



## Select Committee on Temporary Migration inquiry into the impact of temporary migration.

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### University of Western Australia response

The University of Western Australia appreciates the opportunity to contribute to the discussion about the future of temporary migration in Australia, and in particular on the impact temporary migration has on the Australian economy, wages and jobs, social cohesion and workplace rights and conditions.

#### **UWA recommendations:**

- To recognise we are not a business/economy, but a nation-state, with obligations to those within our care
- To recognise the value of temporary migrants as humans, as well as workers/students
- To adjust policy settings to support temporary migrants' rights, but also integration, even if temporary integration
- To ensure temporary migrants feel they have a stake in the country and commitment to its success as a cohesive multicultural nation
- To facilitate better coordination between levels of government
- To monitor and address exploitation to ensure an economic underclass is not created
- To improve data collection about temporary migrants (and dependents) and their trajectories

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Max Frisch is known to have said, in relation to migrants, that “We asked for workers, but human beings came” (Rist, 1979:95). This underscores the tension between the economic imperative for migrants and the fact of their social and cultural presence. While Australia has provided significant support for decades for many migrants from around the world, temporary migrants appear to be falling through the cracks.

Since the 1990s temporary migration to Australia has grown dramatically, and it is now the main contributor to Australia’s migration intake. Australia has one of the largest temporary migrant workforces in the developed world, according to the OECD (Wright, 2019). Around a million temporary migrants are living in Australia, most being international students and student graduates, 485 (post-study temporary work) visa holders, working holiday-makers, 482 (temporary skills shortage) visa holders and people on bridging visas awaiting the outcome of visa applications or appeals (Mares, 2016).

Australia has traditionally been a country of permanent of migration. Only in the last two decades has temporary migration become an increasing feature of the intake. This change has been rationalised in terms of the needs of the economy, but has been criticised as turning its back on policies of multiculturalism and settlement support established over the decades since the 1970s (Boese and Robertson, 2017; Mares, 2017, 2016b; Koleth, 2017).

Most visa categories have work rights. This has changed the nature of the Australian labour market. Eleven percent of Australia’s workforce is now temporary labour (Berg and Farbenblum, 2018). Business and economy focussed reports are generally positive about the impact of the temporary migration program. Hugo’s early research (Hugo, 2006) found the labour-market impact of Working Holiday Makers, Temporary Business Entrants, Overseas Students, and New Zealand temporary migrants to be equivalent to more than 400 000 full-time jobs, with the effect magnified through concentration in particular sectors of the economy and in particular communities. More recently, CEDA (2019) also notes that temporary migration has not had an adverse impact on wages or jobs of local workers, and indeed has significantly boosted the economy. It notes, however, the lack of stability in the scheme and the need to improve predictability, recommending the following:

- “• Improving the process of identifying eligible occupations for temporary skilled migration through publication of data and methods, and better classification of occupations.
- Embedding stability of the scheme through more structured and independent evaluation at set intervals.
- Realising administrative efficiencies, including for intracompany transfers of employees and labour market testing.
- Aligning the use of the Skilling Australians Fund Levy to identified areas of emerging skills shortages, to ensure training initiatives alleviate skill shortages driving skilled migration.”

Likewise the World Bank identifies benefits to the economies and development of home countries of Australia’s seasonal worker program while also benefitting the host country, including filling labour shortages in the agriculture, accommodation and tourism sectors (World Bank, 2017).

Temporary migration has led to some problems however, including a range of unintended consequences (Mares, 2016a, b).

While economic benefits clearly result from temporary migration, the OECD warns that high levels of immigration can hurt low-income communities, despite benefiting the broader economy (Wright,

2019). And while it has a positive effect on regional development, it tends to dampen investment in local training (Hugo, 2006).

Reliance on trade skills from overseas may reduce investment in local training.

