



Submission on the Productivity Commission's Draft report: Migrant Intake into Australia

18 December 2015

The Multicultural Development Association (MDA) is committed to building a flourishing multicultural Queensland in which people from different cultural and linguistic backgrounds have an opportunity to thrive and contribute.

MDA has provided specialist settlement support for over 13 years. We currently settle every newly arrived refugee in Brisbane, Rockhampton and Toowoomba. Our current client base includes refugees and asylum seekers. In the past year we have worked with more than 4000 clients from over 65 different countries. A core component of our work is creating welcome by forging connections within and between community groups to facilitate the settlement journey and contribute towards a socially cohesive society.

Introduction

MDA welcomes the opportunity to make a submission on the Productivity Commission's (PC) *Draft report on Migrant Intake into Australia*. Our work is about migration and we believe that an outright program of welcome and support at the initial settlement phase goes a long way to create successful migrants and citizens.

This submission follows our initial submission to the Inquiry, in June 2015, and verbal submissions at the PC's Melbourne hearing on 7 December 2015.

MDA supports the PC's recommendation that the Australian migration program prioritise the wellbeing of members of the Australian community, including migrants, understanding that wellbeing is a nuanced concept with multiple dimensions: economic, social and environmental.

MDA believes that this commitment to the wellbeing of migrants should be extended to apply to all residents of Australia regardless of their mode of arrival. Moreover, the migration program must be structured around norms of natural justice, transparency and fairness. For the humanitarian stream, our commitment to respect human rights is also non-negotiable.

With these commitments at its core, our submission encompasses four key arguments:

1. A commitment to inclusiveness and diversity in all of Australia's public systems is central to our ongoing success as a multicultural nation. Responsiveness to cultural diversity needs to cross all systems and services, and not just those with a multicultural focus. In other words, MDA endorses mainstreaming multiculturalism.
2. Comprehensive settlement support improves migration outcomes. Currently, settlement support is largely limited to humanitarian migrants, with some family and community 'sponsored' humanitarian entrants notably excluded or limited in their receipt of support. There is merit in reviewing the content and scope of settlement support, to (a) ensure the mix of support is well-targeted and enables people's participation in economic and social life; and (b) extend settlement support to other categories of migrant, specifically non-humanitarian entrants.
3. Australia's system of visa fees needs to be clear, transparent, and premised on natural justice principles, so that potential new Australians start from a position of fair treatment. They must also be set at accessible levels, acknowledging that: migration is inherently expensive with visa fees only one aspect of expense; access to capital is a poor predictor of future contribution; non-economic contributions to the Australian community may nonetheless be valuable; and access to family reunion is often crucial to migrant wellbeing. MDA strongly endorses the PC's view that the humanitarian stream should be quarantined and not subjected to visa fees or skill-related entry criteria.
4. We share the PC's concerns about exploitation associated with temporary visas and endorse their draft recommendations, but have concerns that exploitation will continue unless consideration is given to conditions inherent in temporary visas that create vulnerability. Further, any consideration of Australia's temporary visa arrangements should also encompass Bridging Visas, Temporary Protection Visas and Safe Haven Enterprise Visas.

The following submission is structured around these four arguments, and a list of recommendations is provided below:

List of recommendations

Public systems responsive to multiculturalism

1. *That the final report specifically recommends that all levels of government take a strong stance on embedding multiculturalism and culturally-competent service delivery into all public system design and delivery.*

Settlement Support Services

2. *That the final report recognises the full breadth of extant settlement support programs.*
3. *In the absence of any evidence to suggest that refugee resettlement is improved when individuals have links to existing communities, that the final report endorses access to the full suite of services for all humanitarian entrants.*
4. *That given the success of the humanitarian program in Australia, the final report recommends that humanitarian migrant intake is increased over time.*
5. *That even if the Community Pilot Program is continued, entrants through such a mechanism are not included in the number of places available through the humanitarian program.*
6. *That the final report recommend innovation in the AMEP program to provide the flexibility for more, and tailored, English language training for people whose particular challenges mean they do not achieve functional English within 510 hours.*
7. *That the final report recommends that the government fund specialised, individualised employment support provision to humanitarian entrants (including those on temporary visas), with preference for a model that is delivered by settlement service providers, or is at least closely aligned with them.*
8. *That the final report retains recommendation 5.1 regarding qualification recognition processes. However, this recommendation needs to be expanded in a number of directions to address skill recognition beyond tertiary level qualifications and promoting greater understanding among Australian employers including as regards a diverse workforce.*
9. *That the final report retains recommendation 6.1 and further recommends specific settlement support for international students.*
10. *That the final report retains recommendation 7.1 regarding data collection and extends its scope to include housing and employment.*

