

Committee Secretary
Department of the Senate
PO Box 6100
Canberra ACT 2600

30 July 2020

Dear Committee Chair,

On behalf of AMES Australia and its Board, I welcome the opportunity to make a submission to the Select Committee on Temporary Migration. Our submission is based on AMES Australia's long history of providing settlement services, English language, education and employment services to migrants and refugees—including temporary entrants.

A primary example of our experience with temporary migrants is the AMES Skilled Migration Service (SMS), which provides immigration advice assistance to temporary visa holders. In addition, the AMES Skilled Professional Migrants Program (SPMP) helps temporary and permanent skilled visa holders prepare for employment and find jobs commensurate with their skills, experience and aspirations. Since 2008, SPMP has helped 1,394 participants find work that aligns with their field of education and skill levels, with an overall success rate of 70% gaining appropriate employment. AMES Australia's accredited and non-accredited training courses also cater to a range of temporary visa holders, including humanitarian entrants on Bridging, Temporary Protection and Safe Haven Enterprise Visas.

We see several key issues relevant to the Committee's Terms of Reference that impact on people who temporarily reside in Australia—particularly international students, graduates, and temporary humanitarian entrants:

- inconsistent eligibility for government services across temporary visa classes, including limited availability of key services in regional destinations;
- underutilisation of temporary migrants' skills and experience in the labour market, with associated occupational de-skilling over time and significant loss to the Australian economy; and
- increasingly limited and complex pathways to permanent residency, with many temporary migrants facing long periods of uncertainty and financial insecurity.

We are concerned that these factors are constraining rights and opportunities for a large and growing¹ number of people who live, work and study in Australia, who contribute through

¹ From December 2011 to December 2019, Australia saw an increase in temporary migrants of 47.7 per cent (from 1,646,400 to 2,432,682 temporary visa holders). Department of Home Affairs (2020). [Temporary visa holders in Australia](#). The Australian Government, April 30.

taxation and participating in communities over long periods of time. In light of recent national crises such as widespread bushfires and the COVID-19 outbreak, we believe that persistent socioeconomic inequalities between temporary and permanent residents threatens the resilience of the Australian labour market and society at large.

Sincerely,

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Temporary migration and the Australian economy

Temporary immigration has grown significantly over the last 20 years, and while the COVID-19 crisis has temporarily halted international travel, there are no long-term policy signals or trends that indicate that the temporary immigration to Australia will slow down. At the end of 2019, there were nearly 2.5 million temporary visa holders in Australia. Our ‘army of international students’ numbered nearly half a million,² accompanied by large numbers of bridging visa holders (216,141) and a growing number of temporary protection visa holders (16,509).³

Temporary migrants make significant contributions to the Australian economy. Modelling published by the Migration Council Australia in 2015 showed that people who initially enter the country on a student visa make the largest long-term per capita contribution to GDP — estimated at a premium of nearly 30% (skilled temporary workers followed closely behind).⁴ In 2016, the Productivity Commission estimated that net flows of international students, working holiday makers and temporary graduates represented around half of the growth in Australia’s youth labour force.⁵ More recently, analysis by the Committee for Economic Development shows that temporary skilled entrants have the lowest unemployment rates of all migrants (below the Australian average), and that nearly half of temporary skilled migrants earn above \$78,000 per annum (above the national average full-time wage).⁶

Many temporary entrants will eventually become permanent residents. While studying or working in Australia, temporary migrants often try to ‘put down roots’ to create future possibilities for themselves and their families.⁷ Temporary migrants contributed 71% of the growth in net migration in 2016-17, and 45% of all population growth in that year.⁸ And in 2018-19, former temporary entrants who were granted a permanent visa onshore made up over half (54%) of all additions to Australia’s population—outpacing ‘settler’ arrivals.⁹

‘Not quite Australian?’

As a key driver of labour force renewal and the engine room of tertiary education, temporary immigration has become central to the Australian economy. However, current policy settings

² S. Wright (2019). ‘Australia home to one of the world’s biggest temporary migrant workforces’. *Sydney Morning Herald*, September 18.