Policy settings may result in sub-optimal outcomes and harm Australia's reputation. For example, under the Howard Government, massive increases in the numbers of private education providers at tertiary and secondary levels resulted from the linking of certain courses of tertiary study with almost automatic permanent residency, without adequate checks and balances on quality (Mares, 2016a). The large number of students entering through this route significantly impacted the permanent skilled migration program, with qualified applicants far outnumbering the places available in the system. It also affected Australia's reputation as an education provider.

Multi-step or staggered migration is now a feature of the migration process (Robertson, 2013), with people coming on a temporary visa and transferring to other temporary or permanent visas over time – the process taking around 6 years and 3 visas on average (Productivity Commission, 2016). Over half of permanent skilled visa holders transition from temporary visas (CEDA, 2019).

Caspersz and Casado (under review), argue that the move from settler to demand led immigration, has changed the nature of Australia's orientation to migrants. They suggest the temporary migration system is trending towards a 'guest worker' system, with in-built inequities. They say policy and orientation to temporary migrants has moved from the status of being a novelty, *cause celebre*, towards being seen as *gap fillers* for domestic labour needs, in a context where employers are not even required to test the local market for availability of workers. This is a very instrumentalist approach. Despite union objections, this approach has remained.

The largely uncapped temporary migration streams have affected the number of places available in the capped permanent Migration Program. This has increased the likelihood of temporary migrants remaining indefinitely temporary (Mares 2016). And the multiplications of visa categories complicates the process (Robertson, 2013), and the opportunity for migrants to make Australia home. It also encourages the use of sometimes costly migration agents to assist.

Publicity about temporary worker exploitation and vulnerability is widespread. Boucher (2019) tracks the systematic violations of migrant worker rights from 1996 to 2016 through examination of cases that come through relevant courts and tribunals, and the Fair Work Commission, and reporting in newspapers. He finds reported abuses are associated with ethnic background and occupational status of migrants, that legal representation assists in successful outcomes, particularly to enforce compliance with workplace laws. Cases that make it to the court system are probably the tip of the iceberg. This risk is likely to be exacerbated by policy changes emphasising employer-sponsorship.

Exploitation at the employer level is reinforced by exploitation at the structural level. It has been argued that there is a gulf between immigration policies and social policy frameworks supporting migrant settlement and integration (Koleth, 2017). Temporary migrants have limited rights and an uncertain future (Boese and Phillips, 2017). Researchers argue that "[w]ith no security of employment or access to democratic institutions or safety nets, temporary immigrants can at best only be spectators of the Australian multicultural project" (Bertone 2013, 179). A range of scholars have identified the precarious nature of life as a temporary migrant (see Mares, 2016b), and the potential need for special rights to protect temporary migrants and avoid 'social dumping effects' (Ottonelli & Torresi 2019). This precarity varies depending on visa type and human capital such as lack of employment, or employment in low-skilled, casual work, lack of English language proficiency, and the need to support dependent family. Using interviews with migrants, government officials,

and migrant service providers, Koleth (2017:33) argues the Australian government has “strategically divest[ed] itself of responsibility for the social welfare of temporary migrants and the long-term outcomes of temporary migration policies” through transferring risk to migrants themselves.

Disarticulation of temporary migration policies from national policy frameworks such as multiculturalism and settlement has left a gap in policy settings leading to suboptimal outcomes not only for the migrants but for the wider population. A focus on short term economic gain has come at the cost of long-term social outcomes. Thus Koleth (2017:44) and others argue “The differential inclusion of temporary migrants produces new kinds of social stratifications and precarious migrant subjects who are “at risk of being permanently excluded from the community of the nation and denied the benefits and rights of citizenship” (Senate Education and Employment References Committee 2016, 31)”. Given they pay taxes if working, it has been suggested that there is no reason they should be excluded from, for example, public health care, employment services or access to domestic education fees (Mares, 2016a; Boese and Phillips, 2017). This situation is fundamentally exploitative, it has been argued, as “citizens and permanent residents are “free riders” on the economic, social, and cultural contributions that temporary migrants make to host societies, without having access to adequate and reciprocal rights” (Tazreiter, 2019:2). Thus, Koleth argues for a re-orientation of government policies from short-term economic outcomes towards the long-term social outcomes of migration.