Price-based approach to migration

11. *That the final report recommends a visa fee structure:*
 - *underpinned by principles of transparency and natural justice.*
 - *with consideration given to reasonableness and accessibility to a wide variety of potential productive contributors and their extended families, not just those with current access to capital (income-contingent loan schemes may assist in this regard).*

Temporary visas

12. *That any reform of humanitarian temporary visa arrangements includes free participation in the labour market, without arbitrary time limits.*
13. *That recommendation 9.1's "public inquiry into the labour market and broader economy-wide effects of work rights", be broadened to ensure an investigation into whether any of the conditions associated with any of the available temporary visas facilitate labour market exploitation.*

Public systems responsive to multiculturalism

Australia is already a multicultural nation, with an estimated 27.7 percent of the resident population born overseas at June of this year¹. Nonetheless, a commitment to multiculturalism that respects cultural diversity and ensures that public policy and service provision is equally accessible to people despite their linguistic heritage, ethnicity and country of birth, has not yet been fully implemented. Too often Australia's public systems and services address diversity as a secondary consideration. Three examples will suffice to illustrate this trend:

- Although the National Disability Insurance Scheme (NDIS) was launched in 2013, only this year has a reference group to ensure accessibility for culturally and linguistically diverse (CALD) clients been established.
- It was not until the second iteration of the National Strategy on Domestic Violence that a CALD Action Plan was developed.
- The Government's response to the National Mental Health Commission's Review of Mental Health Programmes and Services, does not address CALD communities or individuals explicitly at all.

The Draft report inquires whether current investments to support acceptance of multiculturalism and address racial discrimination are effective and efficient, and whether governments could achieve more by improving coordination and/or improving engagement with community organisations. Certainly, there is minimal funding available for community organisations to actively address racism and discrimination at a grassroots level, and heightened tensions especially around the Muslim community and asylum seekers suggests that much more could be done. MDA would endorse any recommendations that support greater community engagement. However, something more is required. Australian governments need to take a stronger stance on embedding multiculturalism at a system design level in all public systems and services: including health, human services, welfare, education, justice, housing and employment.

Where systems fail to respond well to multicultural communities, people may feel frustrated, unwelcome, and at worst, fail to access the services they need, leaving them marginalised or at risk. Government services need to recognise and respond to the diversity of their clientele. This means employing a workforce reflective of the population it serves, seeking out cultural guidance and understanding on new communities, embedding the engagement of interpreting and language support as standard practice for those with limited English, and regularly training frontline staff in working cross-culturally.

Recommendation: That the final report specifically recommends that all levels of government take a strong stance on embedding multiculturalism and culturally-competent service delivery into all public system design and delivery

Settlement Support Services

The PC makes some important points about potential improvements to settlement support for new arrivals, specifically recommending:

"6.1: The Australian Government should review the mix and extent of settlement services for immigrants (including humanitarian immigrants) with the aim of improving their labour market and social engagement outcomes. This should include consideration of the adequacy of the English-language training hours and access to employment services."

¹Australian Bureau of Statistics <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/3412.0Chapter12011-12%20and%202012-13> accessed 18/12/2015

MDA generally endorses this view, but suggests that the PC could go further in the specificity of its recommendations.

