

12 February 2021

Australia's 2021-22 Migration Program

Via email: migration.policy@homeaffairs.gov.au

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 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 cultural and linguistically diverse 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 welcomes the invitation from the Department of Home Affairs to make a submission responding to Australia's 2021-22 Migration Program. We would welcome the opportunity to provide further comment and encourage you to contact FECCA CEO Mohammad Al-Khafaji at ceo@fecca.org.au or on (02) 6282 5755.

FECCA wishes to thank its members for their contribution towards this submission and their ongoing work with culturally and/or linguistically diverse people in Australia.

Recommendations

1. Adequately resource Ethnic Communities Councils and Multicultural Communities Councils in metro and regional areas.
2. Provide support for programs addressing employment and skills like driver licence acquisition in regional areas.
3. Invest in updated infrastructure in metro and regions ensuring multicultural access and equity of services (health, transport, schools etc.) in metro and regional.
4. Review the fairness and equality within the Migration Program which must achieve an appropriate balance between skilled migration and the fundamental importance of family reunion.
5. Ensure a person's access to permanency is not unnecessarily obstructed or delayed, especially as it pertains to eligibility for domestic and family violence support. This must include reconsidering additional English language requirements.
6. Recognise the direct link between belonging and social cohesion by removing barriers to full participation and citizenship.
7. Subject the temporary migration program to similar scrutiny and oversight as the permanent migration program as two components of Australia's migration program.
8. Consider the impact the current migration process has on temporary migrants as future Australians, ensuring they are valued for more than their financial and workforce contributions.
9. Overhaul and re-balance the migration system to avoid visa conditions creating vulnerability amongst migrants by prioritising permanency.
10. Ensure migrants have available, timely and transparent pathways to seek permanent residency and citizenship (including exemption for arrivals to Australia prior to further age limit restrictions for PR) to reduce negative impacts such as visa anxiety.
11. Conduct an investigation into the impact of temporary visa status and conditions on a person's 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.
12. Encourage broader public participation as per detailed recommendations in Table 1.

Attracting migrants to Australia

*To what extent can Australia's Migration Program's settings influence Australia's attractiveness as a destination for migrants with critical skills to assist Australia's economic recovery? What approach to these settings should the Government take?
How do we best support regional migration in order to meet the needs of Australia's regions?*

Recommendations:

- 1. Resource Ethnic Communities Councils and Multicultural Communities Councils in metro and regional areas.*
- 2. Provide support for programs addressing employment and skills like driver licence acquisition in regional areas.*
- 3. Invest in updated infrastructure in metro and regions ensuring multicultural access and equity of services (health, transport, schools etc.) in metro and regional.*

Australia's attractiveness as a destination for migrants is directly linked to the migration program, opportunities for permanency and associated feelings of belonging. Ensuring that all visas have a pathway to permanency is crucial in attracting the required migrants to Australia including to rural and regional areas. The importance of permanency and stability was reported to FECCA during consultations with responses like:

*'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 them.'*¹

Regional migration

FECCA heard from all participants during regional consultations that people in regional towns are welcoming. This welcome, along with safety for their children and less traffic than in big cities were listed as the top reasons all participants enjoyed living in their town, be it Toowoomba, Ballarat, Geelong or Shepparton. When asked how best to attract more people to settle in regional locations participants boasted about their towns.

During consultations FECCA heard:

'Geelong is a quiet city with good schools and a supportive community and the crime is low. Living on the coast is beautiful and calm. People enjoy living in a town with smiling people, their family and their friends.'

'Life's easier in Ballarat.' Ballarat is a great city for young families because the schools are good, people are welcoming and it is safe. Health care in Ballarat is also top quality.'

'Shepparton is a location of choice for many highly skilled migrants choosing it over large cities. As a historically multicultural town, the welcome feeling is clear to new arrivals. Shepparton is a safe place to call home and a good place while children are primary school age with low levels of traffic. It is close to nature, quiet and friendly.'

Despite this general feeling of welcome, FECCA did hear that because cities are more multicultural, city people are more familiar with diversity. A Syrian man in Toowoomba felt that *'when Arabic people are new (to a town) it is hard. The lack of trust (from the host community) effects people personally.'* FECCA heard that while some regional locations are desperate for workers, in others jobs are hard to get—especially without an existing network of family and friends and prior Australian work experience. The reasons most cited for people leaving

¹ <https://fecca.org.au/wp-content/uploads/2020/02/FECCA-Consultation-Report-2019.pdf>

regional locations was a lack of jobs, not enough opportunities for their children and to be closer to family. Specifically, from the young people at Centre for Multicultural Youth, FECCA heard that they were facing limited career opportunities in Ballarat outside of retail and factory work—although they were hopeful that their growing city would generate more opportunities. A specific challenge to regional locations heard during the consultation from all communities was the importance of a driver licence. This was especially important in regional towns where there is often insufficient public transport.