This inequity is exacerbated by the indeterminacy of their temporary status. Mares (2017:9) has used political philosophy to argue that Australia’s self-definition as an ethically and politically accountable liberal democracy “renders a purely contractual approach to migration invalid—more specifically, a migrant’s consent to the terms of a temporary visa does not provide sufficient ethical grounds to extend that temporary status indefinitely.” Mares (2016b) makes the point that Australian citizenship is becoming less available. Since permanent migration is capped but temporary migration is not, there are many people living in Australia who have limited legal rights to participate fully in Australian life, and limited access to eventually becoming citizens. Length of stay does not guarantee any entitlement to rights to citizenship. Thus Bain asks “What future do we envision and what obligations and loyalties can be expected if a large minority of people are denied the rights to influence decision making in the society where they live, through standing for office, or choosing their leaders?” (Bain, 2016). Mares recommends a clear pathway to permanency as the appropriate stance.

Since belonging is often equated with membership of the nation, the sense of belonging for temporary migrants is ambiguous. While temporary migrants may develop a sense of felt belonging, they lack official sanctioned belonging (Boese and Phillips, 2017). Temporary settlement of skilled workers, working holiday makers, and international students in regional areas has been found to generate a sense of ‘place based belonging’ based on positive relationships with members of the wider Australian community who are keen to retain residents, that is ‘conditional’ and ‘tenuous’ due to the temporary nature of their visas and the limits to rights and access to services, as well as constraints on opportunities (Boese and Phillips, 2017). This limits the attractiveness of regional settlement; and frustrates both the migrants and the service providers and communities who want them to stay. Similarly, Mayes (2017) found significant community support for temporary migrants in regional Western Australia when the sudden closure of a mining operation required them to leave (Mayes recommends visas be guaranteed for a set number of years and with a pathway to permanent residency).

This temporariness has effects on the migrants. Some studies identify levels of ambivalence and resistance among temporary migrants in Australia, who are essentially ‘nomadic’. Arguing that

“actions and responses that appear to be ambivalent are far from irrational, hasty, or disloyal”, Tazreiter (2019:1) offers evidence that “migrants’ decision-making in response to the uncertain and shifting economic and sociocultural environments that they enter often comprises subtle calibrations and switching actions, observable as ambivalence, in adjusting to the unanticipated demands of a new society”.

In another example of the unexpected side effects, the author once had the experience of delivering some sessions to high school students about education and training opportunities post-secondary school. At the back of the class two students were entirely disengaged, texting on their phones and talking with each other in a language other than English. Their teacher explained that they were children of temporary workers, who knew that their future was not in Australia, and so had no personal investment in engaging the Australian education system. This anecdote highlights the challenges for policy associated with temporary migrant families.

In a broader sense, children play an important role in parent-workers’ mobility decisions including whether to bring their children to Australia; the need for mobility of family members for child-care arrangements; and consideration of their children’s future mobility and citizenship. Westcott and Robertson (2017:85) suggest while multiple factors influence decision making about children, mobility and care, the “specific policy constraints of temporary visas (such as lack of access to subsidised social services or family reunion) shape options, but migrants’ overall sense of social and economic security in the long-term is also significant”.

