

Thursday, 15 December 2022

Hon Clare O'Neil MP
Minister for Home Affairs
Department of Home Affairs

Via online lodgement

Dear Minister,

Re: 'A Migration System for Australia's Future'

Introduction

Founded by immigration lawyer Chris Johnston, Work Visa Lawyers is one of the largest migration firms providing quality immigration services to clients.

Chris has served as SA State President for the Migration Institute of Australia (MIA) from October 2017 to October 2019 and a Director on the National Board of the MIA. The MIA is the peak professional body for migration professionals. As an active member of the MIA, Chris presently serves on its Regional Migration Subcommittee and is a passionate advocate for regional employers and businesses. His prolific industry experience has given Chris unique insights into the issues that confront Australia's migration program.

Work Visa Lawyers advises a large number of individuals, families and corporate clients throughout Australia in a variety of migration matters. We have lent our immigration expertise to employers and workers in a wide array of industries including medical services, agricultural producers, hospitality, mining and manufacturing.

With a dedicated team of 12, Work Visa Lawyers has provided migration assistance in thousands of visa applications, merits review and judicial review matters. We have firsthand experience in relation to current migration policy settings and its real-world implementation.

Submission

1. Challenges and opportunities facing Australia in decades to come

The fundamental starting point in a review of the Australian migration system is to consider its core objectives. Increasing productivity and addressing skills shortages are key components of the Skilled stream of the Migration Program. The Department of Home Affairs directly refers to the primary aims as being "to attract migrants who make a significant contribution to the Australian economy, and fill positions where no Australian workers are available".¹

We believe there are a number of aims of the Australian Migration Program, namely:

- 1) To fill skills shortages where Australian workers are not available²
- 2) To increase productivity

¹ Department of Home Affairs 'Skilled migration program' <<https://immi.homeaffairs.gov.au/what-we-do/skilled-migration-program>>.

² Ibid.



WORK VISA[®]
LAWYERS

Telephone:
(08) 8351 9956

International:
+61 8 8351 9956

Facsimile:
(08) 8125 5987

Email:
admin@
workvisalawyers
.com.au

Office Address:
230 Henley Beach Rd
Torrensville
SA, 5031, AUSTRALIA

Postal Address:
PO Box 3057, Hilton Plaza
SA, 5033, AUSTRALIA



An incorporated legal practice
Work Visa Australia Pty Ltd
off The Work Visa Lawyers Trust

ABN: 75 889 635 782

ACN: 149 080 562

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- 3) To sustainably enhance Australia's sovereign capabilities (as identified in the 'A migration system for Australia's future' Discussion Paper, November 2022)
- 4) To increase investment into Australian businesses and into investment funds for Australian venture capital and small companies
- 5) To counter the effects of an ageing population
- 6) To uphold Australia's constitutional system as a federation, and develop trade and industries in all Australian states and territories including regional areas
- 7) To provide settlement options to refugees and to meet international humanitarian obligations
- 8) To build a multicultural and inclusive Australian society.

In developing policy and legislation to fulfil these aims for migration, the core values and standards of our democratic nation must be adhered to, including equality, diversity and inclusion.

Migration policy needs to recognise Indigenous Australians as the first peoples of Australia. Further, the migration system needs to be designed in a way that does not directly or indirectly result in discrimination against any race or gender. The current migration system unfortunately has many aspects which discriminate against women and against people with disabilities.

Whilst there are significant exciting opportunities for Australia stemming from human capital and research and development, labour and skills shortages in major industries continues to pose a hugely concerning challenge. Skills shortages in the aged care and agricultural industries are problems that Australia has grappled with for decades and have only worsened in the wake of COVID-19.

2. Ways in which migration can contribute to challenges and opportunities

We have identified a number of ways in which migration can tangibly bolster and contribute to the opportunities, as well as counter challenges that Australia faces now and into the future. These proposed solutions and policy reforms are expanded upon in Section 4 of this submission.