³ Department of Home Affairs (2019). *Temporary visa holders in Australia*. <https://data.gov.au/data/dataset/ab245863-4dea-4661-a334-71ee15937130> (accessed 24 March 2020).

⁴ Migration Council Australia and Independent Economics (2015). *The Economic Impact of Migration*. Migration Council Australia.

⁵ Productivity Commission (2016). *Migrant intake into Australia*. Inquiry Report No. 77, Commonwealth of Australia.

⁶ CEDA (2019). *Effects of temporary migration: Shaping Australia’s society and economy*. Committee for Economic Development of Australia.

⁷ R. Roberts (2019). ‘His visa is made of rubber’: tactics, risk and temporary moorings under conditions of multi-stage migration to Australia’. *Social & Cultural Geography*. <https://doi.org/10.1080/14649365.2019.1584826> (accessed 24 March 2020).

⁸ CEDA (2019).

⁹ Department of Home Affairs (2020). *Permanent additions to Australia’s resident population*. Australian Government. <https://data.gov.au/data/dataset/permanent-additions-to-australia-s-resident-population> (accessed 24 March 2020).

may be encouraging temporary migrants to question their connection to Australia and its institutions.¹⁰ Moreover, inequalities between temporary and permanent residents risk creating or indeed perpetuating a ‘new underclass’ of people who live, work, pay taxes and study in Australia, but with few of the rights and entitlements that other citizens enjoy.¹¹

Gaps in government policy settings during COVID-19

The COVID-19 virus pandemic and the associated lockdowns has had a profound impact on the Australian economy. The unemployment rate has risen from 5.2 per cent in March to 7.4 per cent in June¹², the highest unemployment rate in Australia in two decades.¹³ In March, the Australian government introduced new welfare packages to keep Australians in jobs and to support those who have lost employment due to the pandemic.

The new welfare packages introduced in March to a large extent exclude temporary visa holders.

- The JobKeeper payment, a temporary subsidy which can be accessed by Australian businesses impacted by coronavirus is only available to employees who are Australian citizens, permanent residents and New Zealand residents. This adversely impacts businesses employing sponsored workers to fill skills shortages, international students and graduate visa holders.
- The JobSeeker payment provided through Centrelink also excludes a large cohort of temporary visa holders (most Bridging visa, Student Visa, Working Holiday Maker Visa, Pacific and Seasonal Workers, Temporary graduate Visa and temporary skilled visa holders).

While Australian Red Cross has received federal government funding to provide emergency relief to temporary visa holders, they can only offer one off payments and is currently experiencing high demand resulting in long wait lists. State governments have also introduced relief packages to assist international students but many temporary visa holders facing financial hardship still have limited access to financial support due to strict eligibility criteria.

AMES Australia continues to receive many requests for financial support from temporary visa holders who are unable to access necessities. Many are wanting to return home but unable to do so due to travel restrictions and unavailability or unaffordability of flights. Having lost their jobs, many of them are completely running out of savings in Australia. Often, their families overseas do not have the financial capacity to help them and many do not tell their family for fear of inflicting further financial stress. Due to limited social support networks in Australia, many temporary visa holders are largely reliant on food vouchers, free meals and financial support provided by charities and service providers. This is a very temporary and piecemeal solution to a much broader issue impacting temporary migrants who are studying, working or visiting Australia. The social inequality is also likely to lead to increased incidences of exploitation of these temporary visa holders still in employment.

¹⁰ P. Mares (2016). ‘How temporary migration is changing Australia—and the world’. *The Conversation*, August 12.

¹¹ S. Martin (2020). “New underclass’: Labor warns on Australia’s reliance on short-term migration’. *The Guardian*, January 30.

¹² Australian Bureau of Statistics (2020). [6202.0 - Labour Force, Australia, Jun 2020](#). 16 July 2020

¹³ A snapshot in time: The Australian Labour Market and Covid 19, National Skills Commission 2020

Temporary visa holders continue to play an important role in the Australian labour market, especially in industries with a large reliance on temporary employees, such as hospitality, agriculture and health and aged care services. As it is likely that temporary migration will remain limited for a prolonged period due to COVID-19, policy should focus on retaining temporary visa holders currently in Australia and providing them accessible pathways for permanent residency and supporting them into employment.