Support solutions must be place-based as each regional area in Australia has a different composition, distance to metro area, industry and history of migration. These factors affect the experience of new people to Australia, their access to culturally appropriate services (i.e. health care), whether receiving communities are welcoming and actively engaged with migrant communities and whether local councils have planned for inclusion. Local councils have a role in supporting new arrivals and existing multicultural communities in their area, and FECCA endorses [The Welcoming Cities Standard](#) for local government. Additionally, Ethnic Communities Councils and Multicultural Communities Councils in metro and regional areas must be resourced to assist in settlement of new migrants to build sustainable, prosperous and successful lives in Australia.

The challenge of congested, outdated infrastructure in cities cannot be resolved by simply shifting people to regions with congested, outdated infrastructure. Investment in infrastructure, health services, public transport, schools and other essentials are imperative to ensuring regional Australia supports migrants as migrants have traditionally supported regional Australia with a heavy reliance on migrant worker in seasonal industries.²

Family Reunion

Recommendations:

4. Review the fairness and equality within the Migration Program which must achieve an appropriate balance between skilled migration and the fundamental importance of family reunion.

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. Access to appropriate, fair, and transparent family reunion processes is strongly related to people's experiences of safety, belonging, and a secure future. The benefits of family reunification for refugees and migrants cannot be underestimated. Family reunion plays an essential role to help persons rebuild their lives and can provide critical support when adapting to new and challenging circumstances. Families are also better equipped to build new social networks, reduce isolation, and navigate through new social systems. The Productivity Commission has found that the Australian community enjoys a number of positive benefits from parent visa holders, including intangible economic benefits, social and cultural benefits and direct economic benefits.³ FECCA believes that family migration is integral to successful settlement of migrants in Australia and contributes to social cohesion and the wellbeing of the whole community.

High entry charges for migrants wanting to live in Australia are inequitable and fundamentally overlook the importance of immigration to Australian society. Families with limited financial means may find it extremely difficult to sponsor their parents to come to Australia if charges are high. This is discriminatory towards these families as it denies them access to a feasible option to reunite with their parents from overseas. FECCA believes that the ability to bring

² <https://www.aph.gov.au/DocumentStore.ashx?hearingid=29065&submissions=true>

³ Productivity Commission, *Migrant Intake into Australia* (2016), 472 – 476.

parents to Australia to live or visit for extended periods of time should not be limited to only those who have the financial means to do so.

FECCA is concerned there are the many barriers to family reunion for migrants and refugees such as limitations of eligibility for family reunion, extensive waiting periods and prohibitively high costs. This cost can include airfares, migration agents, legal fees, assurance of support, and years of financial and material support once the family member arrives in Australia all heightened in the context of Covid-19. The additional financial burden on families through high visa costs and assurances of support places family reunion out of the reach of many humanitarian entrants. Restricting the number of people who can access permanent family reunion has already led to people finding other temporary means to come to Australia that provide limited opportunity to settle and integrate.

Partner Visa

Recommendations:

5. Ensure a person's access to permanency is not unnecessarily obstructed or delayed, especially as it pertains to eligibility for domestic and family violence support. This must include reconsidering additional English language requirements.

Australia's migration program must ensure fairness and equity for existing Australian citizens who wish to be reunited with partners from overseas and address the current wait time of approximately two years.⁴ In the last budget the Government has proposed to add English requirements for partner visa applicants. This is discriminatory toward Australians who choose a partner who may not have what the Government deems 'functional English'. Putting additional hurdles in the way of people seeking partner visas, and especially those targeted at people who do not come from an English-speaking background, will merely increase the feelings of isolation that many migrants can experience. It will also increase the emotional and financial hardship of families that already face extended separation or uncertainty.

