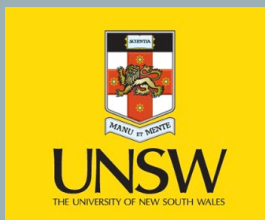


TEMPORARY MIGRATION IN AUSTRALIA: THE ENTREPRENEURIAL STATE, RIGHTS, BELONGING AND EVERYDAY SECURITY



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Source: Migrant Workers Centre, Melbourne

AREAS OF FOCUS

1. We consider temporary migration from a human centered, rights perspective.
2. From this perspective we identify key fault-lines between the entrepreneurial state and the conditions of everyday life of temporary migrants most vulnerable to exploitation.
3. We build this critique through the example of the Australian state's approach to temporary migration in the contemporary moment.

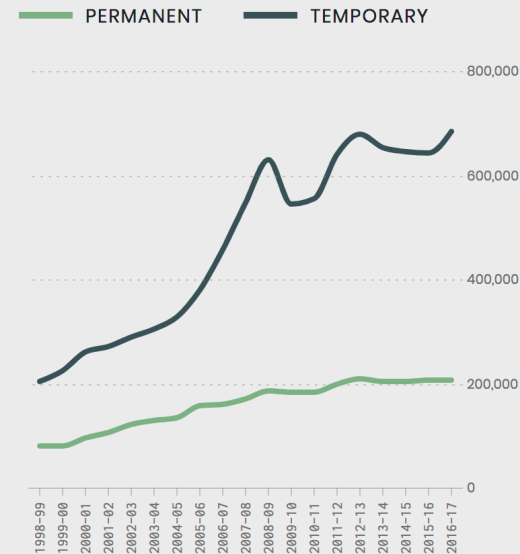
TEMPORARY MIGRATION IN AUSTRALIA

- A shift in priority to temporary over permanent migration
- Significant increase in temporary visas for work and study
- Pathways to permanent migration increasingly difficult and complex, over extended timeframe
- Providing opportunities for both skilled and unskilled workers to enter Australia's employment market and for students to pursue higher education (and employment)

PERMANENT VS TEMPORARY ANNUAL MIGRATION 1998-2017

The number of permanent visas issued annually has grown much more slowly than the number of temporary visas issued to international students, working holiday makers and skilled workers.

SOURCE: HISTORICAL MIGRATION STATISTICS, DEPARTMENT OF HOME AFFAIRS
DEPARTMENT OF HOME AFFAIRS, DATA.GOV.AU
WORKING HOLIDAY QUICK GUIDE, PARLIMENT OF AUSTRALIA
MIGRATION TO AUSTRALIA SINCE FEDERATION, PARLIMENT OF AUSTRALIA



Source: SBS/Mares, 2018

457 VISA > TEMPORARY SKILLS SHORTAGE VISA

In March 2018, the 457 visa for temporary skilled workers was replaced with the Temporary Skills Shortage Visa which has two streams—short term and medium term. Only the medium term visa has a pathway to permanent residency.

457 VISA (TO MARCH 2018)	TSS SHORT-TERM VISA	TSS MEDIUM-TERM VISA
651 occupations	242 occupations (labour-market dependent)	208 occupations
Up to four-year stay	Up to two-year stay	Up to four-year stay
Unlimited renewals onshore	Renewable onshore once only	Renewable onshore after three years
No work experience required	Two years' "relevant" work experience	Two years' "relevant" work experience
Age restriction 50	Age restriction 45	Age restriction 45
Employer to spend a percentage (1% or 2%) of payroll on training	Employer contribution to Skilling Australians Fund of \$1200-\$1800 per year	Employer contribution to Skilling Australians Fund of \$1200-\$1800 per year
Possible pathway to residency, especially via employer sponsorship	No pathway to residency	Possible pathway to residency via ENS visas 186/187 after three years

ACCESS TO SUPPORT

ELIGIBILITY FOR COMMONWEALTH-FUNDED SUPPORT

VISA CATEGORY	MEDICARE [^]	CENTRELINK PAYMENTS (UNEMPLOYMENT BENEFITS, YOUTH ALLOWANCE, SICKNESS BENEFITS, SPECIAL BENEFITS)	STUDY ASSISTANCE (HECS/ HELP)	COMMONWEALTH RENT ASSISTANCE
International students and student graduates	✗	✗	✗	✗
Skilled workers (457 and TSS visas)	✗	✗	✗	✗
Working holiday makers	✗	✗	✗	✗
Permanent residents	✓	✓*	✓*	✓*

[^]There is some Medicare coverage for temporary migrants from countries that have reciprocal health care agreements with Australia.

*Apart from humanitarian migrants, other permanent migrants are subject to a two-year waiting period before they can access these payments or services. The federal government plans to extend this to four years but the relevant legislation has not yet passed.

