

10 August 2020

Committee Secretary
Department of the Senate
PO Box 6100
Canberra ACT 2600

Email: temporarymigration.sen@aph.gov.au

FECCA submission to Temporary Migration Inquiry 2020

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 people living in Australia 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 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 CEO Mohammad Al-Khafaji at ceo@fecca.org.au or on (02) 6282 5755.

Recommendations

- *Ensure temporary visas types are considered independently to avoid conflation and misguided policy outcomes.*
- *Understand and imbed the importance of permanent migration to Australia's sustainable economic and social development into Australia's migration framework.*
- *Ensure migrants have available, timely and transparent pathways to seek permanent residency and citizenship to reduce negative impacts such as visa anxiety.*
- *Recognise the direct link between belonging and social cohesion by valuing temporary migrants as people and removing barriers to full participation.*
- *Review the fairness and equality within the Migration Program which must achieve an appropriate balance between skilled and family migration.*
- *Conduct an investigation into the impact of temporary visa status and conditions on a persons vulnerability to experiencing exploitation, wage theft and sexual harassment in the workplace including; the seasonal worker program, international students and those whose visa status relies on an agreement with their employer.*
- *Overhaul and re-balance the migration system to avoid visa conditions creating vulnerability amongst migrants.*
- *Ensure a robust regime to monitor and enforce compliance for preventing exploitation of overseas workers as well as holding those who abuse the labour rights of workers accountable.*
- *Improve the provision of CALD appropriate information regarding Australian legislation and worker rights to migrant employers and employees with links to advocates, legal services as well as the Fair Work Ombudsman to help workers to pursue their rights in languages other than English as required.*
- *Consider and implement the steps outlines in the Blueprint for Reform¹:*
- *Provide a safety net for refugees and people seeking asylum on bridging visas who do not have access to SRSS during COVID-19*
- *Plan for the wellbeing of those left behind during COVID-19 to ensure Australia recovers with a whole of society approach.*

¹ <https://awava.org.au/2019/10/02/research-and-reports/blueprint-for-reform>

Discussion

'Temporary visa workers have dreams to become Australian citizen, we have invested money, effort and time to obtain our visas and we are ready to contribute in the Australian community.' – FECCA consultation

Australia's migration program has been central to economic and social development and will be critical to Australia's future as a productive and globally integrated economy and society. For many decades, Australia had a highly inclusive immigration system where virtually all migrants were granted permanent residency with full access to employment and social rights. In recent years the migration system has been rebalanced to include a much stronger emphasis on temporary migration, due to the perceived benefits to the Australian economy. The temporary migrants discussed in this submission are not visitors or tourists and form part of Australian society as friends, neighbours and co-workers and deserve to be valued beyond their financial contribution which is undisputed².

The movement away from family migration to skilled migration targeting workforce needs has only occurred within the last approximately 25 years. In 1996, family migration was about two-thirds of the program, and skilled one-third. Those ratios are now reversed³. Over time the balance between permanent and temporary migrants has changed with the number of temporary entrants in Australia increasing from 1.605 million in December 2011 to 2.433 million in December 2019 (increase of over 0.8 million).⁴ The combination of the permanent residency cap and uncapped temporary migration along with complicated policy and processes, the pathway to permanency has become increasingly convoluted and constrained.

Wage theft, breaches of workplace rights and conditions, modern slavery and human trafficking are not innate risks to any particular group. It is structural barriers, restrictions and deprivation of power which impact the lives of temporary migrants and institutionalise inequality. These processes and rules have created a situation of widespread visa anxiety as the pathway to permanency becomes longer and more complicated over time.

² <https://research.treasury.gov.au/external-paper/shaping-a-nation/>

³ <https://www.theguardian.com/australia-news/2018/mar/24/australias-fierce-immigration-debate-is-about-to-get-louder>

⁴ <https://www.homeaffairs.gov.au/research-and-statistics/statistics/visa-statistics/live/temporary-entrants-in-australia>

Temporary Visa Types

Recommendation: Ensure temporary visas types are considered independently to avoid conflation and misguided policy outcomes.

