

Social Services Legislation Amendment (Consistent Waiting Periods for New Migrants) Bill 2021

Senate Standing Committee on Community Affairs

(JULY 2021)



AASW

Australian Association
of Social Workers

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The Australian Association of Social Workers

The Australian Association of Social Workers (AASW) is the professional body representing more than 15,000 social workers throughout Australia. We set the benchmark for professional education and practice in social work, and advocate on matters of human rights, discrimination, and matters that influence people's quality of life.

The social work profession

Social work is a tertiary qualified profession recognised internationally that pursues social justice and human rights. Social workers aim to enhance the quality of life of every member of society and empower them to develop their full potential. Principles of social justice, human rights, collective responsibility and respect for diversity are central to the profession, and are underpinned by theories of social work, social sciences, humanities and Indigenous knowledges. Professional social workers consider the relationship between biological, psychological, social and cultural factors and how they influence a person's health, wellbeing and development. Social workers work with individuals, families, groups and communities. They maintain a dual focus on improving human wellbeing; and identifying and addressing any external issues (known as systemic or structural issues) that detract from wellbeing, such as inequality, injustice and discrimination.

Our submission

Our members have raised concerns about the impact the proposal to increase the waiting periods for government payments from 1 January 2022 from two years to four years will have on the people they work with and the broader migrant community. The AASW therefore welcomes the opportunity to submit to Social Services Legislation Amendment (Consistent Waiting Periods for New Migrants) Bill 2021 inquiry.

Recommendations

The AASW recommends the following:

- That the proposed policy of a four-year waiting period for newly arrived migrants to access government financial support be abandoned
- That the current two-year blanket waiting period for newly arrived migrants to access government financial support be modified to enable migrants who need urgent access to financial support access government benefits
- That the period of residency on non-permanent visas is counted towards the entire period of residency once a person is granted permanent residency

The right of everyone to an adequate standard of living is enshrined in the International Covenant on Economic, Social and Cultural Rights, of which Australia is a signatory¹. In this context, the appropriate role of government is to create the economic, social and environmental conditions under which people will achieve this and pursue healthy, meaningful and rewarding lives. Furthermore, as a signatory to this Covenant, Australia has committed to recognize the right of everyone to social security, this must include newly arrived migrants.

It is well-documented that newly arrived migrants require more support in the first years of arrival in a new country.² This is both informal support, from friends or relatives already living in Australia, and government support to navigate new systems, including medical, employment and other formal supports. These first few years of migration to Australia are imperative in overcoming the difficulties associated with overseas migration; including securing employment, building networks, and learning to cope with being away from extended family and community support, among others. While many newly arrived migrants come to Australia with an established employment opportunity, and others find employment relatively quickly, there will always be a number for who this is not the case and for who circumstances change and they find themselves without an income. The two-year waiting period to receive government payments can already be difficult to manage for people living in these circumstances. Increasing the period by a further two years could have significant impact on the health and wellbeing of people experiencing such circumstances. This can be further heightened by unforeseen circumstances such as what is being experienced during the COVID-19 pandemic and the ongoing state lockdowns and restrictions which affect a great number of people's access to employment income.

Newly arrived migrants already face structural barriers such as workplace discrimination, non-recognition of overseas acquired qualifications, and exploitation in the labour market. Given these barriers, the option to access government financial support when required is imperative in allowing a

¹ United Nations Human Rights: Office of the High Commissioner International Covenant on Economic, Social and Cultural Rights

² Migration and Mental Health: An interface, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4121889/>

basic standard of living for migrants and their children.³ Additionally, in the case of family violence and where a woman⁴ needs to leave her partner, a lack of access to income support can mean that she remains with a violent partner, at risk to her health or to her life.

Furthermore, there is a need to include the period of time a person has been a resident in Australia on a non-permanent visa when taking into account migrants' access to government support. The current definition of *newly arrived migrants* unfairly penalises and fails to consider the situation of those migrants who have been in Australia for a longer period before they are granted permanent residency. It is arbitrary to regard skilled migrants who have been in Australia for longer periods on non-permanent visas, as newly arrived migrants. A social worker provided us with this example:

I came to Australia as a PhD student in 2016 with my family and we have been dedicated people, working hard and paying taxes to government. Nine months ago when I decided to have my child, I was informed that I am not eligible to access any benefits, including paid parental leave from government, because despite the five years I have spent in Australia, policy-wise, I am regarded as newly arrived migrant because I was only granted permanent residency a year ago. Without access to any parental leave, I have been forced to take my baby of only 12 weeks old to day care because I cannot be afforded at least the 18 weeks other women are given to stay home and care for their babies. If a fair and non-discriminatory system was in place, the five-year period I have been in Australia before attaining permanent residence would have been put into consideration for me to be eligible for parental leave. For me, like many other women who have to make heart-breaking decisions of prematurely leaving their babies to go back to work, waiting period and residence requirements are simply a punishment.

Conclusion

The AASW calls on the government to abandon the proposal to increase waiting periods for social security from two years to four years. We advocate for changes to the system which acknowledges the period of time migrants have already spent in the Australian community prior to receiving their permanent residency. Additionally, we call on the federal government to modify the current two-year blanket waiting period for newly arrived migrants to enable migrants who need urgent access to financial support access to government benefits. These changes will assist those migrants who need support to maintain an adequate standard of living enabling them to fully participate in Australian life.

The AASW welcomes the opportunity to discuss any of the points raised in this submission.

³ <https://www.abc.net.au/news/2019-10-31/migrant-experience-of-work-australia-talks/11600862>

⁴ The AASW takes the view that family violence is a gendered crime and predominately perpetrated by men against women. <https://www.aasw.asn.au/social-policy-advocacy/policy-positions/aasws-policy-position-on-family-violence>



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