Humanitarian Settlement Services

The suite of programs includes:

- the Humanitarian Settlement Service (HSS) program (case management support from arrival, for 6 - 12 months)
- the Complex Case Support (CCS) program (intensive support for a defined period for people with complex, intersecting needs, available up to 5 years post-arrival on application to the Department of Social Services)
- the Settlement Grants Program (SGP) (ongoing support available as needed up to 5 years post-arrival)
- the Australian Cultural Orientation Program (AUSCO) (a pre-arrival orientation program for refugees, before they arrive in Australia)
- the Program of Assistance to Survivors of Torture and Trauma (PASTT) (counselling and other programs for people with a refugee background; access is not time-limited)

Like other permanent migrants, permanent humanitarian entrants can also access the Adult Migrant English Program (AMEP), which consists of up to 510 hours of English language training plus some case management support.

Australia's humanitarian settlement support program has stated key objectives around English, employment and education outcomes (3 E's), but MDA submits that settlement service providers also provide a broader service, encompassing individualised assistance with acculturation, helping new arrivals articulate and achieve their aspirations. This might mean making connections with local Australian, religious or cultural communities; navigating new expectations around family or gender roles; learning everyday life skills in the Australian context such as where and how to shop or catch public transport; financial management in Australia and understanding household bills; linking with meaningful activities; or dealing with trauma and grief. Many settlement service providers, MDA included, supplement the major programs outlined above with other funding grants for specific projects and programs (sometimes in partnership with other services) to address identified needs. For example, MDA in partnership with the Queensland Council of Social Service (QCOSS) provides the 'Bright Actions' program to assist new migrants with energy efficiency and reducing energy bills; and MDA partners with the World Wellness Group to deliver 'Culture in Mind', a comprehensive wellness program for new arrivals.

To this end, MDA recommends that the final report recognises the full breadth of extant settlement support programs.

Recommendation: That the final report recognises the full breadth of extant settlement support programs.

Community Support program pilot:

Within the humanitarian stream of Australia's migration program, the Community Proposal Pilot (which ran from June 2013 to June 2015) provided a small number of humanitarian entrants with a visa pathway for a substantial fee: a price-based approach to migration. The PC's Draft report notes that the program was consistently over-subscribed, and suggests that as such, it had merit.

An alternative, and arguably more realistic, interpretation of the program's over-subscription is the enormity of global human displacement, which the UNHCR estimated at 59.5 million individuals forcibly displaced as at the end of 2014, an increase of 8.3 million from the previous year, and the highest year on record. Of these, some 19.5 million persons were refugees (with most of the remainder comprising internally displaced people). In the same year, 26 countries admitted only 105,200 refugees for resettlement.²

Given the huge disparity between demand for resettlement and supply of places, it is unsurprising that any program offering such a chance, even for a hefty fee, would be over-subscribed. Indeed, although there are no organisations in Queensland who participated in the pilot program, MDA is aware of significant interest amongst communities locally.

Nonetheless, there is no evidence to support better settlement outcomes for humanitarian entrants 'sponsored' by community than those supported through the government funded Humanitarian Settlement Support program.

The Draft report has intentionally suggested quarantining the humanitarian program from the rest of the migration program, for reasons of meeting Australia's international obligations. Consistent with this, it is preferable that the humanitarian program focus on resettling vulnerable people through a single, transparent process, rather than carving off some humanitarian places for refugees with financial means. As the PC has identified for price-based models generally, there is risk in community perceptions of unfairness; and the unfairness of the price-based Community Proposal Pilot has not gone unnoticed by refugee communities without the means to access it. The funds community groups raise to pay visa fees under the pilot could alternately be put towards self-determined community building and community settlement needs.

Recommendations:

- *In the absence of any evidence to suggest that refugee resettlement is improved when individuals have links to existing communities, that the final report endorses access to the full suite of services for all humanitarian entrants.*
- *That given the success of the humanitarian program in Australia, the final report recommends that humanitarian migrant intake is increased over time.*
- *That even if the Community Pilot Program is continued, entrants through such a mechanism are not included in the number of places available through the humanitarian program.*

English language

The PC asserts that the current English language training system is 'one size fits all', and is failing some people, and suggests that resources could be used more efficiently.

