

## **Response to Productivity Commission's report on Australia's Migrant Intake**

**September 2016**

FECCA welcomes the Productivity Commission's report following its inquiry into Australia's Migrant Intake. The report is an important contribution to our understanding of the impact of Australia's migration programmes.

Migration is a complex policy and cannot be considered without reference to its social benefits to Australian society. Qualitative benefits, including the skills, knowledge and experience that migrants can bring to Australia should be considered, in addition to quantitative factors, when assessing the impact of the country's migrant intake. Immigrants bring creativity, energy, and productivity to our country, as well as help drive economic growth, and a diverse and dynamic community.

FECCA believes the Migration Programme needs to strike a balance between family and skilled migration. The Productivity Commission's recommendations on parent visas in particular reveal a view of migration skewed toward economic impacts. The social and cultural contribution of family stream migration should not be under-estimated.

### **Population policy**

The Productivity Commission has recommended that the Government develop and articulate a population policy to be published with the intergenerational report. The Commission also recommends that the Government specify that the primary objective of immigration and the population policy is to maximise the economic, social and environmental wellbeing of the Australian community (existing Australian citizens and permanent residents), and their future offspring.

FECCA has called for the Government to adopt a progressive and innovative migration and population policy, based on principles of justice and equity.<sup>1</sup> This would achieve an appropriate balance between various migration streams, ensure a responsive family migration programme, and implement an increase in annual humanitarian intake up to 20,000.

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<sup>1</sup> FECCA, *Governing for All Australians: A Policy Platform to Respond to Australia's Cultural and Linguistic Diversity* (2016). Available at: <http://fecca.org.au/wp-content/uploads/2016/06/FECCA-2016-election-priorities.pdf>

The objective of any Australian population policy should be the wellbeing of all Australians, and also take into consideration Australia's international obligations and position as a member of a global community.

FECCA is supportive of the Commission's recommendation that the Australian Governments judgments about immigration levels and population growth should be better informed by a broad range of evidence.

### **Skilled migration**

The Productivity Commission's report recommends that the Australian Government consider reducing the age limit of 50 years for permanent migration under the skilled stream, and provide greater weight in the points-based system for younger immigrants. FECCA is opposed to such a change.

As identified by the Commission, most immigrants already arrive in Australia when they are of 'working age'. Given this current trend, there is no need to introduce further restrictions on age for individuals wishing to migrate to Australia under the skilled migration stream. All migrants should be valued for the skills that they bring and contribution that they make to the Australian community. Migrants in their 40s have a lot to offer Australia, and in recognition of this, we should not impose further discriminatory measures based on age.

The Commission also recommends that the Australian Government significantly increase, up to a given maximum, the contributing points to a primary applicant based on the skill and other traits of the adult secondary applicant. All primary applicants without partners should be given additional point's equivalent to the maximum above.

FECCA emphasises the importance of family migration, including secondary applicants in the skilled migration programme. Migrating with family to a new country can assist in the settlement process, including making community connections, alleviating home sickness, and maintaining cultural practices. FECCA opposes the Commission's recommendation to incentivise applicants who migrate without partners, considering this a discriminatory measure which is antithetical to what is known about family support during migration.

### ***English language proficiency***

The Productivity Commission has recommended that all primary applicants for skilled stream permanent migration should be required to demonstrate at least 'competent' English language proficiency.

As the report recognises, generally all primary applicants for temporary and permanent skilled migration are already required to satisfy English language requirements. However, the level that they are required to reach currently varies by visa class, and some visa classes are exempt from the requirement.

FECCA recognises the importance of English language proficiency for success in the Australian labour market. We recommend providing support to migrants to improve their English upon arrival, rather than imposing more stringent requirements. Narrowing requirements in this way may result in Australia discriminating against certain migrants who could make significant contributions to the country.

## **Family migration**

The social, and particularly economic, contribution of family stream migration should not be under-estimated. FECCA is concerned that overlooking the benefits of family migration may lead to the system being heavily skewed to skilled migration.

