



Submission to the Senate Select Committee on Temporary Migration, March 2020

Introduction

Combined Refugee Action Group welcomes the opportunity to provide a submission to this inquiry and thanks the Committee for extending an invitation for us to do so.

Combined Refugee Action Group is based in Geelong, Victoria. We are a network for over 700 individuals and community groups across the Geelong, Bellarine Peninsula and Surf Coast region, all advocating for people seeking asylum to be treated with fairness and decency and to be given the opportunity to rebuild their lives in safety.

Our members are in regular contact with people who have come to Australia for refuge and who are now part of the social fabric of our region. Our submission, therefore, focuses on the ways Temporary Protection Visas and Safe Haven Enterprise Visas impact on the Australian economy, wages and jobs, social cohesion and workplace rights and conditions, with particular reference to the following points from the terms of reference:

- d) whether permanent migration offers better long-term benefits for Australia's economy, Australian workers and social cohesion
- e) the impact of wage theft, breaches of workplace rights and conditions, modern slavery and human trafficking on temporary migrants

This submission refers to people who have Safe Haven Enterprise Visas (SHEV) and Temporary Protection Visas (TPV) as having 'Temporary Protection', and to people who hold permanent refugee/humanitarian visas as having 'Permanent Protection'.

In 2019, Combined Refugee Action Group developed a survey for people who are refugees, in order to gather information on the impact of Temporary Protection on education, employment, health and well-being, productivity and community connection. Over 150 completed surveys have been received to date from Victoria, New South Wales, Queensland, South Australia, Western Australia and Australian Capital Territory. While the survey is still open, the data from the responses received to this point has been used throughout this submission and relates to people who have:

- Been granted Temporary Protection Visas (three-year visas), Safe Haven Enterprise Visas (five-year visas) or other refugee/humanitarian visas (which provide permanent protection) **and**
- Lived in Australia from three to ten years

Also included throughout the submission are quotes from various people who have Temporary Protection, which have been obtained from the survey and through discussions and interviews.

Permanent Protection offers better long-term benefits for Australia’s economy and workers.

Improved economic participation with permanency

The following table shows how survey respondents were employed at the time of the survey (please note: percentages total more than 100% as respondents were able to select multiple options to best describe their situations such as ‘full time’ and ‘self-employed’ or ‘part time’ and ‘home and family duties’).

	People with Temporary Protection	People with Permanent Protection
Full time work	33%	54%
Part time work	6%	23%
Casual work	19%	8%
Self-employed	18%	23%
Subcontract work	11%	15%
Home and family duties	5%	15%
Volunteer work	1%	8%
Unemployed and looking for work	11%	8%

According to the survey results, people with Temporary Protection (33%) are much less likely to secure full time work than those with Permanent Protection (54%). Their work is also more likely to be of a casual nature (19% with Temporary Protection and 8% with Permanent Protection).

71% of people with Temporary Protection who undertook the survey reported that they had missed out on a job because of their residency status. This was significantly lower for people with Permanent Protection (23%).

20% of people with Temporary Protection indicated that they wished to undertake an apprenticeship but were unable to due to their visa type. Apprenticeships cannot be commenced unless the visa expiry date is beyond the expected date of training completion.

“I was so disappointed that I could not accept the apprenticeship offer. My visa will end in 2022. The apprenticeship would not finish until 2023. I told him that I will apply for another SHEV visa then because it is not safe for me to go back to my country. But he said they can only give me an apprenticeship based on the visa I have now. I really wanted to be a mechanic. It would be very good for me. One day I would have others working for me.”

15% of people with Temporary Protection reported that they had received University offers but had been unable to accept them due to their residency status. A further 15% indicated that they decided not to apply for a University course at all, due to their residency status.

“Education is vital for everyone to be successful in their lives. People with temporary refugee visas can’t go to university to get further education. Many of us got good marks at school but had to reject university offers because we could not afford to pay international student fees.”

As well as increasing opportunities for full time work, further education and vocational training, Permanent Protection allows people greater opportunity to establish new

businesses. In turn, this leads to:

- Improved social-economic security and reduced need for income support
- Greater contribution through the payment of taxes
- Increased spending on goods and services
- The creation of new jobs

“Some people who have been working for years have saved money and want to buy property for a home or a business. Without permanent visas, they have trouble getting loans and have to pay foreign investor stamp duty, even though they have been paying tax here for a long time.”

