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## **Submission to A Migration System for Australia's Future**

Harmony Alliance welcomes the opportunity to inform a comprehensive review of Australia's migration system: A Migration System for Australia's Future.

This submission addresses the current issues and proposed solutions within the current Australian migration system from a gender perspective and with a focus on the impacts on migrant and refugee women's experiences of migration in Australia.

Our submission relates to the following topics:

- Permanent migration
- Temporary migration
- Skilled migration
- Government policy and planning
- Migrant experience in Australia
- International Students

### **About Harmony Alliance**

Harmony Alliance: Migrant and Refugee Women for Change is one of the six National Women's Alliances supported by the Australian Government to promote the views of all Australian women and to ensure their voices are heard in decision-making processes.

Harmony Alliance's purpose is to provide a national inclusive, and informed voice on the multiplicity of issues impacting on experiences and outcomes of migrant and refugee women, and to enable opportunities for women from migrant and refugee backgrounds to directly engage in driving positive change.

The Harmony Alliance membership comprises over 180 organisations and individuals representing and/or working for the advancement and inclusion of migrant and refugee women. We acknowledge the diversity of experiences of women from migrant and refugee backgrounds and recognise the inherent value of each person, of all backgrounds, genders, ages, abilities, social standings, sexual orientations, or religions. We promote the principles of dignity, equality, autonomy, non-discrimination, and mutual respect.

### **Applying a Gender Lens**

Gender shapes the migration trends and the individual's experience of migration to Australia. Gender also determines access to education and work which has a significant impact on migration pathways and experiences. Despite gender being an important factor, Australian



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migration policies, laws and system have failed to incorporate a gender perspective and have overlooked their impact on migrant and refugee women's experiences.<sup>1</sup>

It is necessary to consider in which way some policies have a gendered impact and how this can exacerbate systemic disadvantages. In 2021-2022, 63.4% of the total Migration Program outcomes were Skill stream places.<sup>2</sup> The majority of primary applicants on temporary skilled visas are young males.<sup>3</sup> Despite the program is designed to be a gender-neutral policy, it does have an accumulative disadvantage effect for migrant and refugee women's migration experiences. This visa stream holds important implications that many migrant and refugee women might not be able to attain. Migrant and refugee women will take time out from work for child and other caring responsibilities, which limits their career development and experience. At the same time, access to work, English language, and education – especially tertiary education – is limited to migrant and refugee women who, for a range of reasons such as caring gender roles and economic circumstances, might not be able to access this visa stream. Migrant and refugee women who access the Skilled stream are also more likely to be over-represented in precarious industries, such the care sector.

The gendered impact of migration policies and systems manifests during different stages of the migration journey. Often, the distribution of resources amongst a family or couple is uneven and most of the family resources go towards the male partner and sometimes children. This is because after migrating to a new country, resources are scarce, and men are more likely to gain employment and skills recognition.

Women also face greater risks when migrating. Migrant and refugee women are in many cases secondary applicants which means their migration depends on the primary applicant which is often a male applicant. Australian migration law recognises this dependency and the impact of domestic and family violence on dependent visa-holders. The Family Violence Provisions (FVP) offers support and protection with the possibility of permanent residency, if the family and domestic violence has been the cause of the end of the relationship. To access FVP, applicants also must prove that the relationship was genuine, and that the domestic and family violence happened before ending the relationship. While the language used in the FVP is gendered neutral, it is important to highlight that research suggests that the main applicants are migrant and refugee women.<sup>4</sup>

Despite the FVP being a good step forward to support the dependency of migrant and refugee women suffering family and domestic violence, the scope of the FVP only applies to a small cohort of women on temporary visas and is mainly available to partner visas holders.

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<sup>1</sup> Boucher Ann, "Skill, Migration and Gender in Australia and Canada: The Case of Gender-Based Analysis," *Australian Journal of Political Science* 42 (September 2007): 383–401.

<sup>2</sup> "2021 – 22 Migration Program Report Program Year to 30 June 2022" (Department of Home Affairs, 2022).

<sup>3</sup> Coates Brendan, Sherrell Henry, Mackey Will, "Fixing Temporary Skilled Migration. A Better Deal for Australia." (Grattan Institute, March 2022).