3. Current and potential barriers in allowing migration to play these roles

There are a range of barriers that impede migration's ability to play these roles:

- Prohibitive effect of outdated visa requirements, such as the Genuine Temporary Entrant criterion for Student visas
- Entry barriers built into demand-driven programs, such as the SAF levy, complexity of visa pathways and inflexible requirements for applicants
- No pathways to permanent residency for 482 visa holders whose occupations are on the Regional Occupation List, despite the Employer Sponsored category comprising the largest majority (29.3%) of Skill stream visa outcomes in 2021-22³
- Skills assessment requirements that are out of touch with industry

³ Department of Home Affairs '2021-22 Migration Program Report program year to 30 June 2022' <<https://www.homeaffairs.gov.au/research-and-stats/files/report-migration-program-2021-22.pdf>>.



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- Unduly slow professional registration processes that cannot keep up with demand
- Lack of Regional Migration incentives for skilled, business and employer sponsored visas
- Risk of radical and untested reforms being implemented, which would derail Australian's migration aims and cause turmoil across the workforce and economy

We have proposed a number of recommendations to lessen and remove these existing/potential barriers. Please refer below to section 4 of the submission.

Grattan Institute's recommendations pose a major barrier and could create or worsen skills shortages

One of the most troubling foreseeable risks to Australia's migration program is the implementation of untried and radical policy reforms such as those developed and proposed by the Grattan Institute.

Risk 1: Radical changes to Migration Program would create more problems than it fixes

The Grattan Institute is far too narrowly focused on the economic value of migrants through tax. Their model is to attract younger, higher-skilled migrants who earn high incomes and pay substantial taxes, in order to generate long-term fiscal dividends. Serious danger lies in adopting this model for our migration program as a whole.

Rather than focusing on meeting current labour-driven demands, the Grattan Institute advocates for granting permanent residency to migrants in higher-earning jobs who are expected to pay more tax over their lifetime. Based on economic modelling, the Grattan Institute contends this reform would consequently boost the federal and state budgets by billions over the next decade. Realistically, it will also severely worsen Australia's housing, infrastructure and skills shortages problems.

Risk 2: Creating more skills shortages by focusing on high-skilled and high-earning occupations

The Grattan Institute have proposed abolishing the Skilled Occupation List (SOL) and moving towards a wage threshold set at \$85,000 per year for the permanent skilled program. Abolishing lists and allowing employers to nominate any occupations above a particular income threshold is a radical and potentially dangerous path. Such an approach to migration could easily leave much needed, yet traditionally lower income, positions unfulfilled.

What we need is a revised list that accurately targets and reflects occupations that are in demand, based on reported data and industry consultation. The Grattan Institute's recommendation of entirely eradicating the list due to perceived difficulties in formulating effective skills lists, can be likened to recklessly demolishing a structurally sound house simply because of a few repairable faults.



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The central importance of lower paid occupations to our economy, became apparent during the COVID-19 outbreak. The pandemic clearly highlighted our profound reliance on cleaners, retail workers, truck drivers, disability carers and aged carers, all of which are lower paid occupations. Without such workers, Australia literally would have stopped moving and been left without food to eat or people to attend to those in need of care. Conversely, many high paid jobs (such as researcher for a public policy thinktank) were not classified as an essential service. Under the proposed skilled program by the Grattan Institute, we could attract high paid academics and researchers to write papers, but we would not be able to access critical workers to perform duties such as caring for aged people.

There is a risk that with the simplification of our system, Australia tries to achieve all the aims of migration through a points-based general skills migration program and an employer sponsored system with a high minimum salary or TSMIT. Previously, an over reliance on General Skilled Migration (GSM) led to large oversupplies of easy to assess occupations such as Accountants and Hairdressers, while skills shortages remained in many other occupations where skills assessment and registration are more difficult. Having an employer sponsored system with a high TSMIT will prevent many skills shortages in critical sectors from being filled, including in hospitality and carer industries.

Risk 3: Rendering Australia exposed to significant challenges and weakening its sovereign capabilities in many aspects such as food production and transport

The Grattan Institute's 'revolutionary' model and policy recommendations pose a serious threat to Australia's sovereign capabilities. Countless revolutions in history have been doomed to failure because they are more destructive than constructive.

Australia's ability to feed its people relies on resources and infrastructure in regional Australia. Agriculture is the lifeblood of our nation. At the most fundamental level, we are reliant on the agricultural industry to meet our basic needs for food and produce. Labour shortages lead to diminished production and wasted yields, with the end result being higher prices for goods. Inflation in turn significantly impacts the cost of living for everyday Australians.

