



# **ECCV Submission - A Migration System for Australia's Future**

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**DECEMBER 2022**



## Acknowledgements

ECCV would like to gratefully acknowledge our stakeholders for providing consultation feedback and sharing their insights and expertise.

## About ECCV

Ethnic Communities' Council of Victoria (ECCV) is the peak body for people from migrant and refugee backgrounds in Victoria. ECCV works closely with more than 220 member organisations including ethnic associations, multicultural service providers, and regional ethnic communities' councils. ECCV has been advocating for human rights, freedom, respect, equality and dignity for migrant and refugee communities, and for a socially cohesive and inclusive Victorian community, since 1974. ECCV has a strong record of informing industry, practice and influencing Federal, State and Local governments to promote culturally responsive approaches and equitable access to services, anti-racism and socially just policy.

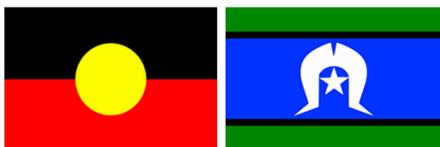
## A note on language

The term 'people from migrant and refugee backgrounds' is used in this document to refer to people and communities who have entered Australia through a variety of pathways, including through humanitarian, family, and skilled migration pathways. ECCV uses this term to refer to people with backgrounds and ancestry that is not part of the dominant Anglo-Celtic Australian population. This term is inclusive of people seeking asylum in Australia, people on temporary visas, undocumented migrants, and people born in Australia.

## Suggested citation

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ECCV acknowledges the Traditional Owners of Country throughout Victoria and their continuing connection to land, water and community. We pay respect to their Elders past and present.



## Table of Contents

Introduction .....	1
Summary of Recommendations.....	2
1. What challenges and opportunities does Australia face in the coming decades? .....	4
2. How can migration contribute to these challenges and opportunities? .....	4
How can we better prevent the exploitation of migrant workers? .....	4
How do we address the specific needs of regional Australia? .....	8
3. What are the current and potential barriers in allowing migration to play these roles?.....	10
How can we make the system simpler and fairer for both migrants and employers?.....	10
What are the barriers to the participation of migrants in the labour market, including those entering through the family and humanitarian streams and secondary migrants?.....	11
Conclusion.....	14

## Introduction

ECCV congratulates the Department of Home Affairs for holding this review of Australia's migration system to determine how it can better meet existing challenges and set a clear direction for the coming decades. ECCV is grateful to have this opportunity to provide comment to DHA and highlight several issues that we believe should be central to the Government's planning for Australia's migration program in the medium-to-long term.

Australia has a long and proud history as a nation that has welcomed migrants from all over the world, provided them with an opportunity to build new lives, and flourish as individuals and members of communities. Modern Australia is built on migration. The 2021 census showed that 27.6% of Australians were born overseas, with 48.2% of us having at least one parent born overseas.<sup>1</sup> These numbers are likely to increase in the coming years as Australia increases its migrant intake. Large-scale migration continues to have tremendous benefits for the economic, social and cultural life of the nation.

However, the migration experience is not always a positive one. Racism, discrimination, and negative attitudes towards migrants and migration can have adverse impacts on those who choose to make Australia their home. Lack of adequate support can make the migration experience a stressful, challenging and frustrating one. Australia's status as a migration destination of choice, to which migrants from across the globe bring their skills and experience, requires constant and careful assessment of its policy settings.

The current trend towards seeing migrants primarily in terms of their value as wealth creators risks making migration purely a transactional process that dehumanises those who undergo it. Our migration system should be geared towards full integration of new migrants in order for all levels of society to be representational of our multicultural makeup. In other words, migrants should not only be seen as filling the short-term needs of the nation, but as future assets across all layers of society.

In this submission, ECCV does not intend to respond to all the questions asked in the Discussion Paper. Instead we wish to highlight how changes in a few key areas could greatly improve the migration experience for both permanent and temporary migrants and allow them to contribute more fully to the economic, social and cultural life of the nation. In particular, we highlight how the scourge of exploitation of migrant workers could be reduced through the introduction of stronger protection measures, changes to visa conditions, and investment in community education.

