



SCANLON
FOUNDATION
**RESEARCH
INSTITUTE**

Committee Secretary
Department of the Senate
P.O.Box 6100
Parliament House
Canberra, ACT 2600

Dear Secretary,

**Re: Scanlon Foundation Research Institute Submission to the Senate Select Committee on
Temporary Migration**

The Scanlon Foundation Research Institute is pleased to make a submission to the Senate Select Committee on Temporary Migration. The inquiry, as set out in the committee's terms of reference, seeks to better understand the impact of temporary migration on many aspects of Australian society and the Australian economy.

The relationship between Australia's immigration policy framework and the lived experience of our society is crucial. Research from the Scanlon Foundation Research Institute shows how different aspects of our lives are impacted by the rules governing how people arrive and settle in Australia.

The connection between the method of immigration and the concept of integration must be at the forefront of consideration by policy makers and governments given the effects it can have. This submission provides analysis of temporary migrants' experiences through the lens of social cohesion, drawing upon several of its recent applied research publications.

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About the Scanlon Foundation Research Institute

The Scanlon Foundation Research Institute is an initiative of the Scanlon Foundation established in 2019. The Institute exists as a bridge between academic insight and public thought, undertaking research to help Australia advance as a welcoming, prosperous and cohesive nation, particularly where this relates to the transition of migrants into Australian society. In doing so, the Institute links thought to action to ensure informed debate drives the agenda, and empowers the critical thinking that will help drive Australia's social cohesion forward. The Scanlon Foundation Research Institute is particularly well known for its Mapping Social Cohesion Report produced in conjunction with Monash University.

Introduction

Australia's multicultural society is one of our strongest national assets. The creation and maintenance of a productive and harmonious society is among the greatest acts of Australian nation-building. While there are serious structural issues to address, there is strong public support for policy makers to continue to promote the multicultural nature of Australian society. Since 2013, more than 80 percent of respondents to the Scanlon-Monash surveys have agreed multiculturalism has been good for Australia. This is an unusually positive response for "any question that deals with a government policy that has been a subject of controversy."¹

While permanent migration has tended to dominate public discourses on immigration policy, there is growing realisation that temporary migration needs to come under closer scrutiny. Yet its dynamics and implications are not well understood. Peter Shergold, Chancellor of the University of Western Sydney and member of the Scanlon Foundation Research Institute research committee, recently noted:

"neither politicians nor the Australian people have any idea of the sheer variety of the kinds of temporary migrants who are present in Australia, or the scale of their numbers, or the size of the policy shift towards temporary migration that has occurred this century."²

Temporary migrants are a large and growing cohort. There are now approximately 2 million people living in Australia on a temporary basis.³ They are students, graduates, working holiday makers, temporary skilled workers and bridging visa holders.

The impact of temporary migration on social cohesion

For the Scanlon Foundation Research Institute, it is important to recognize how temporary migration has the potential to impact Australia's social cohesion. Beyond economic exploitation, there has been

¹ Andrew Markus, "Mapping Social Cohesion 2019: The Scanlon Foundation Surveys Report." (2019) p. 67. Available <https://scanlonfoundation.org.au/current-research> (last accessed 11 March, 2020).

² James Button, "Off the Scale but Out of Sight: The Rise and Rise of Temporary Migration." (2018) Narrative Two, Scanlon Foundation Research Institute, p. 38. Available https://scanloninstitute.org.au/sites/default/files/2020-01/Dec2018_Scanlon-Institute_Narrative-2.pdf (last accessed 11 March 2020).

³ Rosie Lewis, "Temporary Migrant Visas Issued for 2.2 million." *The Australian*, 27 November 2019. Available <https://www.theaustralian.com.au/nation/politics/temporary-migrant-visas-issued-for-22-million/news-story/501420cdbba50c18ffef8dea430e2af6> (last accessed 11 March 2020).

little study of other dimensions of temporary migrants' lives⁴ and the factors that are facilitating (or impeding) the adoption of this group's membership into the population.