We do not accept the notion that the primary aim of the migration program is to increase and maximise tax revenue for the government through income tax generated from migrants, as is being championed by the Grattan Institute. The Grattan Institute's approach relies on the assumption that everything important to Australia's economy is founded upon a high salary. This is an unequivocally false assumption; many essential services in our society are provided through lower paid occupations which contribute to our health and wellbeing as well as food security, trade and the ongoing supply of vital goods.

Risk 4: Leaving Regional Australia with crippling skills shortages while filling major capital cities with an influx of high-earning professionals

The Grattan Institute's migration policy, focused on high earning occupations, works well to fill leafy areas of Melbourne and Sydney with highly paid professionals, while simultaneously depriving regional Australia of crucial workers. In the end this will only worsen massive skills shortage for aged care, child care and agricultural workers.



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(08) 8351 9956

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+61 8 8351 9956

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workvisalawyers
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Migrants of varying skill levels have a great deal to contribute to the workforce, economic and social fabric of Australia. Their intrinsic value does not boil down to income and generated tax revenue. The recommendations put forward by the Grattan Institute are wholly antithetical to the aims of the migration program and would exacerbate, rather than solve, major challenges Australia faces today.

The emphasis should not just be on high skills, but on the jobs that need to be done. If the Grattan Institute's inherently short-sighted policies are implemented, the reality is hard-hit industries namely aged and disability care, childcare and agriculture will continue to unduly suffer. This is all the more problematic for regional Australia, which has long grappled with challenges in attracting and retaining skilled workers.

More highly skilled migrants will instead add pressure on a range of sectors including healthcare, agriculture and education. We would end up with an influx of skilled migrants whose skills do not match our needs, and regional Australia will be deprived. Policy cannot be based on the barren premise that migration is all about revenue. Applying a narrow metric of income-earning potential and revenue misses the larger picture. At the heart of migration lies the core aims of driving economic activity particularly in our regional areas, job creation and of course, filling lower-skilled, difficult, and demanding jobs.

Risk 5: Denying Australia the innovation, workforce productivity and economic growth from investors and entrepreneurs by abolishing Business Innovation and Investment visas

Alongside this, the Grattan Institute supports abolishing the Business Innovation and Investment program (BIIP) on the basis that applicants tend to be older, earn lower incomes and cost more in public services. Regrettably the Grattan Institute's model does not measure all the far-reaching benefits that flow from migrants who bring with them vast networks, business acumen and enterprising investments, thereby stimulating trade and leading to the creation of hundreds and thousands of jobs in Australia. Australia reaps exponential benefits by harnessing the entrepreneurial spirit, resources and creativity offered by migrants, which cumulatively yield ripe conditions for widespread economic growth and innovation.

One of the criticisms of the BIIP program, and specifically the Significant Investor stream, is that it does not sufficiently benefit Australia. This is more a reflection on policymakers' lack of resourcefulness and long-term vision. \$5 million in capital could certainly be put to incredibly valuable use for the betterment of Australia's future. The Australian Government could design a Significant Investor program that uses government-owned land for new housing developments, utilising the invested capital from significant investors to build affordable housing for Australians. Such an approach would increase the supply of affordable housing throughout Australia.

Equally, concerns about the age of significant investors and burdens on the healthcare system could be deftly addressed by revisiting the age requirements. Persons over the age of 45 (the existing cut-off age for general skilled and employer-sponsored migration) could for instance be required to contribute double the investment (i.e. \$10 million) to offset added costs incurred over their lifetime.



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LAWYERS**

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admin@
workvisalawyers
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4. Reforms needed to ensure the migration program can meet challenges and opportunities that lie ahead

Recommendation 1: Incorporate lower-skilled occupations in the Skilled Occupation List

One of the central problems with the current Australian migration system is the restrictive skilled occupation list, which is disproportionately focused on highly educated, tertiary-qualified occupations. There is a propensity to overlook 'lower level' occupations when in fact, these are often the jobs that most need to be filled. Skilled lists for visas need to be amended to add occupations that have the biggest skills shortages, including Horticultural Workers, Aged and Disability Carers, and Child Care Workers.

As it stands, the migration program does not adequately meet the needs of key industries and regional Australia. Beyond a token commitment, the government should methodically review and act to implement reasonable reforms to the existing skilled occupation lists. The difficult matter of lower skilled and lower-paid jobs that cannot be filled is a systemic problem requiring actual policies to address.

