljubljana, Podgorica, Sarajevo, Skopje, and Zagreb are gathered together in the Austrian capital for a forum entitled "Uniting for Peace," organized by the UN Information Service (UNIS) and the City of Vienna.