The broad category of temporary visa holders includes:

- temporary skilled visa holders
- international students
- people on bridging visas
- New Zealand (NZ) citizens on special visa category 444
- people currently holding temporary protection visas
- visitors
- other visa types

Each visa type was created to serve a specific (mostly economic) purpose therefore it is essential that this inquiry acknowledges and understands each visa and associated conditions independently. Conflation can lead to inadequate policy decisions by, for example, assuming all temporary visa holders are visitors who should return home in a time of crisis.⁵ The assumption here is that because their visa is temporary, so is their life in Australia. For many, the temporary nature of their visa is a consequence of the complicated and ever-changing pathway to permanency that those wanting to call Australia home must navigate, rather than a statement of intent. FECCA suggests that any future public discourse around temporary visa holders, must acknowledge their contribution and hopes for their lives in Australia. Their dedication to becoming Australians is not temporary, their actions towards permanency in Australia are not temporary, and their fiscal, cultural, and social contributions are certainly permanent.

After holding widespread consultations with its membership, FECCA has identified a variety of challenges associated with various temporary visa types which have all been exacerbated by persistently increasing processing times for permanency, the COVID-19 pandemic, and associated economic downturn.

⁵ <https://www.abc.net.au/news/2020-04-03/coronavirus-pm-tells-international-students-time-to-go-to-home/12119568>

Pathway to Permanency

Recommendations:

- *Understand and imbed the importance of permanent migration to Australia's sustainable economic and social development into Australia's migration framework.*
- *Ensure migrants have available, timely and transparent pathways to seek permanent residency and citizenship to reduce negative impacts such as visa anxiety.*

For many, the temporary nature of their visa is a consequence of the complicated and ever-changing pathway to permanency that those wanting to call Australia home must navigate. Temporary migration has changed the nature of Australia's migration program away from nation building and towards purely economic utility. With the introduction of 'two-steps' towards permanent residency people are 'temporary' for longer.⁶ According to ABS data from 2016, the number of people living in Australia on temporary visas for a period of 8 years or more were three times more than during the previous census⁷. A bridging visa is issued to someone whose visa has expired but has applied for another visa and is typically issued with the same conditions as their original visa. Australia has seen a huge growth in the number of bridging visa holders in Australia waiting for the outcome of their new visa application. As of March 2019, there were almost 230,000⁸ people holding bridging visas, which is the highest number on record (up from 110,900 in December 2011⁹). The existence of such a large group of people means waiting times for visa processing are longer and additional uncertainty is being experienced by temporary visa holders in the Australian community.

The number of people waiting for their application for permanent residency (PR) has not been published by the Department of Home Affairs however FECCA has been contacted by a large number of people in situations where, during a 3 year period, the wait time has increased from 3 months to now 29 months from the time of application. To apply for PR these people have already fulfilled all requirements during their 2 or 3 year temporary visa. FECCA heard of the impact of increased processing times for PR effectively doubling the period they must remain temporary migrants—something they were not warned about.

⁶ Ibid

⁷ Insights from the Australian Census and Temporary Entrants Integrated Dataset, 2016

⁸ https://www.ceda.com.au/CEDA/media/General/Publication/PDFs/190709_CEDATemporaryMigration_FullReport_FINAL.pdf

⁹ Data.gov.au, Department of Home Affairs

The overall lack of transparency from the Department of Home Affairs , limited communication with applicants as well as the extended waiting times have led to the coining of a new phrase by FECCA's member in Shepparton - "visa anxiety". This visa anxiety is linked to both the waiting period for a permanent residency and to family reunion as it explains people's stress about their life, worry about their family and the inability to plan a secure future. The significant mental health implications linked to visa anxiety must be considered when processing applications for permanent residency (PR).