We must first undertake a proper and pragmatic analysis of what these skill shortages are. The term 'skills shortages' can often be bandied about in the context of higher-skilled positions, for instance doctors, engineers and ICT professionals. Likewise, the current Australian migration program is heavily and overly skewed towards occupations classified at a higher skill level. Presumably the rationale is that those highly skilled migrants fill complex/professional roles, and are thus more desirable and in demand.

Yet job vacancy data clearly shows many of the skills shortages in Australia are actually for lower-skilled and lower-paid jobs. There is rife discussion about desperately understaffed industries. The National Skills Commission's recently published Skills Priority List reveals that Australia urgently needs a mix of skilled workers to fill higher-skilled and lower-skilled occupations.⁴ Indeed, this list demonstrates Australia's skills needs are nuanced. Reform is needed to maximise the utility of the migration program and effectually alleviate skills shortages.

Aged care is a prime example of a sector with multi-layered workforce needs. Registered nurses must be supported by aged and disability carers as well as personal care assistants. Collectively they play a vital role in the day-to-day care of the most vulnerable members in our community.

The irony is that Ministerial Direction 100 'Order of Consideration – Certain Skilled Visas' explicitly decrees that processing priority must be given to healthcare or teaching occupations and the definition includes Aged or Disabled Carers. Whilst the occupation may be given priority, this means nothing when aged carers are still nowhere to be found on Australia's skilled occupation list for Skilled visas including 189, 190, 491, 494 and 186. These highly desirable workers continue to be excluded from the mainstream skilled migration program. Faster visa processing is futile in circumstances where an aged career cannot apply for at least an Australian working visa in the first place.

⁴ National Skills Commission '2022 Skills Priority List released' 6 October 2022
<<https://www.nationalskillscommission.gov.au/news/2022-skills-priority-list-released>>.



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Since standard visas are not open for a number of lower-skilled occupations in high demand, the only alternative for employer sponsorship is through a Labour Agreement (Designated Area Migration Agreement, industry or company-specific). This is a complicated, costly and overly bureaucratic process that in our experience can be tortuously slow. These factors mean that employers often view Labour Agreements as more of a deterrent than a viable alternative. In the absence of other tangible options, Australia is likely losing many aged and childcare workers to forward-thinking countries which have readily accessible migration pathways.

There needs to be a broad shift within the Australian migration program to recognise the value of 'lower-skilled' occupations. Now more than ever they should be brought to the forefront instead of relegated to the fringes as outliers. Reform to incorporate crucial occupations such as child and aged carers into the mainstream program, creating clear pathways for them to keep working in Australia, would bring immense relief Australia wide.

Ultimately, the options are either to revise the Australian Skilled Occupation List to reflect the needs of the agricultural, aged care and childcare sectors, thereby bringing in skilled workers who are suitably qualified, experienced and willing to fill these occupations; or apply pressure on the thousands of highly skilled workers on 491 or 190 visas to complete courses to become carers and agricultural workers, and subsequently persuade them to fill these labour-intensive jobs.

Recommendation 2: Provide Regional Migration incentives for skilled, business and employer-sponsored visas

Rural and regional areas are undoubtedly hardest hit by rampant skills shortages. To attract migrants to these regions, appropriate concessions should be built into all skilled or employer visas for facilitating access to Australian permanent residency while living and working in regional areas - for instance requiring work experience but no skills assessment.

A regional skills visa that is easier to access by a wider pool of applicants would serve as incentive for migrants to work and settle in regional areas. Increasing the number of Australian permanent visas (subclass 189 and 190) but failing to offer appealing incentives for regional-specific visas, means migrants are likely continue to seek employment opportunities in the more populated capital cities.

Each new visa or visa reform ought to include a stream/variation, which makes it easier for applicants and sponsoring employers in regional areas. Incentives are needed to attract migration to these remote and regional areas, rather than a one-size-fits-all approach that includes Melbourne and Sydney.

Recommendation 3: Establish a clear pathway to permanent residency from TSS 482 visas for occupations on the Regional Occupation List

The Regional Occupation list (ROL) for the Temporary Skill Shortage (subclass 482) visa currently has no path to permanent residency. This is a terrible and nonsensical policy setting that needs to be revised.