Prolonged uncertainty and insecurity

Student and graduate visa holders, for example, face long-term and multi-staged pathways, involving lengthy processing periods with the Department of Home Affairs.¹⁴ People on bridging visas also typically find themselves in migration 'limbo' as they wait for long periods of time for an outcome on a substantive visa application.¹⁵

AMES client story:

A student visa holder completed a Diploma and master's qualifications in Australia. As he was unable to achieve the English language results for a post study visa, he applied for a third student visa in Australia, which was refused on the basis that he was not a genuine temporary entrant. It was appealed and was pending allocation for a hearing at the Administrative Appeals Tribunal for close to two years. His wife who is a Developer / Programmer has achieved superior English, has significant work experience overseas and in Australia but has been unable to gain the required points to secure an invitation for a skilled or regional visa. They have now spent close to six years in Australia, and their daughter was born and raised in Australia. They have spent a substantial amount of money on different courses, visa applications, for multiple English language tests, and other options that enhance their points for permanent residency.

During the six years, the main applicant could only secure work as a labourer, and if their appeal is refused and they return to their home country, he will struggle to re-enter the labour market in his field. They are extremely stressed and worried especially for the future of their daughter.

This situation has deleterious effects. During periods of prolonged uncertainty, temporary migrants can experience fractured family relationships, declining mental health, and difficulties establishing a sense of belonging and integrating into the Australian community.¹⁶ In some cases, the dependency of spouses on their partners for visa status in Australia creates enhanced risks of family violence.¹⁷

¹⁴ S. Robertson & M. Boese (2015). 'Temporary migrants are people, not 'labour''. *The Conversation*, September 4.

¹⁵ S. Robertson & H. Sherrell (2019). 'Most migrants on bridging visas aren't 'scammers', they're well within their rights'. *The Conversation*, August 7.

¹⁶ M. Boese & M. Phillips (2017). 'Half of Myself Belongs to this Town': Conditional Belongings of Temporary Migrants in Regional Australia'. *Migration, Mobility & Displacement*, 3(1), 51-69.

¹⁷ M. Segrave (2018). 'Temporary migration and family violence: The borders of coercive control'. In K. Fitz-Gibbon (et al.) (eds). *Intimate Partner Violence, Risk and Security: Securing Women's Lives in a Global World*. Routledge, 126-141.

Occupational de-skilling

Many temporary visa holders face significant barriers when seeking employment, including a lack of understanding among Australian employers about temporary visa conditions. As a result, many otherwise skilled migrants are pushed into lower-skilled, casual and precarious jobs in retail, hospitality, food manufacturing or construction sectors, which leads to rapid de-skilling over time and a reduction in professional career prospects. For those temporary entrants who are incentivised to move to regional areas, there is also an emerging disconnect between their fields of study or expertise and available jobs in these destinations.

AMES client story:

Statement from a participant in the AMES Australia research on “The Experience of Skilled Professional Migrants”:

“I’ve been in Australia for four years now. I first came here to do my Masters in Engineering Management but because I was on a student visa there were certain things I couldn’t take part in upon graduating. I only got my permanent residency in January 2018, so I am currently working in childcare industry and trying to break into my profession. Because I hadn’t had a job in my profession for a while, I think I find myself relying more on development side through volunteering organisations and through requests from friends...”¹⁸

Breaches of workplace rights and conditions

Temporary migrant workers face a higher risk of exploitation than other workers, compromising the integrity of temporary immigration and seasonal worker programs.¹⁹

AMES client story:

A primary visa holder who was employed as a Chef was not paid superannuation for close to two years. He did not want to lodge a formal complaint while he was employed, as he thought his employer would cancel his employer sponsored visa. While he later changed jobs, he was still too scared to report the employer to the Fair Work Ombudsman due to his status as a temporary visa holder. He feared that it may impact his permanent residency application at a later stage.