Disadvantages of regional relocation requirements

A requirement of Safe Haven Enterprise Visas is for the people who hold them to live and work in regional areas, as specified by a list of eligible postcodes. People who were living and working in metropolitan areas while waiting for their asylum claims to be assessed have been required to leave their jobs in order to relocate once they have received their visas. This has created, at best, short periods of unemployment until people find employment in regional areas. At worst, it has forced people into ongoing unemployment or under-employment.

55% of people surveyed who have Temporary Protection reported that they needed to leave a job in order to relocate to meet the requirements of their visa.

“I had a good full time job in Melbourne. I was earning good money. That is how I bought my car. But the government made me leave that job and move for my visa. I got a job in a factory here but they only give me part time hours every week.

My friends moved with me but they haven’t found work yet. We don’t have enough money to pay for our rent, bills and food. So now here I am getting help from the food bank. It’s crazy. We wouldn’t need this help if they let us stay in Melbourne.”

“I had to leave my construction job in the city and come here for my visa. I haven’t been able to find ongoing work; just some short term labouring jobs. I don’t like taking Centrelink. I want to work and support myself. If I can’t get a job soon, I will go back to the city. Maybe Immigration will take away my five year SHEV and give me a three year visa. But what can I do?”

Economic impact of separation from family and insecure futures

People with Temporary Protection do not have any access to family reunion. Of the survey respondents who have Temporary Protection:

- 57% reported that they have no family members in Australia with them
- 70% reported that their immediate family members (partners, children, parents and/or siblings) remained in unsafe situations overseas

These percentages were significantly lower for people with Permanent Protection (8% without family in Australia and 23% with family members in unsafe situations). This is because people with Permanent Protection are able to apply for family reunion and to sponsor the immigration of their family members.

Family members of people with Temporary Protection living in precarious situations overseas often have to relocate regularly in order to flee the dangers which arise. Family members may also be sheltering in places where they have no residency status and no work rights, so have no means to support themselves. Therefore, people with Temporary Protection are usually required to send money to provide accommodation, food and clothing for their family members, instead of spending their earnings in Australian communities.

The stress of being separated from loved ones (who may remain in very dangerous situations) and ongoing uncertainty for the future, has a negative impact on productivity. The following table shows the greater frequency of symptoms associated with depression and anxiety in people who have Temporary Protection, in comparison with those with Permanent Protection. Respondents were asked to select from 'Never', 'Sometimes', 'Often' or 'Most of the time'. The results for 'Most of the time' and 'Often' are displayed below.

	People with Temporary Protection		People with Permanent Protection	
	Most of the time	Often	Most of the time	Often
Worry	62%	20%	15%	23%
Sadness	50%	25%	0%	8%
Feeling tired for no good reason	47%	20%	8%	15%
Unable to stop thinking	55%	22%	0%	31%
Difficulty sleeping	35%	29%	23%	0%
Nightmares	32%	19%	8%	0%
Headaches	22%	23%	8%	15%
Chest pain	7%	10%	15%	0%
Feeling hopeless	40%	18%	15%	8%

Respondents were asked how many days of work or study they have missed in the past year due to experiencing the above conditions.

25% of people with Permanent Protection who answered this question indicated that they had missed days from work or study in the past year. However, no numbers of days were provided. One respondent wrote "A lot" in the free text box.

62% of those with Temporary Protection who answered this question indicated that they had missed days from work or study in the past year. Based on the answers which included the number of days absent, the average number of days missed for these respondents was 58. (A number of respondents reported that they had missed multiple months of work which contributed to the high average number of days absent). Other responses provided included:

"Didn't count it"

"Many days"

“I lost everything”

“I lost my job and my motivation for doing any activity.”

“These things tried hard to stop me but I keep going on and knowing if they stop me, I will die in them.”

Conversely, people were asked how frequently they experienced feelings of well-being. People with Temporary Protection indicated that they experience almost all of the following feelings of well-being considerably less often than people with Permanent Protection.

	People with Temporary Protection		People with Permanent Protection	
	Most of the time	Often	Most of the time	Often
I feel positive about my future	12%	17%	23%	31%
I am happy to try new things	19%	19%	23%	46%
When things go wrong I can get over them easily	11%	19%	39%	0%
I feel calm and peaceful	18%	17%	8%	54%
I feel like I belong	14%	15%	31%	46%
I feel what I do in my life is valuable and worthwhile	23%	20%	23%	31%
I feel energetic and full of life	17%	14%	15%	23%

While 29% of people with Temporary Protection indicated that they never feel positive about their future, no one with Permanent Protection selected this answer.