Family and domestic violence (FDV) in Australia is a significant ongoing issue, with enormous social and economic costs. Research has repeatedly shown that women are disproportionately more likely to suffer from FDV and sexual violence than men. Women from CALD backgrounds can face additional and specific challenges based on a range of factors. At the last budget the Government proposed an additional English language requirement, in part as a solution to domestic and family violence experienced by migrants. Whilst increased access to English tuition is welcomed, FECCA believes any attempt to delay or increase barriers to a person's access to permanency and associated eligibility to domestic and family violence support must be abandoned. It must be acknowledged that perpetrators often use visa status to control their victims with 55% of women experiencing violence were threatened with deportation in a Segrave study.⁵

Belonging, Permanency and Social Cohesion

How can the Migration Program settings facilitate economic growth while promoting Australian jobs, and enhance social cohesion, in the context of the challenges posed by the global pandemic?

Recommendations:

⁴ <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/partner-onshore> accessed 3.02.2021

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https://bridges.monash.edu/articles/online_resource/Family_violence_and_temporary_visa_holders_during_COVID-19/12987938

6. Recognise the direct link between belonging and social cohesion by removing barriers to full participation and citizenship.
7. Subject the temporary migration program to similar scrutiny and oversight as the permanent migration program as two components of Australia's migration program.

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 a new migrant and measures that delay or deter this should be resisted.

During consultations, FECCA heard from people who had been navigating the process from temporary visa holder to PR to citizen for so long their children were now adults wanting to go to university—grossly unaffordable due to being charged international student fees. FECCA heard of that many ways that 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.

As part of Australia's multicultural policy, the Government focuses on integration and social cohesion where the goal is to help all communities become actively part of, and benefit from, Australia's economic and social development.⁶ Social cohesion is considered by the Government to be beneficial to Australians and Australian workers, 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 current migration policy setting undermines all efforts towards improving social cohesion.

In FECCA consultations during 2019⁷, two main concerns emerged as incredibly important for people in the process of developing a sense of belonging in Australia. These were access to employment and migration issues such as access to permanent residency, citizenship and family reunion. The goal of many temporary migrants is achieving permanency for themselves and their families. During consultations, FECCA learned that many people want to be Australian and would be proud to be Australian with participants saying, 'Australia is a dream country'.

People's experiences of belonging in a new country and their ability to participate and contribute, as demonstrated by the Scanlon Foundation⁸, form part of the development of social cohesion. The development of a sense of belonging and social cohesion is dependent on a person's feeling of safety, the ability to plan a secure future in a new country and, as explored by the Scanlon Foundation, ones' feeling of worth in the new society through life satisfaction, happiness and future expectations.⁹ Research has shown that whilst social relationships, shared cultural affiliations, and efforts from local stakeholders can promote feelings of belonging, restrictive visas also limit feelings of belonging.¹⁰ By restricting belonging, these visa conditions, extended and complicated processes and ever-changing policy, disrupt all efforts towards social cohesion.

⁶ <https://www.homeaffairs.gov.au/about-us/our-portfolios/multicultural-affairs>

⁷ <http://fecca.org.au/wp-content/uploads/2020/02/FECCA-Consultation-Report-2019.pdf>

⁸ <https://scanlonfoundation.org.au/social-cohesion-pillars/>

⁹ Ibid.

¹⁰ Boese, Martina & Philips, Melissa. (2017). 'Half of Myself Belongs to this Town': Conditional Belongings of Temporary Migrants in Regional Australia. *Migration, Mobility, & Displacement*

From a temporary visa holder FECCA heard '*...there is no permanency or stability. Choosing a school for our children or buying a house will be delayed. People will not settle if there is no certainty*'.¹¹

Social cohesion will not be achieved without the inclusion of temporary migrants, beyond fiscally, in Australian society. As such, the temporary and permanent migration programs must be considered and planned as two halves of the Australian Migration Program.

Temporary Visas

Recommendations:

8. Consider the impact the current migration process has on temporary migrants as future Australians, ensuring they are valued for more than their financial and workforce contributions.
9. Overhaul and re-balance the migration system to avoid visa conditions creating vulnerability amongst migrants by prioritising permanency.
10. Ensure migrants have available, timely and transparent pathways to seek permanent residency and citizenship, (including exemption for arrivals to Australia prior to further age limit restrictions for PR) to reduce negative impacts such as visa anxiety.

Over the past two decades there has been a significant change in the balance of temporary and permanent immigration in Australia.¹² Temporary migration has changed the nature of Australia's migration program away from nation building and towards economic utility. With the introduction of 'two-steps' towards permanent residency people are 'temporary' for longer.¹³ 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 census.¹⁴ 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 December 2020, there were 336,453 people holding bridging visas. This was up by 120,312 from 216,141 in December 2019 despite the overall temporary visa holders reducing by 600,321 within the same period.¹⁵ 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. Further, the number of permanent visas granted is capped while the number of temporary visas is uncapped. This means the actual rate of migration to Australia is increasing, despite a reduction in the number of permanent residency visas and the queue will only increase.