Visa Anxiety

During consultations FECCA heard about the uncertainty and anxiety caused by the long process from entry to permanent residency to citizenship. The longer people must wait for permanency, the longer they live in constant uncertainty. FECCA heard:

'I had lost the job and no welfare are given to us being a visa holder whereas we had applied for permanent residency 887 Visa since July 2018 and still waiting due to government increasing the processing time.' (applied for PR 21 months ago)

'Yes the processing time for our permanent residency -887 visa is increased to 26 to 29 months by DOHA earlier when I applied last year it was waiting period of 9 to 10 months.'(applied for PR 14 months ago)

'Extremely long processing time (26-29 months) for 887 visa after fulfilling requirements for 4 years on a 489 visa. People like us are stuck in a limbo, deprioritised and unable to move forward with our lives.' (applied for PR 12 months ago)

'Been waiting for permanent residency under subclass 887 near about two years only contacted once by home affair and been asked about my newborn's medical which we have done in 5 days, now it's been 6 months and we haven't heard back. The whole family is struggling because of this never-ending processing.' (applied for PR 23 months ago)

On the complicated PR process FECCA heard:

'I am a permanent resident and the process made me not feel welcome, have been treated as suspicious and someone who is 'taking advantage of the system'. - FECCA 2020 Access and Equity Survey

The process was 'very difficult and complicated'. FECCA 2020 Access and Equity Survey

'It was a very 'long process, requires huge flux of money and patience' FECCA 2020 Access and Equity Survey

This drawn out process leading to uncertainty is exemplified by the following case study of Rifat.

Case Study: Rifat – Skilled Regional (Provisional) visa (subclass 489)

Rifat, his wife Ajda and young son are Syrian. When the situation became unsafe in Syria, Rifat moved with his family to Saudi Arabia and later applied for a visa to come to Australia. Rifat entered Australia with on a Skilled Regional (Provisional) visa (subclass 489) with the intention to make Australia their home. The application cost for himself, his wife and child exceeded 7 thousand Australian dollars. Their visa was nominated by the Northern Territory government based on Rifat's expertise as a mechanical engineer allowing them to work and live only within the specified region for a minimum of 2 years.

Upon acceptance, Rifat assumed that if the NT has listed his skill on the relevant skilled occupation list, he would quickly find a suitable job in his field. Unfortunately, this was not the case and he referred their time in Australia has been 'the most difficult year in our life'. Prepared to exhaust their savings, it took Rifat 10 months to find a job as a mechanical engineer working as casual a taxi driver after 3 months until this time to afford to live. Rifat expressed shock saying he 'left my job there just to come and work like a taxi driver' saying 'it's okay when it's your choice, not when you feel like you're forced.' On his experience finding a job, Rifat said 'there is no support, all your savings are finished. That's all ok the first year and then the second year. You will not give up struggling to find the dream you want.' –Ajda also struggled to find work as many businesses shut down due to economic downturn and population decline in Darwin. Rifat was unable to leave NT to find a suitable work opportunity in another location due to his visa conditions During this hardship Rifat had no support from Medicare, Centrelink or any other services. Rifat said 'the circumstances

here when the economy goes down are not good. It's a big country. Let us move and make our own opportunity. We are not sitting at home and waiting for money from the government.' He considered gaining a new skill to increase his chances of employment however he was considered as an international student and the cost was too great..

Now, Rifat has fulfilled the obligations of his visa (2 years in NT) and applied for a permanent visa allowing him and his family to have stability. When he originally entered Australia, the wait time for processing applications for permanency for Skilled Regional visa Subclass 887 was 7-8 months. At time of interview, the wait time had increased to 18 months, and at July 2020, 21 months. The decision to come to Australia was made assuming processing times would not increase by 162 per cent within 2 years.

Whilst they wait for their application to be processed, Rifat said 'I can't move with this visa. It's like we are in a big jail'. When interviewed their visa was due to expire in 5 months. Rifat said 'this processing time will make us struggling here and depressed'

Citizenship

Ensuring that all visas have a pathway to permanency is crucial in attracting the required migrants Australia including to rural and regional areas. FECCA heard during consultations that:

Citizenship is appreciated by the community. If the wait time was extended, highly skilled migrants might leave and it would discourage further people from coming. People want something better for themselves and their children, but if they see increasing hurdles this will discourage them¹⁰.