<sup>4</sup> Marie Segrave, "Temporary Migration and Family Violence: An Analysis of Victimization, Support and Vulnerability" (Melbourne: School of Social Sciences, Monash University, 2017), <https://www.monash.edu/arts/gender-and-family-violence/research-and-projects/completed-projects/temporary-migration-and-family-violence>.



## Temporary migration and work exploitation

Australia's labour force has heavily relied on temporary migration. The total number of temporary visa holders in Australia is currently 2,209,907<sup>5</sup> and do comprise a large share of workers in some industries. Despite efforts to cover skill shortages through Skill migration and its benefits, only less than 1% of the labour force is made up of temporary skilled workers.<sup>6</sup> Some of the reasons for this can be the cost and difficulty of sponsorship, the long waiting periods to process applications, the composition of skilled occupation lists and the inability of the program to deliver longer-term skills that respond to structural changes in the labour market.

Changing migration policies to address long-term needs instead of short-term interests of some industries could be key to a fairer and more attractive migration system allowing talent retention, economy growth and ending work exploitation.

Temporary migrants bring uncountable benefits to Australia's economy and society; however, migration policies have treated this cohort as a complement rather than a substantial part of Australia's economy and society.

Exploitation of migrants and refugee workers is a long-known issue within Australian migration system. Work exploitation can range from wage and time theft, unsafe workplace conditions, not having an employment contract, having to pay a fee for your job, have to give back part of your salary, threats or bullying. Although all migrants and refugees are at risk of work exploitation and sexual harassment in the workplace, concerns over exploitation of temporary visa holders and migrant and refugee women are growing.

A recent survey of 7,000 in-language job advertisements conducted by Unions NSW found that 60% were offering salaries below the minimum wage and industries that attract a high number of temporary visa holders – retail, cleaning, transport, building, construction, hospitality, hair and beauty and horticulture – were the worst represented.<sup>7</sup> Similarly, the Migrant Justice Institute conducted two surveys in 2016 and 2019 of more than 8,000 international students, Working Holiday Makers, skilled 457-visa holders and other temporary visa holders showing they are consistently underpaid.<sup>8 9</sup>

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<sup>5</sup> "Temporary visa holders pivot table at 31 October 2022." Department of Home Affairs, accessed November 13, 2022, <https://data.gov.au/data/dataset/temporary-entrants-visa-holders>

<sup>6</sup> Coates Brendan, Sherrell Henry, Mackey Will, "Fixing Temporary Skilled Migration. A Better Deal for Australia." (Grattan Institute, March 2022).

<sup>7</sup> Roe Isobel, "Unions NSW Survey of 7,000 Foreign Language Job Ads Finds More than Half Offer Illegal Rates of Pay," *ABC News*, December 5, 2022, Online edition, <https://www.abc.net.au/news/2022-12-05/unions-nsw-foreign-language-job-ads-survey-most-spruik-low-pay/101730106>.

<sup>8</sup> Berg Laurie, Farbenblum Bassina, "Wage Theft in Australia. Findings of the National Temporary Migrant Work Survey." (Migrant Worker Justice Initiative, UNSW Sydney, University of Technology Sydney, November 2017), [https://static1.squarespace.com/static/593f6d9fe4fcb5c458624206/t/5a11ff31ec212df525ad231d/1511128887089/Wage+theft+in+Australia+Report\\_final\\_web.pdf](https://static1.squarespace.com/static/593f6d9fe4fcb5c458624206/t/5a11ff31ec212df525ad231d/1511128887089/Wage+theft+in+Australia+Report_final_web.pdf).

<sup>9</sup> Farbenblum Bassina, Berg Laurie, "International Student and Wage Theft in Australia." (Migrant Worker Justice Initiative, UNSW Sydney, University of Technology Sydney, June 2020),



It is clear from the evidence that this is a systemic issue that needs to be urgently addressed. There are some characteristics within the current migration system that enable or facilitate migrant workers exploitation:

- The current migration system is greatly driven by employers' needs and prioritise short-term demand against long-term needs and human capital development.
- The increasing temporary workforce is at mercy of employers. For example, skilled migrant workers sponsored by employers depend on their employment situation and the doing of their employers.<sup>10 11</sup>
- Some visa arrangements and work limitations can force migrant and refugee workers to accept work exploitation and unlawful situations in the workplace.
- Lack of clear mechanisms to report work exploitation and support, fear to lose visa, lack of in-language and accessible information on working rights in Australia and language barriers.