We also provide recommendations on how to better support migrants choosing to settle in regional Australia, enhance the level of English language training and instruction that is provided, and improve the processes through which overseas skills and qualifications are recognised.

We hope that these recommendations will be considered by the review committee as it determines how best to set a new direction for Australia's immigration policies.

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<sup>1</sup> Australian Bureau of Statistics (28 June 2022), "[2021 Census: Nearly half of Australians have a parent born overseas](#)" [Accessed 15 December 2022]

## Summary of Recommendations

### General

**1. That the number of permanent visas granted per year be re-balanced towards a more even allocation of Skilled and Family visas.**

### Combatting exploitation

**2. Introduce effective protection against visa cancellation for temporary visa holders who take action against their employer's non-trivial breach of labour or migration law.**

**3. Introduce a Workplace Justice visa to enable temporary migrants taking action against their employer to remain in Australia while pursuing legal action or government investigation against their employer.**

**4. That the Government re-commit to full implementation of the recommendations contained in the Final Report of the Migrant Workers' Taskforce.**

**5. Temporary migrants be eligible for the Fair Entitlements Guarantee so that they can receive financial assistance for unpaid wages and entitlements from employers who go out of business.**

**6. That the Australian Government work with State Governments to establish networks of organisations in each state to provide education to migrant workers about their rights as employees and supports available.**

**7. Condition 8105 of student visas (restricting them to 40 hours work per fortnight while their course is in session) be permanently abolished.**

### Regional settlement

**8. That the Government review the funding allocated to regional settlement services given the greater level of capacity-building work required to ensure successful settlement for refugees in regional Australia.**

**9. That the Government takes a place-based approach to regional settlement by working closely with settlement providers to regularly review and monitor service gaps, workforce needs, and the availability of appropriate local supports, amenities and programs.**

**10. That the Government examine extending eligibility for aspects of settlement services to non-humanitarian arrivals settling in regional Australia.**

### Supporting new migrants

**11. Abolish the Newly Arrived Residents Waiting Period for all social security payments, or return it back to a maximum of two years.**

**12. That eligibility for AMEP be permanently extended beyond the current five-year period after arrival in Australia.**

**13. That certain AMEP providers be contracted to provide “industry-specific” language skills so that recipients will be more suitably prepared for entering the labour market.**

#### **Recognising overseas skills and qualifications**

**14. That the Government conduct a public review of the processes for accreditation of overseas qualifications and skills by profession associations, through inquiries by Parliament, the Productivity Commission or the Australian Competition and Consumer Commission.**

**15. That Government provide greater financial assistance for migrants to access bridging courses through expansion of eligibility for FEE-HELP loans.**

**16. A list of currently available bridging courses to upskill migrants should be compiled and made available to migrant and refugee jobseekers.**

**17. Establishment of an independent Office of the Fairness Commissioner to facilitate a fair and transparent process for skills and qualifications recognition, and expand opportunities for appeals or review of recognition decisions.**

**18. That information about recognition processes and introductions to Overseas Qualifications Units are included as part of settlement services orientation.**

## 1. What challenges and opportunities does Australia face in the coming decades?

Australia's migration system has become progressively more complex over recent years, with increasing numbers of visa types and an array of complicated conditions and restrictions attending to these. This complexity has made the process of migration lengthy and arduous, and diminished Australia's status as a migration destination of choice.

The complexities, waiting times and uncertainties associated with both temporary and permanent migration act not only as a disincentive for potential migrants, but create stress and have mental health implications for those who do submit to the visa application process, and often for their families in their country of origin or in Australia. Migrants arriving in Australia often therefore begin their new lives feeling stressed or anxious by the process they have been through. Many recipients of permanent visas have endured years of uncertainty as holders of multiple temporary visas. Approximately half of all permanent visas are granted to people who are already in Australia on a temporary visa.<sup>2</sup>

Exacerbating these effects is the increasing tendency by the Australian Government to see migrants primarily in terms of the economic value that they bring to Australia, rather than fully as human beings who can expect to flourish in Australia and reach their full potential and contribute to society in ways not just purely economic. ECCV commends the Government for expanding Australia's annual permanent migration intake from 160,000 per year to 195,000 per year from 2022-23, but the fact that this expansion comprises a vast increase in the number of Skilled Visas (from 79,600 to 142,400) and a significant decrease in the number of Family Visas (from 80,300 to 52,500)<sup>3</sup> suggests a further move towards the philosophy of migrants as economic units.