The total number of people waiting for their application for permanent residency (PR) has not been published by the Department of Home Affairs. FECCA has, however, been contacted by a large number of people in situations where, during a three year period, the wait time has increased from three months to now 29 months from the time of application. To apply for PR these people have already fulfilled all requirements during their two or three year temporary

¹¹ <https://fecca.org.au/wp-content/uploads/2020/02/FECCA-Consultation-Report-2019.pdf>

¹² https://parlinfo.aph.gov.au/parlInfo/download/publications/tables/papers/b0cec7ab-9765-4628-92b7-ea741b27aa6c/upload_pdf/migrant-intake-report.pdf;fileType=application%2Fpdf#search=%22publications/tables/papers/b0cec7ab-9765-4628-92b7-ea741b27aa6c%22

¹³ <https://www.abc.net.au/news/2020-04-03/coronavirus-pm-tells-international-students-time-to-go-to-home/12119568>

¹⁴ Insights from the Australian Census and Temporary Entrants Integrated Dataset, 2016

¹⁵ [Data.gov.au](https://data.gov.au), Department of Home Affairs

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.

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. A situation made more complicated and difficult during Covid-19 (see FECCA's [COVID-19 submission](#)). Temporary migrants are a major source of Permanent Skill stream visa applications in Australia with approximately half of all permanent visas are granted to people who are already in Australia on a temporary visa.¹⁶ In 2019-20, 80 per cent of primary visa applicants within the Skill stream of the Migration Program were already in Australia at the time of application.¹⁷ The 2016 Productivity Commission Report on Migrant Intake into Australia discussed the interaction between temporary and permanent visa types, noting how different visa categories have different goals and the movement between visa categories should provoke further analysis, with the Productivity Commission finding some pathways from temporary to permanent visas were 'problematic'.

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 for 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 or impossible to become Australian citizens despite living in Australia, contributing to the wider community, and paying tax in Australia for many years since the 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.

For a portion of people who entered Australia as students prior to 2017, their pathway to permanency has been removed after their arrival due to their age. In 2017, the age limit to apply for permanent residency was decreased from 50 to 45 with no exemption or interim period for those who entered prior to the change with plans of permanency. FECCA heard from a woman who arrived in Australia in 2015 at age 43 to complete a masters with the hope of migrating to Australia permanently where the age limit was 50. During her time in Australia, she has worked and volunteered with a range of local, community-based organisations and become part of the community in her regional town. When graduating with a Master of Advanced Accounting at age 45, the age limit for permanent residency had decreased to 45 excluding her from ever applying to become a permanent resident. Now 46, she has decided to self-fund a Masters in Social Work on a new student visa. Once she has completed this Masters, she will be forced to return to India. Her skills, experience and presence will be a great loss to her workplace and community. FECCA recommends an exemption be made for those who entered Australia prior to the age limit for permanent residency being increased.

It is FECCA's recommendation that the temporary migration program be subject to similar scrutiny and oversight as the permanent migration program including their interaction. Australia must stop using temporary migrants as just 'commodities' or 'work-force' and consider the impact the migration process has on these people as future Australians.

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

¹⁶ <https://data.gov.au/dataset/ds-dga-e87976fd-c545-4ec0-ab5b-034080868624/details?q=>

¹⁷ <https://www.homeaffairs.gov.au/reports-and-pubs/files/migration-program-discussion-paper-2021-22.pdf>

waiting period for a permanent residency and to family reunion as it explains the combination of 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)

Temporary Visas Creating Vulnerability

Recommendations:

11. Conduct an investigation into the impact of temporary visa status and conditions on a person's 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.

Overseas workers currently fill many short-term, temporary or seasonal positions where local employees cannot be recruited. For a long time, migrant workers in Australia have been some of the most vulnerable to the risk of abuse and exploitation by their employers. In the period 2013-2014 migrant workers on working holiday visas had 'more than three times the rate of finalised Fair Work Ombudsman complaints compared to all other workers... This suggests a high incidence of exploitative work arrangements'.¹⁸ The results of a landmark report by the

¹⁸ <https://theconversation.com/how-migrant-workers-are-critical-to-the-future-of-australias-agricultural-industry-66422>

University of New South Wales and the University of Technology Sydney (*Wage theft in Australia – findings of the national temporary migrant work survey, 2017*) highlighted endemic exploitation and underpayment of international students and backpackers. Temporary workers make up 11% of the Australian labour market and 30% of those surveyed earned *half* of the minimum wage for a casual employee for that job. The report found that ‘underpayment was widespread across numerous industries, but was especially prevalent in food services, and especially severe in fruit and vegetable picking’ (p5).