The Productivity Commission's report recommends that the Australian Government amend arrangements for permanent parent visa applicants. In the short term, the Commission says that the Government should:

- increase substantially the charge for contributory parent visas;
- narrow eligibility to non-contributory parent visas to cases where there are strong compassionate grounds to do so, accompanied by clear published criteria to limit applications for such visas;
- consider lowering the caps for contributory parent visas; and
- introduce a more flexible temporary parent visa that would provide longer rights of residence, but with requirements, as for other temporary visas, that the parents or sponsoring child would meet the costs of any income or health supports during the period of residence.

The Commission also recommends that the Government retain current arrangements for family reunions involving partners or children.

### ***Parent Visas***

FECCA is strongly opposed to the Commission's recommendations with respect to parent visas. These recommendations reveal a view of migration which is skewed towards fiscal and economic impacts, and discounting social and cultural benefits.

The Department of Immigration and Border Protection advises that there is approximately a 30 year wait before visa grant consideration for parent (non-contributory) visa applications.<sup>2</sup>

The availability of family reunion is important for successful settlement, allowing migrants to maintain family ties and connections. Family reunion also related to core human rights principles around the rights of Australians to live with their family members. Restricting the number of people who can access family reunion on the basis of financial means will force people to find whatever resources they can to bring their families to Australia, and this is a punitive approach. Many people are forced to choose between being separated from their family or staying in Australia on a temporary visa without access to services while they wait lengthy periods for their substantive visa to be processed and finalised.

The Productivity Commission recommends that the Government should request the Australian Government Actuary to update its actuarial analysis of the long-term fiscal consequences of immigrants arriving under the parent visa stream, eventually incorporating all expenditures and revenues, including at the state and territory government level. FECCA considers that this recommendation illustrates an approach which focuses too much on the direct fiscal effects of migration, and not enough on social and cultural factors.

Family relations and responsibilities towards relatives in culturally and linguistically diverse communities (CALD) are very often significantly different from what is considered most common in Australia. Many CALD Australians come from collectivistic societies whereby cultural, religious, historical or traditional beliefs and practices require family members to

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<sup>2</sup> DIBP, 'Parent Visa Queue', <https://www.border.gov.au/Trav/Brin/Fami/Capping-and-queuing/Parent-visa-queue> (accessed 18 November 2015).

provide social support, not only to their close family members, but also to their extended family. Not being able to fulfil their family responsibilities towards a dependent relative can impact on the general wellbeing of families, and can negatively affect social cohesion.

The associated costs with the contributory parent visas are significantly higher than the ones for non-contributory visas, as they are required to pay higher visa application charges and to make a substantially higher contribution to their health and welfare costs. Disadvantaged families, families with relatives overseas who are solely dependent on their support, and people with disabilities or other medical conditions who want to bring over their carer, may find it almost impossible to sponsor their relatives or carers to come to Australia.

FECCA holds significant concerns about the current migration policy settings, which require the majority of parent visa holders (that is, those on contributory parent visas) to enter into a relationship of dependence with their family members in Australia. In the context of spousal domestic violence, it has been affirmed that dependent visa status has been used as a tool to threaten and intimidate women, increase the vulnerability of migrant women, and impact on their willingness to seek help.<sup>3</sup> FECCA considers this to be a risk for migrants on contributory parent visas.

Without access to social security supports, individuals on these visas have limited or no options if there is a relationship breakdown with their children, or if they are subject to abuse. These individuals are likely to have limited knowledge of Australian support services, unlikely to have support networks in Australia to turn to in these circumstances, and may be socially isolated due to language barriers and other factors. Waiting periods for social security payments are a significant barrier to leaving abusive living circumstances, and seeking assistance is another for migrants subjected to elder abuse.

### ***Disability***

There are no specific recommendations in the report relating to people with disability.

Disability has not been viewed from a human rights perspective, but from an economic view. Disability services are a growing area of government expenditure. Total government expenditure on disability services was eight billion dollars in 2014-15. Recent immigrants were less likely to report requiring assistance with core activities-an indicator of disability-than the general population. Evidence suggests that among those eligible for disability services, people born in non-main English speaking countries have lower usage rates.

Under the *Migration Act 1958*, people who seek to migrate to Australia are subjected to a health examination which calculates the potential cost of services over a period of time, and can be prohibited from migrating to the country if the calculated cost is above a certain level. According to Article 18 of the *Convention on the Rights of Persons with Disabilities*, all State parties are under an obligation to recognise the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others. FECCA believes that the health examination requirement imposed on migrants with disability contravenes this Article, and has supported calls to amend this requirement.