Indeed, ACIL Allen Consulting Group's Evaluation of the Adult Migrant English Program (AMEP) this year, while recommending in general that the existing 510 training hours allocation per person be retained, also recommended that consideration be given to introducing a personalised AMEP entitlement based on need as determined by third party assessors. This is acknowledgement of the fact that some new arrivals, particularly some humanitarian arrivals, find learning English particularly challenging, for reasons such as a lack of prior formal education, lack of literacy in their own language, mental health and previous trauma issues, and practical factors such as caring responsibilities, obtaining child care, inability to afford transport, or gaining employment that

² UNHCR Statistical Yearbook 2014, 14th edition. Available at <http://www.unhcr.org/566584fc9.html>

conflicts with class times. For these reasons, there are some people for whom the 510 hours allocation is insufficient to achieve the program's objective of functional English.

The AMEP program is intended to flow into the Skills for Education and Employment (SEE) program which provides language, literacy and numeracy to jobseekers at a higher level. However people with very low literacy or who are unable to achieve functional English within the AMEP program allocation are likely to be excluded from the SEE program, leading to ongoing social isolation and inability to access the labour market. Ultimately, this means this cohort continues reliance on social welfare, is at greater risk of marginalisation and developing poor mental health, and represents a fiscal cost to society.

Greater flexibility is needed in these programs so that they are effective for those entrants whose initial support needs are greater, so that they can ultimately become productive members of the labour force and participants in the Australian community. Such investment may ultimately result in cost savings in welfare and other human services for this group.

Recommendation: That the final report recommends innovation in the AMEP program to provide the flexibility for more, and tailored, English language training for people whose particular challenges mean they do not achieve functional English within 510 hours.

Employment services

The PC notes that the HSS program does not include specialist employment services for humanitarian entrants, and poses a question as to whether settlement services could be more effective in delivering better employment outcomes for this cohort.

Settlement service providers are currently not funded to provide specific employment-related support through HSS, or CCS programs. Some settlement services, including MDA, have, where possible, delivered targeted employment support to humanitarian entrants in addition to funded settlement support, through alternate funding sources. This has necessarily waned and changed over the years: much of MDA's employment work has occurred through time-limited grants and funding programs that have changed.

Humanitarian entrants on permanent visas are currently eligible for federally-funded mainstream employment services (previously JSAs, now JobActives), but those on temporary visas have no or limited eligibility. For those eligible for the JSA system, success was limited, with unemployment and underemployment remaining persistent problems in newly-arrived communities. Factors hindering success included program inflexibility in the program, a lack of JSA staff cultural competency and understanding of the refugee experience, and limited scope to assist people with understanding Australian workplace culture, recruitment processes and nuances.³ It is too early to comment on the effectiveness of the new JobActive model in assisting humanitarian arrivals.

MDA submits that there are two key approaches that could be taken to improve employment outcomes for humanitarian entrants.

1. Through mainstream JobActive providers

Humanitarian entrants, including temporary migrants with humanitarian backgrounds, could be automatically placed in Stream C, the most intensive level of JobActive support.

Additionally, JobActives could be required to demonstrate cultural competency and report

³ For more detail, see MDA's 2013 submission to the review of the Employment Services System: <https://mdaltd.org.au/download/australias-employment-services-system-beyond-june-2015-mds-submission/>

outcomes specifically for this client cohort. They should further be required to develop strong partnerships with settlement service providers to allow case conferencing to occur and streamline service provision for individuals.

2. Through settlement services (preferred)

Settlement service providers could be specifically funded through the settlement program to deliver targeted and individualised employment support through a culturally competent framework. In MDA's experience delivering employment programs for humanitarian arrivals, a targeted approach allows a focus on understanding the Australian jobs market and what Australian recruiters are looking for – not necessarily obvious to people from different cultures. Individualised support can assist people to work on those areas relevant to them – whether that be navigating overseas skills recognition processes, improving workplace English skills, making introductions and building networks with local employers, or working on a resume and interview skills for an Australian market. Settlement service providers are uniquely placed to deliver employment support in a context of understanding the person's refugee background and other barriers they may be facing, such as dealing with residual trauma. Importantly, service delivery occurs through an organisation they already know and trust.