Holding a temporary visa can influence the social ‘status’ of migrants in regional areas, which can leave them marginalised. For example, unskilled labourers depend on seasonal work to satisfy visa requirements.

In order to be eligible for permanent residency under the new Skilled Work Regional (subclass 491) visa, the visa holder is required to live in a designated regional area and earn a minimum taxable income of \$53,900 per annum for three years. Finding employment in regional area that attracts this salary can be challenging for many temporary migrants. Especially international students with limited Australian work experience and networks in Australia. This

¹⁸ The Experience of Skilled Professional Migrants, July 2019, AMES Australia

¹⁹ Productivity Commission (2016).

could potentially lead to temporary visa holders having to work multiple jobs to meet the minimum income threshold criteria, increasing their vulnerability to exploitation by employers.

Humanitarian entrants on temporary and bridging visas

In 2014, a Maritime Powers Legislation Amendment Bill²⁰ introduced the Safe Haven Enterprise Visa (SHEV) and re-introduced Temporary Protection visas (TPVs). These two visas are available to onshore asylum applicants recognised as refugees or who otherwise satisfy Australia's humanitarian protection obligations but who arrived in Australia without a valid visa or were refused immigration clearance at the border.^{21 22} TPVs and SHEVs are part of the Government's strategy to process a backlog of people seeking asylum (termed the 'legacy caseload') who arrived by boat between 13 August 2012 and 1 January 2014.²³

These visas are valid for three (TPV) and five (SHEV) years after which time the visa holder has to have their claims reassessed. The temporary nature of these protection visas and the re-assessment every 3 to 5 years creates a significant risk of serious and ongoing mental health issues and anxiety of having to return to a country where the visa holders fear persecution.

SHEV holders are incentivised to work or participate in full-time study in a regional area for at least three and a half years out of the five years. If achieved, SHEV refugees are provisionally eligible to apply for other visas, however not a permanent protection visa. Those migrants considering moving to regional areas need quality information and advice about available housing and job opportunities. While SHEV and TPV holders have access to additional entitlements compared to Bridging Visa holders, they are not eligible for settlement support offered to those on permanent protection visas. Given these limitations, they face challenges obtaining paid work, developing English language skills, participating in education and integrating into regional communities.

Research recently conducted by AMES shows that SHEV refugees who have relocated are generally moving to regional areas with high levels of unemployment and disadvantage. AMES believes this reflects inadequate access to information or advice about relocation opportunities. Without settlement support, SHEV holders are more dependent on community sources of information which is often provided through social workers, teachers or volunteers working in Learn Local Organisations and Neighbourhood Houses. Temporary closures of community centres during the COVID-19 pandemic have also highlighted how SHEV refugees can quickly become isolated in regions if they do not have established links into mainstream communities.

²⁰ https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r5346

²¹ DHA (2020). [Subclass 790 Safe Haven Enterprise Visa](#). Australian Government: Department of Home Affairs, July 8 2020.

²² DHA (2020). [Subclass 785 Temporary Protection Visa](#). Australian Government: Department of Home Affairs, July 8, 2020.

²³ RCOA (2018), *Submission on regional development and decentralisation*. Refugee Council of Australia, 2018.

Recommendations

In summary, AMES Australia recommends that the Select Committee on Temporary Migration considers the following recommendations:

1. Continue to invest in support for temporary visa holders currently in Australia and provide them with accessible pathways for permanent residency.
2. Provide accessible pathways to permanent residency for temporary visa holders who are willing to settle in regional Australia and provide them with settlement and employment support.
3. Fund community legal support such as immigration support, advice and assistance.
4. Introduce greater protections for vulnerable temporary visa holders such as secondary visa holders who may be facing domestic violence.
5. Reduce prolonged wait times for temporary skilled visa holders transitioning from temporary to permanent residency. Permanent residency should be attainable for temporary workers and their dependents.
6. Reduce processing periods for Partner visas e.g. partner visas lodged in Australia currently has a processing time period of 19 –25 months.
7. Educate and create awareness among Australian employers and businesses on work rights of temporary visa holders.