

The Catholic Migrant and Refugee Office (ACMRO) hopes that the move towards a regime of sanctions for employers will act as a serious deterrent and prevent workers from being exploited through low wages and poor working conditions by abusive and negligent employers.

The question whether employer sanctions will be effective depends largely on the scope for enforcement and what priority it is given by the department/s. If we really want to reduce illegal immigration one could argue that we must sanction the entire spectrum of illegal employers, from the multinational CEO who knowingly contract supplier of undocumented workers to the middle-class family that hires undocumented cleaners, gardeners and nannies.

There might also be a problem in the way that the amendments are singling out prospective employees who say that they are not permanent residents or those who may not sound or look like permanent residents. With the amendment stating that it is an offence to knowingly or recklessly allow those without work rights to work in Australia illegally people who might look or sound differently are likely to find themselves not only questioned but also suspected of breaking the law. This might further fuel prejudices, racism and xenophobia and result in further exclusion for a group that is already experiencing disadvantages and discrimination in the labour market.

The only system to be fair both to employers and to employees may be one that requests employers to verify work eligibility without having to judge whether or not the person is lawful in Australia and/or whether work is in breach of the person's visa conditions. If the law would be enforced consistently and the Act would state that checks had to be carried out on *all* employers it would become part of a standard recruitment procedure, the benefits of a such a system are several, not only would it prevent subjecting a segment of the population to suspicion and possible discrimination, it would also send a strong signal to employers that the penalties involved in such criminal behaviour are just too high.

The new legislation and asylum seekers without work rights

ACRMO believes that it is in the best interests of the individuals concerned and of Australia that asylum seekers should have early access to the labour market. Where asylum seekers are denied working rights and don't receive sufficient financial support on which to live they will be forced to work illegally, risking exploitation and prosecution and creating black economy problems for Australia. Alternatively they will seek assistance from charity organisations, which will put an additional burden on these organisations which are already heavily overburdened.