Recommendation: That the final report recommends that the government fund specialised, individualised employment support provision to humanitarian entrants (including those on temporary visas), with preference for a model that is delivered by settlement service providers, or is at least closely aligned with them.

Under-employment and skills recognition

The Draft report recommends at 5.1 *“The Australian Government should seek opportunities to improve the recognition of overseas qualifications obtained at high quality institutions, including through bridging courses”*. MDA strongly endorses this recommendation. A MDA research project with nine newly-arrived communities in 2014-15 found, for those who were working (both in paid and voluntary capacities), a distinct mismatch between people's qualifications and skills and the work that they were doing⁴. Many were working below their skill level, or in an area outside their training. Nonetheless, the research found people have strong aspirations to work in areas more aligned to their interests and skills, or to improve their skills.

Difficulties in obtaining recognition for both qualification and skills, is often cited by community leaders of new and emergent communities as a contributing factor to unemployment. Even where qualifications are recognised, professional bodies may insist on the completion of costly bridging courses and further examination. Moreover, even when qualifications are recognised new arrivals may still be disadvantaged in the labour market, if local employers remain unconvinced regarding the translatability of skills and the quality of awarding institutions. This could be countered by efforts to promote the benefits of a diverse workforce to employers.⁵

⁴ Community Skills Audit, 2015. This report was the result of a survey of 81 people from nine different new and emerging migrant and refugee communities in Brisbane, about their work skills, qualifications, experience and aspirations. It targeted people that were unemployed or underemployed, using a snowball sampling methodology. Participating ethnic communities spanned the Middle East, Africa and Asia. Most respondents were male, and three quarters had arrived within the within the last three years.

⁵ Diversity Council of Australia, 2015. *Cultural Diversity – Research*. Research source list available at <http://www.dca.org.au/cultural-diversity/research.html>. Diversity Council of Australia and Office of Multicultural Affairs, 1994. *Australia's cultural diversity: good for business – a collection of case studies*. Available at: http://www.multiculturalaustralia.edu.au/doc/multoff_5.pdf

Recommendation: That the final report retains recommendation 5.1 regarding qualification recognition processes. However, this recommendation needs to be expanded in a number of directions to address skill recognition beyond tertiary level qualifications and promoting greater understanding among Australian employers including as regards a diverse workforce.

Settlement services for non-humanitarian entrants

The PC's Draft report recommends (at 6.1) that the mix and extent of settlement services should be reviewed for immigrants generally, not only humanitarian entrants, the only group currently receiving these services. MDA suggests that this is worthy of further consideration and analysis in the final report.

Family, partners and skilled migrant streams

MDA's experience is that some family stream immigrants (including families of humanitarian arrivals entering through the family stream), as well as partners and families of skilled migrant entrants, are currently afforded very limited support following arrival in Australia and could benefit from greater access to support services. For example, MDA previously had significant success in assisting non-humanitarian migrants, particularly partners of skilled migrants, to gain meaningful employment through the Queensland Government-funded Skilling Queenslanders for Work program. There is merit in considering a suite of settlement support for non-humanitarian migrants in these streams, whether or not funded by government, because settlement support may ultimately result in cost savings in other systems. People, who are assisted to make connections and acculturate to Australia, are less likely to be socially-isolated and more likely to obtain employment.

International students

International students, too, generally receive some orientation support from tertiary institutions on arrival, but otherwise have limited access to ongoing support. There is growing evidence that this group is vulnerable to exploitation in employment and the housing market in particular, as well as being at risk of social isolation. MDA's research has shown that international students in Queensland are seeking connection and more support⁶. Students have expressed to us a desire for more information and learning support around: Australian accent and slang; Australian systems including accommodation, public transport, education, entertainment; money management; rights and responsibilities under the law; and finding work both during and after their studies. They are also seeking support on how to meet and become friends with locals. Stress and isolation associated with these issues can compound feelings of home sickness and impact on student wellbeing.

International students now comprise one of Australia's biggest markets. Latest figures for Year to Date (YTD) October 2015 show 615,061 enrolments by full-fee paying international students in Australia, a 9.7% increase on YTD October 2014.⁷ International education generated \$17.6b in export

⁶ These findings are based on research conducted over a 12 month period including a combination of online survey and direct interactions with international students at numerous events including the City Welcome Festival for International Students.