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. 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.

¹⁰ <https://fecca.org.au/wp-content/uploads/2020/02/FECCA-Consultation-Report-2019.pdf>

During consultations FECCA heard from people navigating the process from temporary visa holder to PR to citizen for so long their children were now adults wanting to go to university—now grossly unaffordable due to being charged international student fees. FECCA heard of how the wait for citizenship affects individuals, their wellbeing and their hope for the future. Other challenges associated with no access to Australian citizenship included excluding people from the military, from government jobs, and from playing sport at a state level.

Permanency, Belonging and Social Cohesion

Recommendations:

- *Recognise the direct link between belonging and social cohesion by valuing temporary migrants as people and removing barriers to full participation.*
- *Review the fairness and equality within the Migration Program which must achieve an appropriate balance between skilled and family migration.*

The goal of many temporary migrants is achieving permanency for themselves and their families. During consultations, FECCA learned that people want to be Australian and would be proud to be Australian with participants saying, 'Australia is a dream country'.

The terms of reference of this enquiry into temporary migration positions Australians and Australian workers as priorities along with social cohesion. However, social cohesion cannot occur without the ideological inclusion of all who are currently in Australian society – especially those who hope to become an Australian citizen. The development of a sense of belonging has direct consequences on social cohesion and is dependent on a persons' feeling of safety and the ability to plan a secure future and, as explored by the Scanlon Foundation, ones' feeling of worth in the new society through life satisfaction, happiness and future expectations¹¹. Research has shown that whilst social relationships, shared cultural affiliations and efforts from local stakeholders can promote feelings of belonging, the visa restrictions also restrict feelings of belonging.¹² By restricting belonging, these visa conditions, extended and complicated processes and ever-changing policy disrupt efforts towards social cohesion. During consultations in 2019, FECCA heard '*...there is no permanency or stability. Choosing a school for our children or buying a house will be*

¹¹ <https://scanlonfoundation.org.au/social-cohesion-pillars/>

¹² Boese, Martina & Philips, Melissa. (2017). 'Half of Myself Belongs to this Town': Conditional Belongings of Temporary Migrants in Regional Australia. *Migration, Mobility, & Displacement*. 3. 51. 10.18357/mmd31201717073.

*delayed. People will not settle if there is no certainty*¹³. Social cohesion will not be achieved without the inclusion of temporary migrants, beyond fiscally, in Australian society.

The availability of family reunion is important for successful settlement as it allows migrants to maintain family ties and connections. Family reunion also relates to the human rights of people in Australia to live with their family members. There is considerable evidence to show that the reunification of families is a crucial element of successful resettlement into a new community. Allowing families to settle together encourages long-term social and economic growth. Families are also better equipped to build new social networks, reduce isolation, and navigate through new social systems. This is especially important for families who have experienced the trauma of fleeing conflict or persecution. Empowering migrants and allowing them the resources and tools to participate in Australian society is critical in fostering their economic and social contributions.

Visa Conditions Creating Vulnerability

Recommendations:

- *Conduct an investigation into the impact of temporary visa status and conditions on a persons vulnerability to experiencing exploitation, wage theft and sexual harassment in the workplace including; the seasonal worker program, international students and those whose visa status relies on an agreement with their employer.*
- *Overhaul and re-balance the migration system to avoid visa conditions creating vulnerability amongst migrants.*
- *Ensure a robust regime to monitor and enforce compliance for preventing exploitation of overseas workers as well as holding those who abuse the labour rights of workers accountable.*
- *Improve the provision of CALD appropriate information regarding Australian legislation and worker rights to migrant employers and employees with links to advocates, legal services as well as the Fair Work Ombudsman to help workers to pursue their rights in languages other than English as required.*

¹³ <https://fecca.org.au/wp-content/uploads/2020/02/FECCA-Consultation-Report-2019.pdf>

In an assessment of migrant power and agency over time, Wright and Clibborn determined that from residency status, mobility, skill thresholds and institutional protections those arriving in Australia in the period from 1973 to 1996 had high levels of power and agency¹⁴. Since 1996, changes to immigration policy, including the nature and use of temporary visas and the increasing delay in achieving permanency, the program increasingly resembles a guest work regime characterised by restricted rights and a suppressed ability to achieve decent working conditions.