While 27% of people with Temporary Protection indicated that they never feel calm and peaceful, no one with Permanent Protection selected this answer.

“Our visas are very uncertain. We can’t see our loved ones for years and we don’t have a sense of belonging without having access to citizenship.”

People experiencing such low levels of well-being, and such high levels of despondency, will be unlikely to reach their full potential in terms of economic participation.

Permanent Protection offers better long-term benefits for social cohesion.

Improved access to English development with permanency

Developing English skills assists refugees to fully engage with, and be included in, their new local communities.

Of the people who responded to the survey:

- 85% of those with Permanent Protection, and 76% of those with Temporary Protection, attended some form of English classes
- 62% of people with Permanent Protection accessed English classes within the first year of living in the community in Australia. 41% of those with Temporary Protection accessed English classes within the first year, and this was often through informal programs in community centres rather than structured classes.
- 21% of people with Temporary Protection took three years or more to access classes.
- 31% of people with Permanent Protection accessed the government funded program which provides 510 hours of English classes. However, only 19% of people with Temporary Protection accessed this support. (People waiting on Bridging Visas, to have their applications for refuge assessed, do not have access to this program. They must wait until they are granted a SHEV or TPV. This can take up to eight years, and by that time most people make do with their self-taught English.)

Enhanced Community participation with permanency

Survey respondents were asked to select the various activities they had engaged in within the past twelve months. The results have been placed in the table below.

	People with Temporary Protection	People with Permanent Protection
Sports teams	18%	31%
Arts groups	5%	15%
Community groups	23%	54%
Fitness activities	35%	23%
Cultural or religious activities	22%	32%
Community events and festivals	24%	38%
Volunteer work	18%	38%
Get-togethers with friends	37%	54%
Get-togethers with family	18%	46%
None of these	27%	15%

These results show that people with Permanent Protection are more likely to engage in activities in their communities than those with Temporary Protection. (Fitness activities, such as gym work, walking or swimming, are an exception to this. In conversations with people who have Temporary protection, they have explained that they use fitness activities to manage their stress and anxiety.)

27% of people with Temporary Protection (compared with 15% of those with Permanent Protection) indicated that they did not participate in any of the activities presented in the survey.

“I couldn’t join the SES because of my visa condition.”

“I was playing volleyball but since moving to here for my SHEV visa I haven’t found a team I can join.”

44% of people with Temporary Protection who responded to the survey indicated that they set short term goals. For those with Permanent Protection, this was 69%

An even larger gap was evident in regard to setting long term goals. 35% of people with Temporary Protection, and 62% with Permanent Protection, indicated that they set long term goals.

This is consistent with the fact that 40% of people with Temporary Protection reported that they experience feelings of hopelessness “most of the time”.

Permanent Protection reduces the impact of wage theft, breaches of workplace rights and conditions.

Combined Refugee Action Group members have been involved in supporting many people who have Temporary Protection to deal with situations of wage theft due to under-payment, sham sub-contract arrangements, or wages and invoices not being paid at all. Members have also assisted with situations of unfair dismissal and supported people to contact WorkSafe and access Workcover when they have sustained injuries due to unsafe workplace conditions. The following case studies are typical of the situations people have been subject to:

- A young man working in tiling labouring had successive jobs with different employers where each time he was told that he would be employed on a lesser ‘training wage’ for two to three months while he was taught more about tiling work. On each occasion, he was not provided with any training during that time, despite repeatedly asking for opportunities to learn new skills. He continued to be paid less than a standard hourly rate for a labourer. Each time the job was completed, he was not provided with any further work.
- A factory worker sustained an injury in his workplace. He explained that his job required him to carry very long pieces of metal alone. The injury occurred when he lost his balance and grip on the metal. In discussion with others with Temporary Protection in the same workplace, it was revealed that they too had experienced injuries at work, and some had left their jobs due to the unsafe work practices the company insisted on. One worker reported being directed to lift items that weighed more than 100 kg, in a two-person lift. Another worker described how metal bars had fallen from a high rack where they had been stacked, hitting him on the head. He had not been provided with a helmet. The workers detailed how people with Temporary Protection were consistently given the most hazardous jobs in the factory, while workers with permanency or Australian citizenship were allowed to rotate through other, safer tasks.
- One factory worker reported being told to stand with his arms stretched out in front to catch construction materials which were thrown to him as they were taken off machines. He was not provided with any protective equipment and his arms were covered in bruises and scratches. After taking a few days of sick leave to recover, his Team Leader and Manager met with him to talk about sick leave entitlement and application processes. At the end of the discussion, he was asked to sign a document in complicated English, which he was told was “just for the records to show that we had this discussion”. In reality, the form was an employment termination form. Sections of the form which were for completion by the employee had been