Migrant and refugee women are also at serious risk of other types of abuse such as sexual harassment in the workplace, sex trafficking and modern slavery. Gender and other factors such as visa status, race, workplace and industry are known to increase the likelihood to experience sexual harassment in the workplace.<sup>12</sup> Migrant and refugee worker's experiences, however, have not been yet collected on national research.<sup>13</sup>

Similarly, data available on the prevalence, practices, and the impact of the actions against sex trafficking does not allow sufficient understanding to frame efficient policies and solutions.<sup>14</sup>

## The way to permanency

Temporary migration brings benefits to Australia such as population growth, economic growth and diversity. The increasing number of temporary visa holders, however, brings challenges and opportunities for migration reform.

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<https://static1.squarespace.com/static/593f6d9fe4fcb5c458624206/t/5ef01b321f1bd30702bfcae4/1592793915138/Wage+Theft+and+International+Students+2020.pdf>.

<sup>10</sup> See for example: Colina Carlos, De Los Santos Marcia, "The Peñuela Family Was One Day Away from Deportation, until the 'unimaginable' Happened," *SBS*, December 1, 2022, <https://www.sbs.com.au/language/spanish/en/podcast-episode/the-penuela-family-was-one-day-away-from-deportation-until-the-unimaginable-happened/0oc7v4m1f>.

<sup>11</sup> See for example: Yang Samuel, "Skilled Migrant Workers Speak up about Sponsorship Visa Exploitation and Workplace Sexual Harassment," *ABC News*, September 13, 2022, <https://www.abc.net.au/news/2022-09-13/skilled-migrant-workers-sponsorship-visa-exploitation/101430186>.

<sup>12</sup> See for example: Baird Marian, Cooper Rae, Hill Elizabeth, Probyn Elspeth, Vromen Ariadne, "Women and the Future of Work" (The University of Sydney, 2018).

<sup>13</sup> "Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces" (Australian Human Rights Commission, 2020).

<sup>14</sup> Segrave Marie, Milivojevic Sanja, Pickering Sharon, *Sex Trafficking and Modern Slavery. The Absence of Evidence.*, vol. The second volume of Sex Trafficking: International Context and response. (Routledge, 2017).



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Transitioning from a temporary visa to permanency is not always easy. The known as ‘two-step-migration’ is changing the composition of the Australian migration system. There are growing concerns that people spend greater amount of time on temporary and bridging visas can mean – depending on the type of temporary and bridging visa – uncertainty and vulnerability for longer.

According to the Migrant Worker’s Centre survey in 2021, migrant workers who obtained permanent residency spent an average of five years with a temporary visa and needed three different types of visas in addition to Bridging visas.<sup>15</sup>

Some reasons for this unbalance between permanent and temporary migration are:

- While permanent programs are reviewed and capped every year, temporary programs remained uncapped.
- Pathways to permanency are complex, costly and change frequently.
- Processing delays and under resource of the Department of Home Affairs.

An illustrative example of this is the situation of international students. International students hold valuable skills, Australian qualifications and in many cases Australian experience. Despite this there are no clear pathways for international students to become permanent residents after graduating. In many cases the only option is to obtain permanent residency via the Skill stream.

## Recommendations

- Migration system should embed a gender lens and analysis to enhance equity outcomes and access.
- Clearer pathways to permanency should be established to strengthen the migration program and prevent a ‘permanently temporary’ cohort within the migration program.
- A comprehensive review of the temporary migration program should be undertaken to prevent unbalances and situations of vulnerability.
- Access to justice, compliance and reporting mechanisms should be enhanced to prevent migrant workers’ exploitation.

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<sup>15</sup> “Waiting to Be Seen: Problems of Australia’s Visa Processing Delays” (Melbourne: Migrant Workers Centre, 2022).