⁷ Austrade International Student Data Monthly Summary October 2015. Available at: <http://www.austrade.gov.au/Australian/Education/Education-Data/2015>

revenue for Australia in 2014.⁸ To better support consumers in this growing and critical market, and to mitigate reputational risk, more comprehensive settlement support for international students is worthy of consideration.

Recommendation: That the final report retains recommendation 6.1 and further recommends specific settlement support for international students.

Data

Our understanding of the myriad ways that settlement supports interlink with other systems and support new arrivals will be assisted by improvements in data availability. The PC has acknowledged the recent linking of the Settlement Database with Census data and income tax data, and suggests further linking with health and education datasets. MDA endorses this recommendation, and further suggests efforts be made to improve data to measure outcomes in areas of housing and employment. Should settlement support services be extended to migrants beyond the humanitarian program, data collection should likewise be extended, to monitor outcomes for this cohort.

Recommendation: That the PC retains recommendation 7.1 regarding data collection and extends its scope to include housing and employment.

Price-based approach to migration

MDA strongly endorses the PC's contention that the humanitarian migration program be quarantined from a price-based model, in order that Australia meets its international responsibilities and retains a humanitarian intake based on our stated commitment to principles of human rights and social justice. MDA also concurs with the Draft report that "the immigration system is not well suited to a price-based approach", particularly given modelling indicating that such a system would reduce the number of skilled immigrants.

Information request 13.1: Alternate visa fee structures

The PC seeks comment on 5 alternative visa fee structures. Rather than making specific comment on each alternative, we make the following general observations:

- The arbitrariness of the existing fee structure comprises a major flaw in the current system, and represents a significant concern amongst migrants. The setting of fees is not transparent, does not appear to follow any structure, and is in some cases set at rates that are inaccessible to people who lack significant disposable income.
- Potential migrants to Australia already have significant financial outlay before visa fees are considered. Migration agent fees, tests they are required to sit, health checks, flights and international removalist fees already make migration expensive. Additionally, many migrants (humanitarian migrants notably excepted) do not have access to Australia's welfare system for two years after arrival, so must arrive with sufficient capital to cover contingencies. Any visa fee structure should consider the reasonableness of the fee in light of such other expenses.
- The level of discrimination against family reunion by the current fee structure means that family reunion can be a lengthy, arduous and extremely expensive process, with parent visas particularly problematic in this regard – a point the Draft report also recognises. MDA regularly sees the detrimental impact that worry and uncertainty about family left behind

⁸ Austrade, Australian International Education 2025: Outcomes from AIE2025 Consultation Workshops April 2015. Available at: <http://www.austrade.gov.au/education/news/reports/aie-2025-consultation-workshops-report>

has on the settlement journeys of those waiting long periods for family visa applications to be processed, or who cannot afford visa processes for family members. Efficient, transparent and cost-effective family reunion processes assist successful settlement and help people to integrate more quickly.

- An income contingent visa fee loan scheme (like HECS-HELP) could be considered to allow Australia to benefit from high quality potential migrants without capital, while still allowing the government to raise revenue (albeit delayed).

Recommendation:

That the final report recommends a visa fee structure:

- *underpinned by principles of transparency and natural justice.*
- *with consideration given to reasonableness and accessibility to a wide variety of potential productive contributors and their extended families, not just those with current access to capital (income-contingent loan schemes may assist in this regard).*

Temporary visas and work rights

The Draft report makes significant comment about temporary visa categories, specifically international students, working holiday visas, temporary worker 457 visas, New Zealand citizens on the Special Category Visa, and seasonal workers. Missing from the PC's analysis are humanitarian temporary visa categories, which include:

- The Bridging Visa E currently held by around 29 000 asylum seekers living in the community and waiting for their protection applications to be processed⁹; and
- Temporary Protection Visas (TPVs) and Safe Haven Enterprise Visas (SHEVs), currently small in number but which are expected to increase as asylum seeker protection applications are processed.