already filled out by the workplace and falsely stated that the worker had realised that he was not fit for the requirements of the job so had chosen to resign rather than be dismissed. When a CRAG member contacted the workplace to question this, she was told by the Manager that he had read through the form out loud twice, using simple English, to ensure that the employee understood what he was signing. The employee maintains that this was not true and that he was handed the paper and given a few seconds to read it himself before being pressured to sign.

- A hospitality employee was paid \$8.00 per hour as a kitchen hand in a restaurant. When questioning the rate of pay, the employee was told, “If you want the job, you take it. There are plenty of others that we can employ in your place.”
- Many workers with Temporary Protection have reported that business insist that they provide Australian Business Numbers (ABNs) so that they can be engaged as contracted labourers, paying their own insurance, tax and superannuation. However, the business owner deals with clients; controls how, where and when the work is carried out; provides the materials and tools; sets the hourly rate (which is often as little as \$20 to \$30 per hour) and does not provide any contract paperwork. The Fair Work Commission describes this as ‘sham contracting arrangements’, as people working under these conditions are employees rather than contractors, and businesses use them to avoid fulfilling their obligations as employers.
- A number of people have detailed how they have been offered work for businesses in labouring, painting, tiling or cleaning if they provided ABNs. They have submitted invoices after completing the work, but report that their invoices were never paid.

In all of these cases, employers have appeared to take advantage of the fact that, due to the tenuous nature of their visas and their limited English, workers with Temporary Protection may not have the capacity and confidence to make official complaints, and may be too fearful to do so. People with Temporary Protection often express that they do not wish to take any action against employers as they are concerned that it could cause problems for their visas.

“He said I should start at 8:00 am and finish at 7:00 pm with thirty minutes for lunch. He wanted me to work six days every week. He said he would pay \$12.00 an hour.”

The exploitation of people with Temporary Protection has a flow-on effect for Australian permanent residents and citizens as award rates and appropriate working conditions are undermined for all.

Conclusion

Providing refugees with permanent residency creates improved long-term benefits for individuals, Australia’s economy and Australian workers. Access to certainty and the opportunity for family reunion improves the well-being of workers, which in turn improves their economic participation and productivity.

Permanency strengthens people's ability to address workplace issues and reduces their susceptibility to exploitation, wage theft, unsafe workplaces and breaches of workplace rights. This in turn safe-guards working conditions for all Australians.

Permanency allows people to rebuild their lives and promotes greater community participation for people who are refugees, which enhances the cohesion of society as a whole.

"Because of temporary visas we will never be Australian citizens...We can't build our lives properly here because we are always thinking that maybe we will be sent back to danger next time we have to apply. I love this community. I have safety here, I have friends and people who are like family to me, and I have a good job. But without permanent residency and citizenship, none of that is certain."

Below is a small sample of the countless examples of refugees who have obtained permanent residency in Australia and are making a significant contribution to their local communities and the Australian economy:

- Victorian Hazara Community fundraising for bushfire relief:
<https://www.sbs.com.au/language/english/we-owe-australia-a-lot-refugee-community-donates-160-000-to-bushfire-relief-offers-up-tradies>
- The Nhill Luv-a-Duck resettlement and employment project:
<https://www.abc.net.au/news/2015-04-24/study-reveals-refugees-boosting-nhill-economy/6417620>
- Dr Munjed Al Muderis awarded for his contribution to medicine:
<https://www.sbs.com.au/news/refugee-munjed-al-muderis-overcomes-extraordinary-obstacles-for-nsw-top-gong>
- Deng Adut, 2017 New South Wales Australian of the Year:
<https://www.dailytelegraph.com.au/newslocal/blacktown-advocate/blacktown-lawyer-and-advocate-deng-adut-named-nsw-australian-of-the-year/news-story/dc9fdb2c81ed83abce784b3fd8bf68de>
- Hieu Van Le appointed as 35th governor of South Australia:
<https://www.theguardian.com/world/2014/jun/26/former-refugee-appointed-governor-of-south-australia>

Permanent residency is necessary to provide people with a sense of belonging, to give them a future, and to allow them to reach their full potential as individuals, students, workers, community members and Australians.