While these effects have been described as unforeseen, Koleth argues that the claim that the social consequences of temporary visas were ‘unanticipated’ or ‘unintended’ requires scrutiny, as various warnings had been made based on the experiences of other countries (see Castles 1987, for example, who argued that temporary migration would result in a dual system, with first and second class migrants, unplanned permanent settlement, and high social costs). Since the 1990s a range of government and non-government sources identified the need to engage with issues of access, equity and social justice for temporary migrants. Koleth asserts “temporary migrants are constructed under a contractualist logic as transient, noncitizen, consumer-worker subjects who voluntarily bear the costs and risks involved in the migration process and have no claims on the state” (Kolet, 2017:38, see also Robertson, 2015). Unable to access state funded services, they seek support from private providers, reinforcing this contractual logic, and lack of state care. Thus responsibility is ‘externalised’. The move of service provision from the Immigration department to Social Services reinforces the exclusion of temporary migrants, as they are fundamentally nobody’s concern (Koleth, 2017). This becomes an issue for local government and NGO settlement services, who often provide the support needed outside their remit (see Koleth, 2017 for examples, including a community legal service who said ‘We are there to help human beings!’ p43)

A final issue is the lack of systemic evidence about the experiences of temporary migrants. Data collection about temporary migrants and their trajectories (time on particular visas, socio-economic outcomes, outcomes for accompanying family members and so on) is urgently required, as much of the research is based on small scale, qualitative studies.

### **International students**

Recent data shows that “measured in terms of their share of the local working population, Australia’s army of international students is the largest in the world. The OECD found in a single year, Australia’s international students accounted for more than 0.4 per cent of the working population” (Wright, 2019). Universities have supported the government’s policies enabling international

students to study in Australia on temporary visas. This benefits those students, the economy, the universities, and the Australian community, in particular Australian students who have the opportunity to mix with and learn from these students, and develop international awareness and global consciousness (Robertson, 2015). Ultimately an Australian education benefits the home countries to which these students often return, through knowledge and skills transfer; and builds Australia's 'soft power' influence through networks and goodwill (Wright, 2019). The Destination Australia scholarships encourage students to study and work in regional areas, boosting regional participation and engagement. These are all positives.

However more could be done to support international students in Australia. Those on international student visas may face precarity in terms of casual employment, wage exploitation, unreasonable or unsafe working and living conditions, lack of awareness of their rights and the means for enforcing them, financial pressure, employment/study balance, changes of courses, changes to the skilled occupation lists, reliance on family and co-nationals for support,

Koeth (2017:39) for example says that "For example, the transfer of functions related to the assessment of student visa applicants "away from the Immigration Department and into the hands of the education providers themselves" under streamlined student visa processing arrangements, operationalises a notion of "shared responsibility" that shifts emphasis to employers, industry and education providers to help manage and maintain the "integrity" of temporary migration programs". This challenges the conception of migration as an orderly, systemic process overseen by government.

In her study of the nexus between international students and the State, Robertson (2013) identifies a range of trends including the commercialisation of higher education, growing reliance on income from international students, and the shift from international education being seen as aid to it being framed as trade. Her interview data showed students see the state as an elusive, uneven, manipulative entity that is unfriendly, troublesome and even cruel (2013:89). They simultaneously felt attached and obliged to the country and its people.

At the personal level, concerns have been raised by the Ethnic Communities Council in WA about suicides of international students on temporary visas, due to isolation and lack of support (ABC, 2019). Spokesperson Suresh Rajan, who reports having sent home the bodies of multiple Indian students who had died by suicide, called for dedicated culturally sensitive mental services to support students.

Finally, Universities Australia notes the need for consistency, clarity and certainty. Changes to the system create uncertainty, as the effects of the travel bans on Chinese nationals due to the COVID-19 risk, have demonstrated. Thoughtful consideration of the effects of any changes to migration settings is vital, as is clear and timely communication to the range of stakeholders.

### **Recommendations**

To recognise we are not a business/economy, but a nation-state, with obligations to those within our care

To recognise the value of temporary migrants as humans, as well as workers/students

To adjust policy settings to support temporary migrants' rights, but also integration, even if temporary integration

To ensure temporary migrants feel they have a stake in the country and commitment to its success as a cohesive multicultural nation

To facilitate better coordination between levels of government

To monitor and address exploitation to ensure an economic underclass is not created

To improve data collection about temporary migrants (and dependents) and their trajectories

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