As early as 2012 it was flagged that temporary visa applicants are staying longer.⁵ According to ABS data from 2016, there are now three times more people living in Australia on temporary visas for a period of eight years or more. This is a significant investment of time, labour and social capital. Yet temporary migrants are not seen as 'belonging' from the perspective of broader society nor, often, even from their own point of view. The temporary nature of their status leaves this group unable to develop strong and satisfying social bonds. Their non-membership influences their affection and attachment to Australian society⁶ and their lack of belonging has implications for their ability to prosper and thrive. Studies show temporary migrants are "acutely aware of the restrictions on their formal belonging based on government policies, primarily related to social rights such as access to services and other welfare entitlements"⁷ and such restrictions "produce a feeling of 'conditional belonging.'"⁸ However, social cohesion is dependent on the connections and solidarity⁹ between different groups living in society. While temporary migrants fulfil many of the obligations of Australian permanent residents and citizens, such as participation in the workforce, paying taxes and contributing social capital, they do not have the same rights, nor is there the same sense of reciprocal obligation towards them from the perspective of the government or broader society. The Scanlon Foundation Research Institute's narrative on temporary migration framed the issue in these terms:

What ethical obligations do wealthy nations such as Australia have to migrants, especially when these countries no longer wish to settle as many as they once did, while still benefiting from their labour?¹⁰

It is well recognised that the notion of reciprocity is "important in the context of membership of the community."¹¹ Its absence too has implications for social cohesion.

Temporary migrants also lack political representation and a 'voice' to contribute to policy debates and decisions that impact them. Their participation in Australian society is formerly restricted to the economic sphere, without extending to the civic or political spheres where they could also make valuable contributions. Having a voice on common issues in the local community will build respect and enable others to appreciate their contribution. On the other hand, the restrictions that prevent temporary migrants from voting or from playing a role in public, private or civic leadership deny the Australian government their input into policy development and service provision.

⁴ M. Boese and M. Phillips, "'Half of Myself Belongs to this Town:' Conditional Belongings of Temporary Migrants in Regional Australia." (2017) 3(1) *Migration, Mobility & Displacement*, p. 53.

⁵ Peter Mares, "Temporary Migration and its Implications for Australia." (2012) Papers on Parliament No. 57. Available https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/~/_/link.aspx?id=06B96F584FD0483D9F369F0B5186C6A9&z=z (last accessed 11 March 2020).

⁶ Ibid.

⁷ M. Boese and M. Phillips, "'Half of Myself Belongs to this Town.'" p. 64.

⁸ Ibid. p. 52.

⁹ A.R. Manca, 'Social Cohesion' in A.C. Michalos (eds.) *Encyclopedia of Quality of Life and Well-Being Research* (2014). Dordrecht: Springer.

¹⁰ James Button, "Off the Scale but Out of Sight." p. 25.

¹¹ S. Pillai, "The Rights and Responsibilities of Australian Citizenship: A Legislative Analysis." (2014) 37(3) *Melbourne University Law Review*, p. 739 citing *Roach v Electoral Commissioner* (2007) 233 CLR 162.

In addition to these broader impacts, the temporary migration program impacts specific groups of temporary migrants in particular ways.

Students

It is well established that social cohesion is enhanced through contact with members of the host community. However, temporary migration renders certain categories of temporary migrants particularly vulnerable to social isolation. One of the most telling examples of the potentially damaging effects of isolation on social cohesion is the experience of Chinese international students in Australia. Writing for the Scanlon Foundation Research Institute, Julie Szego describes the consequences of social isolation:

“Until now, the isolation of Chinese international students from the mainstream has mainly been dispiriting in a human sense, a missed opportunity not only for PRC students, whose families have invested heavily to give their children an overseas degree, but also for Australians, whose prosperity for the foreseeable future hinges on maintaining close economic links with China, by far our largest trading partner. But profound geopolitical changes during the past decade, even during the past five years, mean that the de-facto segregation between PRC students and Australia is no longer simply depressing. It is also dangerous.”¹²

In her report *Australia’s Chinese Lesson: The nation’s urgent need to engage with international students from China*, she notes alarming anecdotal claims of students from China losing their English proficiency in Australia given their de-facto separation from society. The high standards set by the Australian higher education sector to create environments that foster social engagement and a sense of collegiately have unfortunately failed to materialise for many international students. The lack of affordable housing options seems to also play a role, with many students opting for small student apartments in the high-rise towers that surround most major Australian universities. These are often entirely populated by international students. The segregation of international students away from the broader student and general population prevents meaningful opportunities for creating social bonds¹³ and for developing a sense of ‘togetherness.’ Szego documents the costs of this social isolation, including the emotional stress owing to loneliness, problems with cross-cultural relationships and a lack of satisfying bonds with Australian-born and other international students.