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As it stands, after four years of living and working in a regional area, 482 visa holders are expected to return overseas. This is a significant loss to the regional community in which they have settled and established personal, social and employment ties.

Recommendation 4: Simplify employer-sponsored migration and remove barriers to entry for both sponsoring employers and sponsored workers

Employer-sponsored visas are currently too complicated and impose unduly constrictive requirements such as too much work experience. Changes should be enacted to allow for greater flexibility for a visa applicant, particularly where their proposed employment is in a regional area.

In November 2021, a legislative change was enacted to enable those affected by the Section 48 bar to apply onshore for certain Skilled visas. Facilitating easier access to genuine visa pathways is in the best interests of both applicants and their employers. A simple solution to allow even more people in Australia to meaningfully participate in the workforce, is to expand the exempt visa categories under Regulation 2.12 (such as employer-sponsored 482 visa). Permitting skilled migrants impacted by the section 48 bar to apply for demand-driven visas onshore will enable them to meet business needs and fill positions in essential sectors.

In practice the Skilling Australians Fund (SAF) levy is an expensive facet of employer sponsorship visas and acts as another entry barrier for many small and modestly sized Australian businesses. The SAF levy is charged upfront and can only be refunded in select circumstances. Unfortunately, this can lead to many employers being charged the full fee but getting no skilled worker if unforeseen changes occur. The SAF levy has arguably not had the intended effect, that being to raise more funds for training Australians, but generally results in fewer applications and thus less funds generated.

One way to lessen the strain for employers is to lower the cost or charge the SAF on a pro-rata basis for each year of sponsorship, instead of requiring the entire amount to be paid upfront. Additionally, employers in critical sectors or regional areas would benefit from a reduced SAF levy.

Similarly, the Temporary Skilled Migration Income Threshold (TSMIT) was introduced with a view to ensure sponsored workers can maintain a reasonable standard of living. A review of the TSMIT is understandable given the length of time since its inception. We caution that this should be proportionate for all industries, not just a select few.

The lack of regional concessions for TSMIT could also cause difficulty for sponsoring employers, particularly in filling lower-skilled positions that typically do not attract high pay. We propose a Regional TSMIT, where the threshold for guaranteed annual earnings is set at a lower rate, for sponsoring employers in regional Australia. This lower Regional TSMIT should be at least 15% to the TSMIT that applies in non-regional areas such as Melbourne and Sydney.



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Recommendation 5: Strike an appropriate balance of temporary and permanent migration

Removing or reducing the number of temporary visas that eventually lead to permanent residency, such as the 491 and 482, will have a detrimental effect on regional Australia. These visas attract and retain people to regional Australia.

Granting more direct permanent residency visas will invariably lead to migrants crowding around Melbourne and Sydney. Crowding problems would be magnified tenfold if we blindly apply the Grattan Institute's unproved recommendations of imposing a high-income threshold and focusing on highly paid occupations.

Australia is a federation, and our migration system cannot be designed in isolation around Melbourne and Sydney. This is not a good plan for Australia's future and would dramatically jeopardise its sovereign capabilities. With increased migration numbers for the next few years, Melbourne and Sydney are unlikely to be able to cope with the housing, infrastructure and transport needs of several hundred thousand more migrants within a short space of time.

There are inherent risks in swinging the pendulum too far from temporary migration in favour of permanent migration. Whilst this is commonly justified on the grounds of providing stability and security for migrants, there is a concerning trade-off.

Certain provisional visas have conditions that promote settlement in regional areas (for instance the 491 visa), and are hugely useful for smaller businesses to attract and retain staff. This is contrasted with permanent residents who have total freedom of movement.

Permanent residency greatly benefits migrants and boosts population growth in larger capital cities, but may not fulfil other important migration aims such as filling skilled roles across Australia. Doing away with temporary visas is not the silver bullet against exploitation and misuse of the Australian migration program. A reasonable balance must be struck within the overarching migration program. Better protections must be introduced and enforced for temporary visa holders, to address inherent concerns and systemic problems that adversely affect the integrity of the migration program as a whole.