The Draft report suggests there is scope to improve Australia's migration system by removing barriers to immigrant labour market integration. The arguments in favour of a freer labour market for these visa holders under discussion also ring true for asylum seekers in temporary visa categories.

During 2013 and 2014, many asylum seekers with bridging visas had work rights revoked when their visas expired, forcing them to access government payments via the Status Resolution Support Scheme (SRSS) and meaning employers lost valuable workers. Many asylum seekers worked in industries or locations with severe labour shortages hard to fill by local workers (such as food manufacturing and meat works in regional areas). While most bridging visa holders have now been granted work rights, the uncertainty caused by the arbitrary nature in which work rights were removed and re-granted was damaging and costly to employers, the government and asylum seekers alike. Moreover, the lasting reputational damage to this cohort of potential workers and the agencies assisting them should not be underestimated.

Recommendation: That any reform of humanitarian temporary visa arrangements includes free participation in the labour market.

⁹ Department of Immigration and Border Protection, Immigration Detention and Community Statistics Summary: 31 August 2015.

<https://www.border.gov.au/ReportsandPublications/Documents/statistics/immigration-detention-statistics-31-Aug-2015.pdf>

Exploitation of temporary workers

The Draft report's evident interest in reducing exploitation associated with temporary visa categories is commendable. However, the possibility of labour market exploitation among those who hold BVEs, TPVs or SHEVS is not explored. Like other temporary visa categories identified by the Draft report, asylum seekers on bridging visas are at risk of labour force exploitation in the following ways:

- While most asylum seeker bridging visa holders now have work rights, these are sometimes for short periods that make it difficult to get employment, particularly quality, meaningful and ongoing employment. This makes people vulnerable to accepting and continuing to endure poor working conditions.
- Asylum seekers on bridging visas have limited access to social welfare or other programs and support normally available to other migrants. If they are not working, they receive SRSS payments equivalent to 89% of Centrelink, but cannot access post-school education (unless they are full-fee paying – there is no access to education loans), cannot access public housing, have restricted access to healthcare and in most cases are ineligible for funded legal support. Income earned through work, even with sub-standard conditions, can be the only way people can access what they need.

Efforts to reduce the risk of exploitation of temporary workers needs to occur in a manner sensitive to Australia's national anti-slavery and trafficking legislative framework (introduced in 2013). Immigration laws that allow for detention and deportation of illegal workers may sit in tension with the Commonwealth Criminal Code's protective mechanisms for those 'illegal workers' who are in fact victims of slavery and human trafficking offences, and any policy or program responses must recognise this.

With respect to labour force exploitation, the PC recommends (9.3) that *the Fair Work Ombudsman should commission the development of a smart phone app that would provide temporary immigrant workers with information on their work rights and responsibilities, and with links for lodging complaints about abuses or exploitation*. There may indeed be merit in such an approach, if accompanied by language support and assistance for people to link with support services. But there is perhaps greater merit in examining the conditions that allow exploitation to flourish amongst temporary visa categories in the first place.

Recommendations:

- *That Recommendation 9.1's "public inquiry into the labour market and broader economy-wide effects of work rights", be broadened to ensure an investigation into whether any of the conditions associated with any of the available temporary visas facilitate labour market exploitation.*

Acronym list

AMEP	Adult Migrant English Program
AUSCO	Australian Cultural Orientation Program
BVE	Bridging Visa E
CALD	Culturally and Linguistically Diverse
CCS	Complex Case Support program
HECS-HELP	Higher Education Contribution Scheme – Higher Education Loan Program
HSS	Humanitarian Settlement Services
JSA	Job Services Australia
MDA	Multicultural Development Association
NDIS	National Disability Insurance Scheme
PASTT	Program of Assistance to Survivors of Torture and Trauma
PC	Productivity Commission
QCOSS	Queensland Council of Social Services
SEE	Skills for Education and Employment program
SGP	Settlement Grants Program
SHEV	Safe Haven Enterprise Visa
SRSS	Status Resolution Support Scheme
TPV	Temporary Protection Visa
UNHCR	United Nations High Commission for Refugees

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