The disproportionate power dynamic experienced between employers and temporary migrants as employees to increases vulnerability to exploitation, wage theft and sexual harassment in the workplace. Often a person's visa type and conditions will exacerbate their reliance on their employer with many newly arrived requiring their employers sign-off to allow them to remain in Australia. Changes to legislation like increasing the wait time for newly arrived residents to qualify for social security and increasing the wait times for eligibility for permanent residency and Australian Citizenship has only aggravated this problem.

Another factor that can contribute to this imbalance of power between a temporary migrant employee and their employer, is where that employee has struggled to find employment. 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 job¹⁵. This time searching for their first job, without any income, often leaves migrant workers in a fragile financial situation that they do not want to risk repeating.

This imbalance of power diminishes the ability for workers to report illegal practices and harassment due to fear of losing their job, income, safety at work and their right to live in Australia.

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.

¹⁴ <https://journals.sagepub.com/doi/abs/10.1177/1035304619897670?journalCode=elra>

¹⁵ <https://www.abs.gov.au/ausstats/abs@.nsf/mf/6250.0>

More information needs to be provided in simple English, languages other than English, through multiple channels and that is industry specific. Efforts should be made to make this information available to all visa holders with links to advocates and 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 temporary 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.¹⁶ 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 slavery¹⁷.

New Zealand Citizens—Special Visa Category 444

For New Zealand citizens holding special visa category 444 (444 holders) who arrived after 2001 there is no clear pathway to permanency. Although they are eligible to stay in Australia indefinitely, to become Permanent Residents and eventually citizens, 444 holders must qualify and be accepted to an economic or spouse PR visa type despite not coming to Australia in an economic stream or in a relationship.

During consultations FECCA has heard from New Zealand citizens finding it extremely challenging if not impossible to become Australian citizens despite living in Australia, contributing to the wider community, and paying tax in Australia for many years since the

¹⁶ Ferguson, A, Danckert, S. 'Revealed: How 7 Eleven is Ripping Off its Workers' The Sydney Morning Herald 2015

¹⁷ 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]

policy change in 2001. FECCA heard that for many 'there is a major gap in the journey to citizenship and a huge amount of money to be spent during which, people have been working and paying taxes often without any access to Medicare, English classes or HELP'. For this cohort, the pathway to permanency is increasingly unclear and underutilised.

Skilled Visas

Regional Nomination

Designed to fill skills in 'regional' locations in Australia, regionally nominated skilled visas are relatively new and specify a designated area to live and work as a visa requirement. During consultations, FECCA heard from people who had used their entire life savings and arrived in Australia holding a regional specific skilled visa only to realise, despite their skill being on the list of skills needed, there was no job for them. These visas are often sponsored by state or territory governments who should have a responsibility to certify that the skills list is updated and accurate to ensure adequate and appropriate work for these visa holders.

Employer sponsored

Employer sponsored visas are well understood to cause migrants to be vulnerable to economic and other forms of exploitation. The temporary nature of employer sponsored visas creates a power imbalance where the employer is responsible for a person's financial security but also their right to live in Australia. Understanding this power imbalance, employer sponsored visa holders can be easily exploited and are less likely than permanent residents to pursue their work rights.