Recommendation 6: Re-evaluate prohibitive requirements such as 'Genuine Temporary Entrant' requirement for Student visas

The international education sector is one of Australia's largest export industries, contributing billions to the economy and supporting many thousands of education jobs throughout Australia. International students also contribute to filling different jobs through part-time employment. Many successful Australian migrants of today originally came to Australia as international students.

Yet promising students can be refused Student visas due to the confusing and arbitrary Genuine Temporary Entrant (GTE) requirement. This entirely subjective requirement can deter bright international students who are weighing their options. If the 'Genuine Temporary Entrant' criterion was to be dispensed with, this would put Australia at least on par with other countries such as United Kingdom and Canada which do not impose an equivalent GTE requirement.



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The purpose of a Student visa is to allow international students to pursue their studies in Australia. It should suffice for students to demonstrate they have been offered enrolment in a course of study and have the financial capacity to pay their tuition fees and living costs. Removing the GTE requirement would revive Australia's once thriving international education industry, boosting the numbers of international students and saving millions from students not having to pursue costly and time-consuming merits review and judicial review matters.

Recommendation 7: Re-examine the skills assessment requirement and introduce concessions where appropriate

General Skilled Migration visas (189/491/190) rely on skills assessment as a key starting point. Applicants must firstly obtain a positive skills assessment by the relevant skills assessing authority for their particular occupation. The purpose of the skills assessment is to assess qualifications/experience and verify that an applicant has the skills that are standard to work in a relevant occupation.

Skills assessments for certain occupations have been criticised for imposing unreasonably stringent requirements. This can result in the absurdity of a highly experienced individual who lacks a relevant qualification, being unable able to obtain a positive skills assessment.

Whilst skills assessments make sense in the context of migrants with qualifications obtained overseas, it should not be required in some occupations for those who have obtained a recognised Australian qualification. This would enable the skills assessing bodies to allocate resources more efficiently.

Furthermore, the skills assessment process needs to be better funded and processed faster across the full range of occupations. Impediments should be removed to allow for an easier and accommodating skills assessment process. In comparison to the health and medical occupations, skills assessments for other skilled occupations such as Accountants are obtained much quicker.

As it stands, there are a select few assessing authorities with the power to assess applications and issue skills assessments. As one of the largest skills assessing authority, VETASSESS has a monopoly over this market. If the Australian Government authorised more skills assessment providers, healthy competition could not only provide relief in the backlog of applications but also promote better service and efficiency overall.

Recommendation 8: Improve professional registration processes particularly for the health professions

A vital component of skills assessments for certain occupations (such as medical practitioners, pharmacists) is professional registration, a process that can take years for those in health and medical-related occupations. Oftentimes registration is open a few times a year and missing a cut-off date means waiting months. This is not only frustrating but incredibly ineffective and prevents doctors from being on the ground, working on the frontlines providing medical care. Registration for General Practitioners can be stalled for years in some cases, all the while rural and regional areas continue to suffer from lack of access to basic healthcare services.



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There is a pressing need to cut the red tape and remove unreasonable barriers to entry. Qualified health professionals can face significant difficulty in obtaining formal registration considering there are only a few exam days scheduled throughout the year. Medical boards need to be brought into the modern era and dispense with archaic processes. Online exams surely can be conducted anywhere and delivered all year round. Given the remarkably adaptive technology in this day and age, access and frequency should pose no barrier.

The structures we have in place are not conducive to enabling skilled workers to fill critical roles. Bureaucracy should not stand in the way, because Australians will only suffer for it. The devastating impact of the COVID-19 pandemic, causing Australia's healthcare system to buckle under heavy strain, clearly demonstrates that Australia does not have years to wait.

Recommendation 9: Implement stronger and tangible protections in the form of a visa for vulnerable persons impacted by exploitation

It is important to underscore that exploitation can arise with any form of visa, at any job and in any workplace. Visa holders and migrant workers have the same workplace protections as any other employees in Australia, but greater education is needed. Within the realm of non-sponsored visas, exploitation can go unreported. Some of the worst areas of worker exploitation is within the largely unmonitored temporary visas. These include visitor and student visa holders, backpackers and the 408 Pandemic Event visas.

The existing Assurance Protocol is vaguely described and does not offer sufficient protections for victims of exploitation. Its aim is to support visa holders in seeking help from Fair Work without fear of visa cancellation due to breaches of a work-related visa condition. Nevertheless, the scheme does not resolve the issue of what other visas an exploited person may apply for.

