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Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

### **FECCA submission regarding the Effectiveness of the Current Temporary Skilled Visa System in Targeting Genuine Skills Shortages**

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the national peak body representing Australia's culturally and linguistically diverse (CALD) communities and their organisations.

FECCA provides advocacy, develops policy and promotes issues on behalf of its constituency to Government and the broader community. FECCA strives to ensure that the needs and aspirations of Australians from diverse cultural and linguistic backgrounds are given proper recognition in public policy.

FECCA supports multiculturalism, community harmony, social justice and the rejection of all forms of discrimination and racism so as to build a productive and culturally rich Australian society. FECCA's policies are developed around the concepts of empowerment and inclusion and are formulated with the common good of all Australians in mind.

FECCA would welcome the opportunity to expand on this submission as required. For enquiries please contact FECCA Acting CEO Mohammad Al-Khafaji at [mohammad@fecca.org.au](mailto:mohammad@fecca.org.au) or on (02) 6282 5755.

#### **Recommendations**

- Increase data collection and analysis to better target skill shortages ensuring skill lists are updated regularly to reflect the true skill shortage
- Adequate plans should be made for the increasing need for bilingual aged care workers to cater to the needs of Australia's increasingly ageing and increasingly CALD population
- Increase support for skilled migrants and their families to build sustainable, prosperous and fulfilling lives by ensuring appropriate employment, challenging racism and discrimination, improving access and equity to government and other services providers and ensuring reliable funding for multicultural and ethno-specific community organisations and programs
- Value Australian Citizenship and permanency as a key to social cohesion by ensuring: clear pathways to permanency for all visa types; and all efforts to increase barriers for temporary visa holders to become a permanent resident and to become Australian Citizens are abandoned.

- Reduce the barriers to employment of migrants by supporting employers with the skills needed to manage diverse workplaces including; cultural competence training and support to increase understanding of and confidence in overseas qualifications, English language assessments and overseas experience
- Improve the provision of culturally and linguistically appropriate information regarding Australian legislation and worker rights to migrant employers and employees with a focus on new arrivals and vulnerable migrants with links to advocates, legal services as well as the Fair Work Ombudsman to help workers to pursue their rights where they believe they are being exploited.

## **Discussion**

### **The Value of Migrants**

At June 30, 2016, 28.5 per cent of Australian population was born overseas and nearly 50 per cent of Australians have one or more parent born overseas<sup>1</sup>. Australia's economy and future prosperity is heavily reliant upon the skills that migrants bring to this country through temporary and permanent migration streams and our migration system is designed to attract appropriate skills for the needs of Australia's economy. This is reflected in the figures: 65 per cent of recent migrants held tertiary qualifications before arriving in Australia and many more obtained tertiary qualifications after arriving in Australia; and migrants with Australian citizenship have an unemployment rate of 3.3 per cent versus 5.4 per cent for people born in Australia<sup>2</sup>. Australia's GDP and GDP per person is increased through the workforce participation of skilled migrants and more in tax revenue is contributed than claimed by migrants in social services and other government support<sup>3</sup>.

### **Skill Shortage**

#### **Data**

The time elapsed during reviews of the Skilled Migration Occupation Lists, including the current status - completed review waiting for the government's review and announcement - may lead to a lag of 'true' skill shortage data and difficulty targeting genuine skill shortages. For example: it has been reported by the South Australian Centre for Economic Studies that business owners believe the occupation lists used by the Department of Immigration and Border Protection (subsumed by Department of Home Affairs) did not accurately reflect their needs<sup>4</sup>. For a successful migration policy that attracts and retains migrants to Australia much more needs to be done to ensure the skills of migrants match the skills needed in the Australian economy.

### **Future Mapping**

The opportunity to target future skill shortages in industries such as aged care should be addressed when mapping skill shortages. Almost one in three older Australians were born overseas, with a significant number of these coming from CALD backgrounds. Almost 40 per cent of all migrants from non-English speaking countries are aged 50 years and over, compared to 32.4 per cent of Australia's total population aged 50+ years<sup>5</sup>. As this trend continues issues of ageing and providing assistance to older CALD community members will increase including care in their preferred language as many elderly people lose their acquired

<sup>1</sup> <http://www.abs.gov.au/ausstats/abs@.nsf/mf/3412.0>

<sup>2</sup> <http://www.abs.gov.au/ausstats/abs@.nsf/mf/6250.0>

<sup>3</sup> Shaping a Nation, Population growth and immigration over time 2018

<sup>4</sup> The Potential Benefits of Reforming Migration Policies to Address South Australia's Needs, April 2017 Part 1

<sup>5</sup> FECCA, Review of Australian Research on Older People from Culturally and Linguistically Diverse Backgrounds

English language skills. Efforts must be made to ensure that this increasing need is appropriately assessed and targeted.