**Recommendation 1: That the number of permanent visas granted per year be re-balanced towards a more even allocation of Skilled and Family visas.**

## 2. How can migration contribute to these challenges and opportunities?

How can we better prevent the exploitation of migrant workers?

ECCV is very pleased that reducing the exploitation of migrant workers features prominently as one of the main goals of Australia's migration system in the Discussion Paper. An increasing body of evidence has in recent years highlighted large-scale exploitative employment practices, such as wage theft, unacceptable working conditions, bullying and harassment, and in extreme cases, slavery-like practices, affecting visa holders living in Australia.<sup>4</sup> Such practices especially affect holders of temporary visas,

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<sup>2</sup> Parliament of Australia, "[Migration—permanent and temporary visa trends](#)" [Accessed 14 December 2022]

<sup>3</sup> Department of Home Affairs, "[Migration Program planning levels](#)" [Accessed 14 December 2022]

<sup>4</sup> See for example Australian Government (March 2019), [Report of the Migrant Workers' Taskforce](#), p.16 – "The Taskforce acknowledges the very grave matter of criminal labour exploitation in Australia, including human trafficking, slavery and slavery-like practices."

whose migration status and the nature of the work they do makes them particularly vulnerable to mistreatment.<sup>5</sup>

The COVID-19 pandemic, in which a majority of temporary migrants reported that they had suffered a critical loss of income from loss of work and/or diminished family support, and that many could not meet their basic living needs, highlighted the precarious circumstances that cause many migrant workers to accept dangerous or exploitative workplace conditions. These events have emphasised the need for robust action to combat the abuse and exploitation of workers on temporary visas.

Another major issue of concern is the increased reporting of “sham contracting,” where employers misrepresent employment as independent contracting, requiring workers to register as a business, making them ineligible for entitlements such as annual leave, sick leave and superannuation. Due to their unfamiliarity with Australian employment law, this issue also particularly affects temporary visa holders from culturally and linguistically diverse backgrounds.

A widespread survey of migrant workers that formed the basis for the *Wage Theft in Silence* report, published in 2018, found that despite widespread underpayment of wages, fewer than one in ten underpaid workers made an attempt to seek redress.<sup>6</sup> The report found that migrant workers were generally aware of their rights and understood when they had been underpaid, disproving the common assumption that ignorance was a significant driver of exploitation. The main reasons that survey respondents gave for why they did not attempt to recover lost wages were a lack of knowledge about how to go about seeking redress, fear of consequences for their migration status, and a belief that it would be pointless. This indicates the need for greater support for migrant workers to help overcome these barriers.

Workers on temporary visas may be especially fearful of reporting wage theft or other exploitation if they have been in breach of their visa conditions, such as working while holding a visa with a ‘No Work’ condition 8101, or if they are a student visa holder in breach of visa condition 8105 that limits employment to a maximum of 40 hours per fortnight. The exploited person may fear that these breaches will lead to them having their visa cancelled or becoming ineligible for another visa in future.

In acknowledgment of this concern, in 2017 the Government introduced an assurance protocol between the Fair Work Ombudsman (FWO) and the Department of Home Affairs. This provided that temporary visa holders who were in breach of work conditions, would be treated with discretion by DHA and not have their visas cancelled.<sup>7</sup> However this protocol seems not to have given migrants the assurance that they need to report exploitation to the FWO, most likely because it is only an MoU between the FWO

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<sup>5</sup> See Berg, L. & Farbenblum, B. (2017), [Wage Theft in Australia Findings of the National Temporary Migrant Work Survey](#); Hemingway, C. (2016), [Not Just Work: Ending the exploitation of refugee and migrant workers](#) (WEStjustice Employment Law Project Final Report); and Australian Senate Education and Employment References Committee (2016), [A National Disgrace: The Exploitation of Temporary Work Visa Holders](#)