If an employer is found to have engaged in wrongdoing, they may be fined or barred from further sponsorship. There are far more serious consequences for visa holders, who often fear having their visa cancelled and losing their path to permanent residency. In reality, exploited visa holders in breach of visa conditions remain vulnerable to visa cancellation if there are no other visas they can apply for.

Safeguarding the integrity of the migration system and visa holders' fundamental rights and wellbeing is of paramount importance. The Australian Government ought to consider introducing a temporary visa for vulnerable persons to help those who have been, or are being, subjected to exploitation. There is an immediate need for the government to design an exploited or vulnerable person temporary visa. The vulnerable person visa could also extend to victims of family violence (outside of partner visas) who are not covered under current legislation. Without it, many victims of exploitation have no way to escape from an awful situation.

A victim of exploitation or sex trafficking cannot be expected to willingly bring this to the attention of Immigration, when doing so would expose them to risk of visa cancellation and immigration detention. The lack of a discrete visa option for those being exploited basically compels them to stay in the exploited situation and fortifies the unlawful practices of unscrupulous employers or sex traffickers. Having a viable visa option would go a long way towards protecting vulnerable migrants, instilling trust so that they feel confident taking on jobs across all industries and coming forward when there is exploitation.



**WORK VISA[®]
LAWYERS**

Telephone:
(08) 8351 9956

International:
+61 8 8351 9956

Facsimile:
(08) 8125 5987

Email:
admin@
workvisalawyers
.com.au

Office Address:
230 Henley Beach Rd
Torrensville
SA, 5031, AUSTRALIA

Postal Address:
PO Box 3057, Hilton Plaza
SA, 5033, AUSTRALIA



An incorporated legal practice
Work Visa Australia Pty Ltd
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ABN: 75 889 635 782

ACN: 149 080 562

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Conclusion

There is a discernible tendency to bypass or exclude key bodies from important discussions on the future of the migration program. Notably the Migration Institute of Australia (MIA) was not invited to participate in the recent Jobs and Skills Summit. There appears to be a concerning lack of constructive consultations with key bodies such as the leading industry association whose members are migration professionals with knowledge and insight into systemic problems impacting Australia's migration program. Without proper consultations, there is a real risk of creating a system that is worse than the current one.

The Grattan Institute's radical redesign for Australian migration is based on high-earning professionals to gain more tax revenue. This approach could lead to massive skills shortages in relation to crucial lower-paid occupations that Australia relies upon, including hospitality and trades workers as well as carers.

Offering 35,000 more permanent visas and quicker processing as a "solution" could compound the problem and in fact exacerbate the skills shortages. Unless difficult areas in need of workers are directly targeted, especially aged care and agriculture, Australia is no closer to solving the problem of skills shortages.

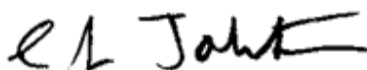
Trickle down migration policy, impressive as it may be in theory, does not work in practice. History has shown us that drastically raising the number of highly skilled migrants and shrinking other programs, including employer-sponsored migration, does not deliver people to where jobs are actually needed.

Simply granting more permanent visas, and faster, does not solve systemic problems. Sensible reform either by adapting the existing system or creating clear new visa pathways, combined with timely processing, is needed to alleviate serious skills shortages.

We urge the Australian Government to heed the impassioned pleas of employers nationwide and seize this opportunity to modernise long neglected migration policies. Unless action is taken, Australia will be stuck in a perpetual cycle of permanent visas for higher skilled migrants congregated in capital cities, all the while skills shortages in critical sectors (agriculture, healthcare, child and aged care) and regional areas continue to worsen.

Thank you for the opportunity to make a submission on this imperative matter. Should you have any enquiries regarding this submission, please contact me at chris@workvisalawyers.com.au.

Yours sincerely,



Chris Johnston **Principal Lawyer**
Work Visa Lawyers
p 08 8351 9956
e chris@workvisalawyers.com.au

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WORK VISA[®]
LAWYERS

Telephone:
(08) 8351 9956

International:
+61 8 8351 9956

Facsimile:
(08) 8125 5987

Email:
admin@
workvisalawyers
.com.au

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Torrensville
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