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<sup>3</sup> Australian National Research Organisation for Women's Safety, 'Promoting community-led responses to violence against immigrant and refugee women in metropolitan and regional Australia: The ASPIRE Project' *Landscapes – State of knowledge paper* (October 2015), 25.

## **Carer Visas**

The waiting period for the carer visa is currently estimated at four and a half years, and waiting periods for the remaining relative and aged dependent relative visas are approximately 50 years.<sup>4</sup> The report provides no recommendations in relation to aged dependent relatives, with the focus solely on parents. FECCA highlights that many people from CALD backgrounds may need to care for extended family, and that carer visas can facilitate this.

## **Temporary immigration programmes**

The Productivity Commission recommends that the Australian Government commission a public inquiry into the labour market and broader economy wide effects of work rights for international students, temporary graduates and working holiday maker visa holders. FECCA is supportive of initiatives to add to the evidence base in relation to these migration programmes, however, any such inquiry should include consideration of the wellbeing of temporary migrants in addition to labour market outcomes.

Further, it is important to recognise the distinctions between international students, temporary graduate visa holders and working holiday makers.

The Commission recommends 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. FECCA is encouraged by efforts to increase the access of migrant workers to information about their work rights and mechanisms to lodge complaints about exploitation. However, FECCA believes that further support is needed to reinforce understanding of workplace rights and empower migrant workers to operationalise their rights, for example by linking these workers with community organisations for orientation sessions.

## **Visa charges**

The Commission's report recommends that the Australian Government increase transparency around its visa charging system by conducting and publishing biennial reviews covering:

- changes to visa charges and their terms and conditions, the number of visa applications and the characteristics of immigrants by visa subclass over the previous five years; and
- the underlying visa charging methodologies.

FECCA supports increasing the transparency of the Government's visa charging system.

We have been concerned about increases to Visa Application Charges for people migrating to Australia on partner and family visas in recent years. FECCA believes that the current charges place partner and family visas beyond the reach of many people seeking to sponsor their partners and relatives to join them in Australia, resulting in the separation of families for potentially prolonged periods. We are concerned that the increases in these charges over recent years overlook the positive contributions of family migrants to Australian society.

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<sup>4</sup> DIBP, 'Other Family Visa Queue' <https://www.border.gov.au/Trav/Brin/Fami/Capping-and-queueing/Other-family-visa-queue> (accessed 18 November 2015).

## **Developing the evidence base**

FECCA supports the Commission's recommendation that the Government should allocate additional funding to the Household, Income and Labour Dynamics in Australia (HILDA) survey to enable it to more regularly refresh its sample so that the longer-term outcomes and impacts of different immigrant arrival cohorts can be better captured.

## **Settlement services**

The Commission's report recommends that the Australian Government should review the mix, extent and coordination of settlement services (including English language training and employment services) for all permanent immigrants with the aim of improving their labour market and social engagement outcomes.

Australia has a strong settlement services sector that is well positioned to welcome new migrants and refugees, including the enormous social, cultural and economic potential they bring with them. Additional resourcing is vital to ensuring new arrivals are well supported.

## **Overseas qualifications**

The Productivity Commission has recommended that Australian governments should give priority to improving the recognition of overseas qualifications obtained at high-quality institutions, including through bridging courses.

Difficulties with obtaining recognition of skills and qualifications earned overseas are frequently cited by immigrants as a major barrier to accessing employment in Australia. Many community members believe that there is not enough information about how to have overseas qualifications recognised, and the cost of this recognition can be prohibitive, particularly for refugees. FECCA is supportive of efforts to improve access to recognition of overseas qualifications for migrants, which will enable individuals to work in their area of expertise.

## **Conclusion**

The Productivity Commission report, *Migrant Intake into Australia*, reaffirms the importance of migration to Australia and its economic, social and cultural benefits.

FECCA is concerned that the report's recommendations do not adequately recognise the importance of family migration. Family relations and responsibilities towards relatives in need in culturally and linguistically diverse communities are often significantly different from what is considered most common in Australia.

The Migration Programme must achieve a balance between skilled and family migration. The social and particularly economic contribution of family stream migration should not be underestimated.