The disproportionate power dynamic experienced between employers and temporary migrants as employees 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 workers 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. 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. 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 to ethno-specific organisations with knowledge in worker rights (or to improve their knowledge of 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 several 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.¹⁹ 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.

The increasing vulnerability of migrant workers and their lack of support when challenging exploitation, discrimination and wage theft was given close attention by the United Nations Committee on the Elimination of Racial Discrimination in their review report of Australia.²⁰ This report expressed concern for migrant workers on temporary visas ‘who work with low salaries and long working hours’. In this report the UN CERD Committee recommended that Australia ‘increase its efforts to improve working conditions of migrant workers’. FECCA argues that an

¹⁹ Ferguson, A, Danckert, S. ‘Revealed: How 7 Eleven is Ripping Off its Workers’ The Sydney Morning Herald 2015

²⁰ http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/AUS/CERD_C_AUS_CO_18-20_29700_E.pdf

increase in temporary or seasonal work visas runs counter to efforts to reduce exploitation and should therefore be avoided.

Industry Example: Care Sector

There is an increasing aged and disability care workforce deficit in Australia with a corresponding increasing reliance on a workforce on various temporary visas, including international students, and nurses or care workers whose overseas qualifications are not recognised. Simultaneously, a significant increase in the proportion of overseas-born workers employed as aged and disability carers (ABS Occupational Definition 4231) from 33% in 2011 to 37% in 2016, and as personal care assistants (ABS Occupational Definition 423313) from 43.7% to 50.2% for the same period is occurring. The overall share of overseas-born workers in Australia's total workforce increased only slightly during this time, from 28% to 30.6%. While there have always been significant numbers of overseas born workers in this sector, they have traditionally been permanent migrants with full rights and protections of people with citizenship or permanent visa status.

These care workers are integral to the safety and care of older people and those people living with a disability. These safety requirements have been increased during Covid-19 whilst the workers are continuously made vulnerable due to their visa conditions.

These conditions include:

- no access to social protections such as Medicare
- insecurity in work conditions (such as temporary or limited and variable hours of work, poor understanding of entitlements under relevant awards, and potential for exploitation)
- limited pathways to permanent residency.

Their temporary status in Australia contributes to:

- limited investment in training and support
- occasional requirement to act as informal interpreters, without language skills being part of a position description, or appropriately remunerated and without opportunity to pursue their rights
- experience of racism or discrimination (both from other workers and from recipients of aged care services and/or their families) without opportunity to pursue their rights.

Access for Public Submissions

The Department of Home Affairs also welcomes views on how we can more effectively conduct public consultation on the permanent Migration Program in future program years.

Recommendations:

12. Encourage broader public participation as per detailed recommendations in Table 1.

The Migration Program planning process must include information gathered from those people who have interacted with or affected by it. Recognising lived experience as expertise and prioritising their input will ensure a balanced evidence base. The current process presents multiple barriers to the public providing input to the migration program including factors like timeframe, guidance, available method, language, and digital requirements.

The discussion paper for the public to refer to in their submissions was uploaded to the website on 20 January 2021 with the due date extended on this day to 10 February 2021. As a member

based peak body, FECCA was hindered in making an effective submission due to short timeframes preventing in depth consultation with our members and their networks and by lack of guidance effecting the quality of submission possible.

To obtain the benefits of broader participation in this process, FECCA recommends:

Table 1:

Recommendation	
Clear guidance	To successfully interact with feedback mechanisms, a consumer must be aware of the available complaint mechanisms, process and expectations. Guidance should be provided in plain English
Optional response template	An optional response template will remove some uncertainty around public submission for those who are unfamiliar with the process
Appropriate timeframe	A longer timeframe for public submissions is required given the Migration Program is reviewed annually. This will benefit submissions from representative organisations like FECCA who require time to consult with their members. This will also benefit other public submissions that may be completed by volunteers or those without experience completing submissions to Government
Increased knowledge of feedback opportunity	To successfully interact with feedback mechanisms, a consumer must know that they can provide feedback. This opportunity should be communicated through targeted channels for maximum reach.

For more information on suitable feedback mechanisms see FECCA's report <https://fecca.org.au/wp-content/uploads/2017/12/FECCA-Access-and-Equity-Report-Final.pdf>