

30 July 2021

Committee Secretary  
Senate Standing Committees on Community Affairs  
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Canberra ACT 2600

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**Re: Social Services Legislation Amendment (Consistent Waiting Periods for New Migrants) Bill 2021**

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 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](mailto: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

- FECCA recommends the Social Services Legislation Amendment (Consistent Waiting Periods for New Migrants) Bill 2021 not be passed.
- FECCA recommends modelling is completed on the impact of this Bill on birth rate, attractiveness of Australia to skilled migrants and future population projections.

## Introduction

In this country there is a strong record of migrants contributing significantly to the Australian economy. Migrants have displayed resilience, thriving amid adversity, and creating a home and future for themselves and their families. In Australia, all families should be able to thrive and be included. We know that in this country migrants work hard because it is proven time and time again in our neighbourhoods, in media and as shown in data<sup>123</sup>.

Australia relies heavily on migrants for much of the heavy lifting around the economic recovery after COVID-19, in terms of population and economic growth as well as for meeting critical skill shortages. But as we know, during COVID-19 temporary visa holders were abandoned by the Government.

Throughout history Australia's strong tradition as a multicultural nation who values those who work hard in the workplace and in the home has been upheld. We now call on you to support growth, successful settlement and families by opposing these changes.

FECCA submits to the Committee our deep concern for the proposed Bill to increase the waiting period for migrants' access to the social safety net.

## Australia's Pathway to Permanency— 'New Migrants'

The Bill has been named 'Consistent Waiting Periods for New Migrants' and refers to newly arrived migrants, but what is a new migrant in Australia two-step migration system?

Approximately half of all permanent visas are granted to people who are already in Australia on a temporary visa<sup>4</sup> and with temporary visas uncapped, wait times have continuously increased in recent years.

Despite half of all permanent visas granted to people already on temporary visas and paying tax for years, this Bill proposes the wait time only begin once a person is granted permanent residency. Many people have worked, lived, and paid taxes in Australia on Temporary Visas for over three years before becoming eligible to even apply for a Permanent Visa. They are not newly arrived.

The prolonged pathway to permanency combined with this proposed Bill will result in migrants without support for their families for approximately eight years. This Bill will affect

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<sup>1</sup> <https://apo.org.au/sites/default/files/resource-files/2018-01/apo-nid128756.pdf>

<sup>2</sup> <https://www.pc.gov.au/inquiries/completed/migration-population/report>

<sup>3</sup> <https://www.lowyinstitute.org/publications/economic-migration-and-australia-21st-century>

<sup>4</sup>

[https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BriefingBook46p/Migration](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BriefingBook46p/Migration)

many people who are eligible and have already applied for Permanent Residency, but due to prolonged processing wait times (often exceeding 24 months) will not be accepted before January 2022.

FECCA is also concerned that the proposed Bill penalises skilled migrants who have been invited to permanently live in Australia. FECCA strongly believes that permanent migrants and their children should enjoy the same benefits as all residents, and that their transition to life in Australia should not be made more difficult, particularly when they have been acknowledged as possessing skills that are critical to our future prosperity.

## Women and Children

This Bill will affect women and families from migrant backgrounds. Without eligibility for Family Tax Benefit A and B or Parental Leave Pay, settling in Australia with a family will be more daunting. With population growth central to our economic recovery, it does not make sense to implement new disincentives for migrants to choose Australia as their future home, or for Permanent Residents in Australia to have children.

For partners, the Australian migration process is two-step (temporary and permanent) and lengthy:

- To be eligible, partners must either be married or be considered de facto. A de facto relationship must include a commitment to a shared life excluding other, a genuine and continuing relationship and living together.
- When partners apply, they wait approximately two years for their Temporary Visa to be processed as the first step towards a permanent Partner visa.
- Once granted, the partner must wait a subsequent, at least, 2 years to be granted a Permanent Visa.

This Bill will designate from date of Permanent Visa grant, the partner must wait an additional 4 years to be eligible for Family Tax Benefit and Parental Leave. For many, this 8-year eligibility wait may significantly delay their family planning.

Family planning considers many aspects including their financial situation. Family planning also includes consideration for what would happen if circumstances changed. Already permanent visa holders do not have access to Jobseeker, Parenting payments and other social safety nets for four years despite paying taxes in Australia. This new Bill will also prevent eligibility to Family Tax Benefit and Parental Leave for four years.

Many migrants work for small businesses who generally can not afford to pay their workers any maternity leave.<sup>5</sup> Without access to Government parental leave, Permanent Residents will have to make reproductive decisions based on this ineligibility.

