

## Common Action Discussion Starter

### A Fair Go for Migrants and Temporary Migrant Workers

Migrant workers, starting with the convicts, built modern Australia. Post-World War Two migration created our prosperous multicultural Australia. This migration was for permanent residence and citizenship, but since the early 2000s temporary visas have started to displace permanent residency visas, with significant impacts on workers' basic rights and fairness in our society.

In 2015-16, there were 128,500 permanent skilled visas, and 57,400 permanent family reunion visas. But at December 2015, there were 328,230 international student visa holders, 155,180 working holiday visa holders, 159,910 Visa 457 holders, and 23,870 Graduate 485 Visa holders. All of these are temporary workers.

Migrante Australia, a Filipino community organisation, and FILEF, an Italian community organisation, have come across problems suffered by migrants, and specifically the temporary migrant workers under the 457 visa scheme.

#### Why migrate?

Many migrants are forced migrants. They are driven by extreme poverty, exploitation, repression, massive unemployment and many leave their families to work abroad in order to survive. In many poor countries, like the Philippines, the government peddles them like commodities to reduce massive unemployment and through their remittances, service foreign loans and keep the country financially afloat. Between 30 and 40 percent of the Philippines' 99 million people depend on remittances. This is a Labour Export Policy.

Since the Global Financial Crisis of 2008, Australia has received a new wave of migration from Greece, Italy, Spain, Portugal and Ireland, made up mainly of young educated people trying to find an income.

In Australia, many migrants, especially temporary workers under the so-called Subclass 457 visa category, Working Holiday visas and international student visas experience violations of their human rights, racism, discrimination, oppression and exploitation. But migrant workers are generally highly skilled, and contribute positively to the development and the economy of Australia.

The International Organisation for Migration (IOM) places the Philippines as the fourth leading migrant-sending country in the world, next to China, Mexico and India. According to the latest Philippine Overseas Employment Administration (POEA) data, 1.86 million Filipinos were deployed overseas in 2014, that is 390,000 higher than



the deployment figure in 2010. They mostly work at sea, and in Saudi Arabia, the United Arab Emirates, and Singapore, as service, manufacturing and professional workers.

#### Australia and the 457 Visa and other temporary migrant worker schemes

The 457 visa scheme is claimed to be designed to fill temporary skills shortages in Australia, but labour-market testing is widely avoided. Visa 457 allows the employer to sponsor overseas workers for between three months and four years. Employers are required to offer terms and conditions of employment to the overseas worker 'no less favourable' than the ones provided to local workers, that is paying the overseas worker a 'market salary rate', now set at a minimum of \$57,000 per year.

#### Issue 1: Fair and reasonable pathways to become permanent residents

Visa 457 holders who may have aspirations towards permanent residency are particularly vulnerable to exploitation by their sponsoring employer because of their temporary status.

Migrante Australia has encountered many cases of Filipino migrant workers on a 457 visa where their employers indicated they did not want to sponsor them via the Employer Nomination Scheme (ENS) Permanent Residency (PR) visa. Most of these workers have waited until the end of their 457 visa (usually at the end of four years), only to find out that they have no other options but to apply for the extension of their 457 visa.

Every two years, Visa 457 holders are required to score at least 5.0 on four English tests – listening, reading, speaking and writing – at a cost of \$300 per test, non-tax deductible.

When a Visa 457 holder does get nominated by the employer for Permanent Residency, they have to pay \$8,500 for their own Second Visa Application, and their spouse and children have to pay \$4,250 each. These are very onerous fees, and people have to take on significant debt to pay them.

## **Issue 2: Migrant workers' rights and entitlements must be protected**

When migrant workers arrive in Australia, they have little knowledge of their rights and entitlements. They tend to accept the working conditions offered, and seldom complain for fear of dismissal and termination of contract – and deportation. Almost all have dependents back home that they need to support.

Abuses and exploitation of temporary migrant workers include unpaid hours of work, no overtime pay, no work weekends and public holiday rates, and non-payment of allowances, as demonstrated in the *7Eleven* scandal.

Skilled workers have been required to clean the boss' house, including farm house and animal sheds, or to clean toilets and mow the lawns of the boss' children. There are also cases where four or more workers are given one small bedroom to share and charged \$150.00 a week for the bed space.

There are many other forms of abuse that migrant workers suffer, such as no leave entitlements, no workcover insurance, and being forced to work in extreme heat, or when injured, or no pay when injured.

Migrante Australia contends that all workers should have job security, including temporary migrant workers. And for the migrant workers to achieve this, permanent residency and job security go hand-in-hand.

## **Issue 3: Equal treatment and entitlements as members of Australian society**

In theory, migrant workers enjoy the same rights as Australians. But in reality, they are often excluded from the social security net and democratic franchise, despite living in Australia, paying their taxes, and respecting

Australian laws. Australia needs to value these migrant workers as vital to the fabric of Australian society.

457 visa holders are required to have their own health insurance and even after years of working in Australia, they are not covered by Medicare. Health costs can be crippling and undermine permanent residency applications.

Skilled (State) Sponsored subclass 176 offshore permanent visa applicants also face rejection if their spouse falls ill, even after they have worked for four years for the government.

Children of migrant workers pay full public school fees and international university fees. They do not have public transport concessions like Australian citizens and permanent residents do.

## **Questions for Discussion**

- 1. Given Australia's migration history, how do you think immigration can work to develop a fairer and ecologically sustainable Australia?**
- 2. How can migrant workers have a fair and reasonable pathway to permanent residency, so that they don't have to rely on employer nomination?**
- 3. Should the English IELTS test be abolished for those who have worked or studied in Australia for at least a year?**
- 4. How can migrants be provided with a comprehensive orientation program to explain their rights and entitlements in Australia, including the right to join a trade union?**
- 5. How can migrant workers have effective access to unpaid wages and entitlements?**
- 6. How can migrant workers be guaranteed the work they contracted for?**
- 7. Should migrant workers have access to Medicare and public education on the same terms as Australian permanent residents and citizens?**
- 8. Should Australian Immigration laws be changed so that the migration program is based on permanent residency status, rather than temporary work visas?**

**Send your group or individual ideas and feedback to  
[contact@commonaction.org.au](mailto:contact@commonaction.org.au)**

Common Action network: Aboriginal Rights Coalition, Australian Fair Trade & Investment Network, Australian Manufacturing Workers Union, Community & Public Sector Union - PSU Group, Construction Forestry Mining & Energy Union, Evatt Foundation, Federation of Italian Migrant Workers & Families, f-collective, Greens NSW, Maritime Union of Australia Sydney Branch, Migrante Australia, National Tertiary Education Union, NSW Nurses & Midwives Association, NSW ALP Socialist Left, SEARCH Foundation.  
<http://www.commonaction.org.au>. February 2017.