Temporary skilled migrants

Temporary visa holders are generally excluded from various forms of government-funded support and welfare that create social justice and equity disparities compared to the rest of Australian society. Temporary skilled migrants, for instance, do not receive settlement support, employment assistance, English language classes (although a certain level of English proficiency is assumed) and in many cases Medicare. In addition, no support services or English language assistance are available for spouses or

¹² Julie Szego, “Australia’s Chinese Lesson: The Nation’s Urgent Need to Engage with International Students from China.” (2020) Narrative Four, Scanlon Foundation Research Institute, p. 6. Available <https://scanloninstitute.org.au/publication/australias-chinese-lesson-nations-urgent-need-engage-international-students-china> (last accessed 11 March 2020).

¹³ Simon Kuestenmacher, “Social Cohesion the Key to Successful Migration.” (2018) *The Australian*, 16 August 2018. Available <https://www.theaustralian.com.au/business/property/social-cohesion-the-key-to-successful-migration/news-story/35ec46acb35f32a369423ca4d5275eb3> (last accessed 11 March 2020).

dependents who reside with them in Australia¹⁴ and they face higher fees for education and childcare. While this approach to the provision of services is widely supported and consistent with the nature of temporary visa policies, it creates damaging distinctions between temporary migrants and the broader population, leaves temporary migrants and their families vulnerable without a social security net. It also fails to facilitate the contribution temporary migrants' families could make to Australian society. This is particularly felt in regional areas. Temporary migrants are encouraged to reside in designated areas to meet skill shortages and to boost regional populations,¹⁵ yet their 'temporariness' creates barriers to building sustainable community relationships and successful integration. As the Scanlon Foundation Research Institute's narrative on temporary migration notes, there is a "lack of connection between migrants and many locals"¹⁶ because their presence is only seen as temporary.

It is well documented that temporary migrants are vulnerable to economic exploitation.¹⁷ Unlike permanent migration, under which employees have the opportunity to leave their employment without implications for their residency status, temporary visa conditions can compel workers to settle for wages or conditions that are below legal standards. The temporary nature of these migrants' status creates a power imbalance between employers and employees that can easily be exploited and lead to disparities between the working conditions of temporary migrants and Australian citizens/permanent residents. This is a social justice issue.

Moreover, policy decisions across several different temporary visa categories threaten social cohesion through their potentially negative economic effects. These include:

- The recent introduction of the Temporary Skill Shortage visa which deliberately prevents a transition to permanent residency for people who have an occupation on the Short-term Skilled Occupation List. This lack of pathway could lead to a growing population of guest workers or the loss of expertise being passed onto Australian society.
- Similarly, the recently introduced Pacific Labour Scheme is a visa category for low skilled jobs in regional Australia. It sits outside formal employer sponsorship regulations overseen by the Department of Home Affairs¹⁸ and excludes access to permanent residency. While there are strong arguments it is beneficial for Pacific citizens and some regional employers, it represents a departure from Australia's immigration policy traditions.
- Finally, there can be tensions between economic and social policy goals. Take the Working Holiday-Maker program. Currently, there is a policy incentive to work in regional areas in entry level jobs to gain access to additional visas. Yet changing the reward for work from income to more time in Australia can easily distort the relationship between employees and employers, leading to weak compliance with minimum workplace standards. We have seen this reported

¹⁴ Gareth Larsen, "Temporary Skilled Migration" (n.d.) *Parliament of Australia*. Available https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BriefingBook44p/TempSkilledMigration (last accessed 11 March 2020).

¹⁵ M. Boese and M. Phillips, "'Half of Myself Belongs to this Town.'" p. 52.

¹⁶ James Button, "Off the Scale but Out of Sight." p. 27.

¹⁷ For instance, see James Button, "Off the Scale but Out of Sight."

¹⁸ The program is overseen by the Department of Foreign Affairs and Trade

particularly in the 2016 report from the Fair Work Ombudsman into the visa, as well as in the media.¹⁹

Migrants with no timely or accessible pathway to a future in Australia are more vulnerable to mistreatment, which can subsequently lead to broad effects in the labour market for both Australian residents and temporary migrants alike. Moreover, higher tax rates for some categories of temporary migrants leave many workers at risk of poverty, especially those employed in lower skilled jobs that attract minimum wages. Each of these examples demonstrates the link between temporary migration policies and social cohesion through an economic lens.