## **Attracting and Retaining Skilled Migrants**

Migrants are attracted and retained by factors such as:

- presence of family or friends and a welcoming community. For example, places of worship, and access to familiar consumer goods
- local community and culturally appropriate support mechanisms and settlement services
- appropriate employment opportunities free from exploitation
- service providers with culturally competent information regarding worker rights
- information on access to services such as health care
- social cohesion and an environment free of discrimination or racism
- pathways to permanency for all visa types

Successful retention of migrants requires close collaboration of all stakeholders and the sharing of best practice models between regional areas, government and agencies to cater to the needs of skilled migrants and their families.

Temporary skilled migrants can contribute to the further development of industries in Australia by contributing expertise and diverse skills and often temporary skilled migrants will go on to become permanent residents and citizens. The skills that they bring subsequently remain in Australia and can further contribute to the industries that they are working in. Ensuring that all visas have a pathway to permanency is crucial in attracting the required migrants Australia including to rural and regional areas.

It is the view of FECCA, and the tradition of Australia's immigration system, that Australian permanent residents should seek citizenship as soon as practically possible to foster a sense of inclusion and encourage integration. For migrants to Australia, the granting of Australian citizenship is a symbol of welcoming into the Australian community and provides security and certainty. Citizenship is not only an offer of welcome by Australia; it is also an expression of commitment by an arriving migrant and measures which delay or deter this should be resisted.

## **Barriers to Employment**

Whilst the value of migrants in Australia is clear, the 2016 census data shows 31 per cent of recent migrants who have had a job in Australia reported experiencing some difficulty finding their first job. The most common perceived difficulties in finding work were:

- a lack of Australian work experience or references (65 per cent)
- a lack of local contacts or networks (31 per cent)
- language difficulties (25 per cent)<sup>6</sup>

Experiencing these barriers, often in combination, mean that many people from CALD backgrounds find themselves in lower-skilled and low-paid jobs instead of filling the targeted genuine skill shortages. An inability to have one's overseas qualifications recognised or to find acceptance in the Australian job market means that many migrants take jobs below their skill level – a phenomenon termed 'occupational skidding' by the renowned demographer the late Professor Graeme Hugo of the University of Adelaide<sup>7</sup>.

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<sup>6</sup> <http://www.abs.gov.au/ausstats/abs@.nsf/mf/6250.0>

<sup>7</sup> Hugo, Graeme, May 2011, Economic, Social and Civic Contributions of First and Second generation Humanitarian Entrants, First Report to the Department of Immigration and Citizenship

There are challenges with regards to professional qualification and a tendency for some employers to ignore their applicant's previous skills. When hiring, employers call applicants with non-Anglo-Celtic names at a significantly lower rate than other applicants<sup>8</sup> and discriminate based on accent<sup>9</sup>. As compared with applicants with Anglo-Celtic names, those with Chinese names must submit 68 per cent more, Italian names require 12 per cent more and 'Middle Eastern' names 64 per cent more applications.

To ensure the skilled visa system is effective in targeting genuine skills shortages hiring bias needs to be overcome with employers by building their confidence in overseas skill accreditation, English language tests and overseas experience. The opportunity for employers to fill vacant positions with skilled migrants should be communicated to increase skill matching in areas of skill shortage.

## **Rights and Protections**

Australia's employment legislation contains many protections for workers. However, Australia's Fair Work Act and associated regulations, rules and awards are complex. For workers who may have limited time and limited knowledge of government infrastructure and where to find information – it is very difficult for them to navigate systems and processes and understand their rights.

More information needs to be provided in simple English, languages other than English, through multiple channels and be industry specific. Efforts should be made to make this information available to all visa holders with links to advocates, legal services as well as the Fair Work Ombudsman to help workers to pursue their rights where they believe they are being exploited. Adequate funding of ethno-specific organisations with knowledge in worker rights as well as resources for community legal services for employment-related caseload is essential.

Whilst efforts are made to inform skilled visa holders of their rights and protections, the balance of power between an employee and employer where that employee has struggled to find employment and/or relies on their employer for proof of work is one reason people from CALD backgrounds are disproportionately victims of exploitation and unsafe work environments. This reliance diminishes the ability for skilled visa holders to influence workplace standards or report illegal practices due to fear of consequences to their visa status. In a number of instances workers knew they were being exploited and knew there were mechanisms through which they could pursue their rights but were prevented from doing so because of threats, made by their employers, about reports to immigration regarding contraventions of visa conditions<sup>10</sup>. In some cases there had in fact been no contravention but because visas were contingent upon the employers' continued support, migrant workers were intimidated into accepting conditions tantamount to slavery<sup>11</sup>.

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<sup>8</sup> Migrant Intake into Australia 2016 pp.269

<sup>9</sup> FECCA survey into CALD youth employment 2014

<sup>10</sup> Ferguson, A, Danckert, S. 'Revealed: How 7 Eleven is Ripping Off its Workers' The Sydney Morning Herald 2015

<sup>11</sup> McKenzie, M. 'Slavery claims as seasonal workers from Vanuatu paid nothing for months' work' The Sydney Morning Herald 27 March 2017; Fair Work Ombudsman v Maroochy Sunshine Pty Ltd & Anor [2017] FCCA 559 per Jarret J at [48] and [57]