Seasonal Worker Program and Working Holiday Visa

Both those participating in the seasonal worker program and holding working holiday visas have told FECCA of unethical treatment. For example, FECCA heard:

'Major problems with seasonal workers who can only work on orchids and pay high tax rates. Australia needs them and won't give them anything in return so people take their money and they leave. The treatment is often unethical. The opportunity to have education or learn a skill would be more beneficial.'

Asylum seekers on TPV, SHEV and Bridging Visas

Asylum seekers who are temporary visa holders are made additionally vulnerable by their situation as, unlike most temporary migrants, they do not have passports, ability to travel or anywhere to return to.

During consultations, FECCA heard that as long as people are waiting for permanency, they feel insecure knowing that often in their home country they are not recognised as nationals. FECCA heard that despite having money and annual leave, without a passport people cannot leave Australia to see their families. FECCA heard that *'if you don't have family you become lifeless'*. FECCA also heard from communities with many people currently on Temporary Protection Visas (TPV):

'TPV is emotional and financial stress. People cannot travel or visit their families. They have no passport.'

'Many people on TPV have been waiting for 9 years for their application to be processed.'

'People in the community have been waiting since 2010 to citizenship, have received no answer or timeframe. This wait time effects mental health. People need advice of what is happening as they feel it is intentional but they don't want to complain and jeopardise their application.'

The Australian Human Rights Commission's Lives On Hold Report¹⁸ published in July 2019, further confirmed these concerns and highlighted a lack of progress in addressing them. The Human Rights Commission reported that approximately 30,000 people had come to be known as the 'Legacy Caseload'. The Legacy Caseload has experienced long processing delays and a range of challenges during their time in Australia. They have limited access to support services while living in the Australian community and if found to be refugees, they are not eligible for permanent residency in Australia. This lack of permanency means that the Legacy Caseload face indefinite separation from their family members as they will never have a passport to travel to a third country and will not have the opportunity to sponsor family members to reach Australia.

¹⁸ <https://humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/lives-hold-refugees-and-asylum-seekers-legacy>

These additional challenges for TPV, SHEV and asylum seekers on bridging visas exacerbate the general experience of people on temporary visas leading to further financial hardship, poor mental health, and settlement outcomes.

Women Experiencing Violence

*Recommendation: Implement the steps outlined in the Blueprint for Reform*¹⁹

Women and men engage in migration differently and have different experiences of migration as they resist and/or comply with gender norms.²⁰ Visa type and conditions cause different outcomes for women and men as the temporary and dependent nature of many visas put women and girls at risk of violence, sexual exploitation, and trafficking²¹. The Path to Nowhere²² report developed by the National Advocacy Group drew on data collected by an online survey on 'women on temporary visas experiencing violence and their children'.

Following the Path to Nowhere report, in 2019, the National Advocacy Group developed the Blueprint for Reform: Removing Barriers to Safety for Victims/Survivors of Domestic and Family Violence who are on Temporary Visas (the Blueprint for Reform)²³. This policy document examines the experiences of violence as intersected with temporary migration status. The Blueprint for Reform contains three crucial steps for reform to ensure the access to justice and safety for women on temporary visas who are experiencing violence. The three steps are:

1. Improve the migration system so that all women on temporary visas who experience domestic, family and sexual violence and their dependants, can access protections, services and justice.

¹⁹ <https://awava.org.au/2019/10/02/research-and-reports/blueprint-for-reform>

²⁰ Morokvašić Mirjana (2014) Gendering Migration, 3: 355–378.

²¹ Temin, M., Montgomery, M., Engebretsen, S. and Barker, K. (2013) Girls on the Move: Adolescent Girls & Migration in the Developing World. A Girls Count Report on Adolescent Girls. Washington DC: Population Council.

²² <https://awava.org.au/2018/12/11/research-and-reports/path-to-nowhere-report-women-on-temporary-visas-experiencing-violence-and-their-children>

²³ <https://awava.org.au/2019/10/02/research-and-reports/blueprint-for-reform>

2. Ensure eligibility and access to services and government support are based on women's needs for safety and recovery, regardless of their migration status.