'GLOBAL TEMPORARINESS'

- We question both the premise and the outcomes of global “temporariness”.
- Manifest in exploitation as workers and students are often outside access to minimal rights and protections (Boltanski & Chiapello 2006; Ness 2011; Standing 2011; Shachar 2009).
- Citizens and permanent residents become “free riders” on the economic, social and cultural contributions temporary migrants make to host societies, without the expected corollary of having access to adequate and reciprocal rights (Rubio-Marin 2000).

CONTRADICTIONARY 'SECURITY' AGENDAS

- Tension between market-driven goals and the politically driven logic of border control (Nyers 2010; Ruhs 2013; Ronson 2012).
- Temporary migration schemes and the stripping back of rights to those who enter these schemes is a deliberative aspect of the state approach.
- States implement policies and legislation that create precarity including through a lack of access to the rights framework people require for sustainable life.

LACKING CITIZENSHIP STATUS

- The privileged form of citizenship remains dominant in liberal societies (cf. Aylet Shachar's *citizenship-as-inherited-property* (2009))
- New forms of borders and bordering practices have proliferated in the contemporary period.
- These are now at the centre of political space with fundamental transformations of citizenship, labour, culture and space (cf. Mezzadra and Neilson, 2012).

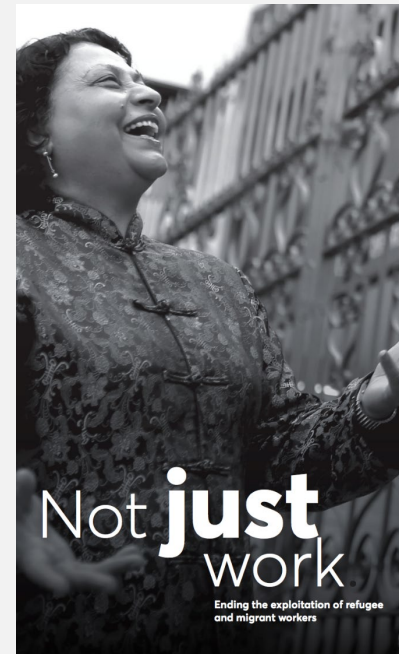
EXPERIENCES OF TEMPORARINESS

- Inequalities and exclusions that emerge from restrictive bordering are also hidden and invisible through the transnational character of temporary migrant lives.
- Factors that render their needs and lack of rights fulfilment hidden and invisible:
 - prevalence of circular migration / return migration
 - lack of substantive rights temporary migrants experience in a receiver society
- Temporary migrants are in some ways fortunate in contrast to irregular migrants such as asylum seekers:
 - access to the documents and status that allow official, regulated passage across the territorial borders of states
 - access to social recognition, respect and dignity that is a corollary to official status through visas, passports and pathways to citizenship or residency.

EXPLOITATION OF MIGRANT AND REFUGEE WORKERS IN AUSTRALIA – SOME RESPONSES

WEstjustice's Newly Arrived and Refugee Employment Law Service provides employment-related legal information, advice, advocacy and referral to people from a refugee or asylum seeker background, as well as newly arrived migrants.

- The service helps with a range of employment-related problems including:
 - Bullying
 - Discrimination
 - Sham contracting
 - Underpayments and unpaid wages
 - Unfair dismissal
 - Workplace safety/injury
- The service is available to refugees, asylum seekers and newly arrived migrants (who are from a non-English speaking background and have lived in Australia for less than 10 years) who live, work or study in the Western suburbs of Melbourne.



EXPLOITATION OF MIGRANT AND REFUGEE WORKERS IN AUSTRALIA – SOME RESPONSES

- The **Migrant Workers Centre** empowers migrant workers in Victoria to understand our rights, enforce them in our workplaces, and connect with other migrant workers.
- The **Migrant Workers Centre**:
 - Educates workers about issues regarding workplace safety and rights
 - Assists workers from emerging communities to address problems they encounter at workplaces
 - Collaborates with community partners to organise events and grassroots campaigns focusing on workplace rights for migrants
 - Bridges language barriers that limit workers' access to information
 - Promotes workplace rights on our media platforms, as well as mainstream and ethnic community media outlets.



”NOT QUITE AUSTRALIAN”

- “[...] these measures seem likely to make Australia’s migration program more flexible for the government and employers, and more precarious and uncertain for migrants. An inevitable outcome will be that more migrants have the questionable status of being “not quite Australian” [...] It moves Australia closer to a traditional guest-worker model in which a cohort of subordinate, always-temporary migrants are continuously swapped out and replaced, before they can acquire the rights and entitlements that accrue with full membership of the political community.” (Peter Mares, 2018)