Graduates

Like other temporary visa holders, graduate temporary visa holders have no access to social welfare, such as subsidised healthcare, education or unemployment benefits, and they experience a differentiated tax status and a lack of political participation.²⁰ They are permitted to bring their family members to reside with them in Australia but their dependents have no access to government support, health, education or social security services either, nor English classes. Many graduate visa holders face barriers to employment because of their temporary visa status,²¹ ending up in low skilled and low paying 'flexible' work, which makes them additionally vulnerable to exploitation.²² Out of all of the groups of temporary migrants, this group of temporary migrants is the most vulnerable to long term 'temporariness' and the impact this has on their sense of belonging, worth and acceptance in Australian society. Many have come to Australia on a student visa, then gone on to a post graduate qualification. Moving to a temporary graduate visa thereafter, an individual may have resided in Australia for eight years without permanency²³ and without a defined pathway to permanent residence.

Bridging visa holders

There are now more than 200,000 people in Australia on bridging visas awaiting the outcome of another visa application process or appeal.²⁴ Most commonly they are waiting for a decision on a partner visa application, although large numbers are applicants for employee nominated visas or graduate student visas. A small number of bridging visa holders are waiting for protection visa outcomes.²⁵ Depending on the type of bridging visa held (and their visa status beforehand), the holder may or may not have access to work rights, Medicare, social housing, income support or government English language programs. Most bridging visa holders wait multiple years for their substantive visa outcome. As with other categories of temporary visa holders, the lack of services available to some bridging visa holders creates social and economic disparities that leave them vulnerable, while preventing them from access to or meaningful participation in different spheres of Australian life.

¹⁹ Fair Work Ombudsman, "Inquiry into the Wages and Conditions of People Working Under the 417 Working Holiday Visa Program" (2016) Available <https://www.fairwork.gov.au/about-us/access-accountability-and-reporting/inquiry-reports> (last accessed 11 March 2020).

²⁰ Shanthi Robertson, "Time and Temporary Migration: The Case of Temporary Graduate Workers and Working Holiday Makers in Australia." (2014) 40(12) *Journal of Ethnic and Migration Studies*, p. 1923.

²¹ Ibid. p. 1924.

²² Ibid. p. 1924.

²³ Ibid. p. 1928.

²⁴ Mark Webster, "What is Causing the Boom in Bridging Visas" (2019). Available <https://www.vsure.com.au/what-is-causing-the-boom-in-bridging-visas> (last accessed 11 March 2020).

²⁵ Ibid.

Looking to the future

Clearly, there are many reasons to carefully consider the needs and vulnerabilities of temporary visa holders in Australia. A socially cohesive society works towards the well being of all of its members. This must include temporary visa holders, who are present and increasing in number in the Australian community. While Australia receives considerable economic benefits from these visa holders, it must reflect on what obligations it has to these members of the community in return. Their value to Australia is not simply in monetary terms; there is incredible potential to harness the social and civic capital they bring to their communities and to draw on their experiences to inform the policy directives that impact them. It is evident there are parts of the policy framework that are detrimental to social cohesion in Australia and which expose temporary visa holders to specific vulnerabilities.

Recommendations

The Scanlon Foundation Research Institute therefore recommends the Senate Committee on Temporary Migration consider:

- Delineating clearer pathways to permanent residence for migrants who wish to pursue this step and timeframes for processing.
- Establishing a consultative mechanism for better understanding the needs, pressures and expectations of temporary migrants and to facilitate their civil and political participation. This could take the form of adhoc or regular engagement with particular peak bodies, student or community groups or other forms of representation.

Students

- Placing a greater onus on universities and other educational institutions to address international student isolation and to create opportunities for building meaningful connections with the wider community.

Temporary skilled workers

- Encouraging Local Government Areas to put in place services and initiatives to facilitate temporary migrants' and their families' integration into the broader community and opportunities for them to meaningfully contribute to social and civic life.
- Offering English language classes for temporary skilled workers' dependents to improve the prospects of participation and integration into their communities.

Graduates

- Offering English language classes for graduates' dependents to facilitate their participation in Australia's economic, social and civic life.
- Creating clearer pathways to permanent residence for temporary visa holders who have resided in Australia for a significant period of time and who are contributing economically, socially or in other ways to their community.
- Identifying and addressing the specific barriers that are preventing graduates from obtaining skilled work in their chosen profession.

Bridging visa holders

- Examining how social security and access to government services can be improved for those rendered vulnerable by restrictive visa conditions.
- Offering English language classes to all bridging visa holders as a means to facilitate their contributions to Australia once the decision has been made on their substantive visa or appeal.

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