3. Ensure that women on temporary visas who have experienced domestic, family and sexual violence and their dependants have immediate and full access to safety, protection, justice and fully funded specialist support with demonstrated gender expertise and cultural competency.

COVID-19

Recommendations:

- *Provide a safety net for refugees and people seeking asylum on bridging visas who do not have access to SRSS*
- *Plan for the wellbeing of those left behind during COVID-19 to ensure Australia recovers with a whole of society approach.*

The COVID-19 pandemic is unprecedented in cause and consequences but for the temporary visa holders in Australia issues like delayed information provision, immigration delays, difficulty accessing to health care, experiences of racism, lack of appropriate support in domestic and family violence situations, social isolation and poor mental health outcomes are not new experiences. The urgent and critical situations experienced by many people temporary visa holders during this crisis are intensified symptoms of a system that is not fit for purpose for Australian society.

During the COVID-19 crisis FECCA heard:

'Either they can give me PR or give JobKeeper payment so that I can survive here' (applied for PR 10 months ago)

'People like us are stuck in a limbo, deprioritised and unable to move forward with our lives. The virus has put us in a difficult position and we feel unwanted.'

'Our tax will help COVID-19 people. But if we lose our jobs.. we won't get any help?'

Their exclusion from social support during the COVID-19 pandemic is an added challenge for people in Australia living on temporary visas. Already they face numerous challenges to achieving their aspirations of settling in Australia with extended waiting times of permanency applications, separation from family due to ineligibility in applying for family reunion, and other challenges depending on visa type.

Jobseeker was not extended to cover these people and JobKeeper was extended just to New Zealand citizens on Special Visa Category 444. This decision to 'draw the line somewhere' has resulted in people who have been working and paying tax in Australia for many years left without access to support during this global pandemic. This decision has also arbitrarily discriminated against businesses in Australia who employ people on temporary visas who have therefore been ineligible for government support. FECCA heard:

'I've been stood down from my permanent part-time contract at work and my company is eligible for JobKeeper but I'm not because I'm a temporary resident.'

'My wife and I were both laid off from our jobs. Since our visa is temporary, we haven't received any help from the government or the companies we worked for despite we've been working for almost 4 years in the case of my wife and over 1 in mine.'

'Two days before I lost my full-time job. A main reason for losing the job could be they can't hold us as they might not get JobKeeper payment as we are not Australian citizens or permanent residents. What else can we do in this situation apart from encouraging us to find new jobs and getting more tensed about how to deal with financial situations.'

The Government decisions around eligibility for JobKeeper have resulted in destitution for many. Charities have been overwhelmed by a huge amount of people who hold temporary visas seeking help for basics such as food and shelter. For those now facing destitution, this health crisis will be even more difficult to bounce back from. Many people have reached out to FECCA expressing that they are 'feeling so rejected and lost my hope'.

During the shutdown period many FECCA members have reported communities assisting each other with food to ensure that nobody goes hungry. For those communities with many people stood down or terminated on temporary visas this support can only reach so far. During COVID-19 recovery, until these people have their PR applications processed, they will not be able to bounce back and will need ongoing support. A plan must be put in place

for the wellbeing of those left behind during COVID-19 to ensure Australia recovers with a whole of society approach. This must include the future of migration, the role of temporary migration and a review of the consistent increase in PR application wait times.

Temporary migrants form part of the Australian community - they pay taxes and many prepare to become permanent residents of Australia in the future. Yet, the pathway to permanency has become increasingly more difficult of the past years making people feel unwelcome. FECCA heard:

'I didn't always feel welcome. I have contributed to the welfare of Australians citizens through health care and aged care services, however, in current times of need from COVID-19, my needs feel disregarded.'

'It's not fair that I can't get any subsidy from the government after I paid nearly \$8000 for a visa that will allow me to stay permanently in Australia with my defacto Australian partner and I've been paying taxes for 6 years. Moreover, one of bridging visa A conditions is that you're not allowed to leave the country. It's appalling how the government completely forgot about us.'