*Example: Mike 30 meets partner 28 overseas and 2 years later sponsors her to come to Australia. After 2-year processing time, she may be approved for a temporary partner visa. She must hold this temporary visa for 2 years before she can receive permanency residency (PR). By this time, she will be 34. Already she must wait for 4 years from PR to be eligible for parenting payment. Under this Bill, she must also wait 4 years for parental leave pay and to*

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<sup>5</sup> <https://humanrights.gov.au/about/news/opinions/small-business-needs-think-big-about-paid-maternity-leave-2008#:~:text=Currently%20all%20employers%2C%20both%20small,for%20any%20of%20that%20ti me.>

*be eligible for Family Tax Benefit A and B. She must choose whether to have a child without any support or safety net or wait an additional 4 years. If she waits, she will be 38.*

FECCA understands no modelling has been completed on the impact of this Bill on birth rate and future population projections.

## **Effect on Citizens— Current and Future**

At FECCA we know Permanent Residents are our future Australians and should be made to feel welcome, secure, and accepted. These measures are not only deeply unfair and hurtful to future citizens but corrosive to the social cohesion all Australians work to protect. Supporting migrants to have the best possible settlement outcomes is in the best interests of migrants, their families and the broader community that all benefit from their contributions to our society and economy.

It is estimated that by 2050, migrants will be contributing 1.6 trillion dollars to Australia's Gross Domestic Product and ten per cent more to the economy than existing residents.<sup>6</sup> Migrants are vital to the future success of Australia, and FECCA believes people in the early stages of their migration journey should be eligible for assistance.

Without eligibility for Family Tax Benefits A and B, people migrating to Australia and becoming permanent residents will be effectively paying more to raise their children than others in our community.

Once migrants have been supported through the early stages of their journey and provided with pathways to citizenship, not only do they go on to become self-sufficient, but they also contribute significantly to Australian society. In November 2016, the ABS reported that migrants who had obtained Australian citizenship since arrival had a higher labour force participation rate (80 per cent) than permanent residents and temporary residents (70 per cent) and those born in Australia (66 per cent).<sup>7</sup>

## **Projections—Population and COVID-19 Recovery**

We have concerns that this Bill is part of a pattern of exclusion including: prolonged and inconsistent visa processing wait times leaving migrants temporary for longer; exclusion from JobKeeper and other support for temporary visa holders during COVID-19; temporary visa holders being told to 'return home' during COVID-19; increased fees throughout the migration program including Citizenship fees increased by 72% in 2021; and the introduction of English testing for potential Partner Visa holders.

FECCA understands and is concerned that no modelling has been completed on the impact of this Bill and other recent changes to the attractiveness of Australia for skilled migrants and the impact future population projections and skill shortages.

## **Inconsistency—Exemptions, Refugees and Carers**

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<sup>6</sup> Migration Council of Australia, *The Economic Impact of Migration*, [http://migrationcouncil.org.au/wp-content/uploads/2016/06/2015\\_EIOM.pdf](http://migrationcouncil.org.au/wp-content/uploads/2016/06/2015_EIOM.pdf).

<sup>7</sup> See <http://www.abs.gov.au/ausstats/abs@.nsf/mf/6250.0>.

The explanatory memorandum states “In the context of the current welfare payment system and migrant program settings and objectives, four years is considered a reasonable period to expect migrants to support themselves and their families before accessing most Australian welfare payments.”

FECCA is concerned that this Bill will weaken the supports, already subject to income and other eligibility, to families if they need it. Additionally, approximately half of all permanent visas are granted to people who are already in Australia on a temporary visa<sup>8</sup> and with temporary visas uncapped, wait times have continuously increased in recent years. FECCA is concerned the expectation of self-sufficiency far exceeds four years for those on two-step pathways to permanency.

### **Exemptions**

According to the Bill, partner visa applicant who have been granted the temporary component of their partner visa prior to January 2022 but are granted a permanent visa on or after this time will continue to be subject to the rules that applied for family payments and concession cards when their temporary visa was granted.

According to the explanatory memorandum, “Applying this measure only to those who become a relevant visa holder on or after 1 January 2022 is intended to ensure individuals and families are aware of the new rules so they can make informed decisions when deciding to apply for or accept a visa, including about how they will support themselves during the waiting period”

FECCA is concerned for those on pathways to permanency via skilled or other programs who will not be given this same opportunity to make informed decisions.

### **Refugees**

FECCA notes that Humanitarian Entrants and their families remain excluded from the existing and proposed waiting periods. However, FECCA has concerns about how those who do qualify as refugees but have entered Australia through a different pathway such as a skilled visa or as part of the family migration program will be affected by this Bill.

### **Carers**

FECCA notes that Carer Visa holders will remain excluded from the existing and proposed waiting periods. However, FECCA has concerns that if a person arrives in Australia through a different pathway such as a skilled visa or as part of the family migration program but still provides care to their family member, they will be subject to the 4 year wait. FECCA believes that care work is care work regardless of visa class. Carers and those needing care should not be disadvantaged due to this inconsistency in eligibility.

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[https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BriefingBook46p/Migration](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BriefingBook46p/Migration)