<sup>6</sup> Berg, L. and Farbenblum, B. (Oct. 2018), [Wage Theft in Silence: Why Migrant Workers Do Not Recover Their Unpaid Wages In Australia](#)

<sup>7</sup> Migrant Justice Institute Policy and Research Brief, *Breaking the Silence: A Proposal for Whistleblower Protections to Enable Migrant Workers to Address Exploitation* (to be released this year)

and DHA and is not enshrined in law, and does not apply to temporary visa holders without work rights. It has therefore rarely been used by migrant workers reporting exploitation.<sup>8</sup>

The protocol is also not available to workers who wish to take action that does not involve the FWO. Therefore temporary visa holders wishing to pursue discrimination complaints in the Human Rights Commission, or who pursue action against their employer through the courts or through a union, have no protection under the protocol.

To effectively encourage visa holders to hold their employers to account for workplace exploitation, and to increase enforcement capacity through unions and legal centres, protection against visa cancellation must be clear, consistent and broad enough to encompass the full range of actions workers may undertake to hold employers to account.

To provide greater assurance for migrant workers that they can safely report exploitative practices to the FWO, the assurance protocol should be formalised into guaranteed protection against visa cancellation and future visa ineligibility through the creation of an effective firewall between DHA and the FWO and any other bodies, such as the Australian Human Rights Commission, to which migrant workers may take a complaint.

Temporary visa holders who are pursuing a claim against an employer currently do not have access to a visa that allows them to remain in Australia while the claim is being heard. For example, if a Temporary Skill Shortage visa holder leaves an exploitative sponsoring employer, they will be in breach of their visa condition after 60 days (unless they have found an alternative sponsor). Similarly, a Working Holiday visa holder who experiences exploitation while completing the work experience required for a second visa has no way of extending their stay to take action against their employer. The same is true for holders of Temporary Graduate (485) Visas nearing the end of their stay.

There are many reasons why it is nearly impossible for a worker to pursue a workplace complaint once they have left Australia, including the difficulties in providing sworn affidavits and instructions to Australian lawyers from abroad. As a result, all intelligence of workplace exploitation is generally lost when a temporary visa holder lacks the ability to remain in the country to take action against their employer.

ECCV therefore recommends the introduction of a new Workplace Justice visa to allow temporary migrant to remain in Australia while pursuing legal action or government investigation against their employer. Such action should be expedited as rapidly as possible to remove any incentive for temporary migrants to make unmeritorious claims in order to lengthen their stay in Australia.

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<sup>8</sup> Data released under FOI suggests that the 'assurance protocol' has been utilised only 76 times since it was introduced in 2017, despite the thousands of complaints received from migrant workers during the same period – see <https://www.homeaffairs.gov.au/foi/files/2022/fa-211200662-document-released.PDF>

**Recommendation 2: Introduce effective protection against visa cancellation for temporary visa holders who take action against their employer's non-trivial breach of labour or migration law.**

**Recommendation 3: Introduce a Workplace Justice visa to enable temporary migrants taking action against their employer to remain in Australia while pursuing legal action or government investigation against their employer.**

After a series of public scandals, the Federal Government in 2016 established the Migrant Workers' Taskforce to identify actions that could be taken to support vulnerable workers and to hold employers accountable for their actions. The Taskforce's Final Report, delivered in March 2019, made a number of recommendations, including the threat of criminal sanctions and jail time for employers found to have engaged in deliberate and systemic underpayment of wages to migrant workers.<sup>9</sup>

The Government committed to implementing the recommendations contained in the Taskforce's Final Report, but the pandemic appears to have slowed any progress towards this aim. The Government should re-commit to this process and outline the actions it intends to take to move towards full implementation of the recommendations. In particular, the Taskforce's recommendation that workers on temporary visas be able to access the Fair Entitlements Guarantee<sup>10</sup> - the safety net that allows employees to access employment entitlements if they lose their job through the liquidation or bankruptcy of their employer - should be a priority for swift implementation.

**Recommendation 4: That the Government re-commit to full implementation of the recommendations contained in the Final Report of the Migrant Workers' Taskforce.**

**Recommendation 5: Temporary migrants be eligible for the Fair Entitlements Guarantee so that they can receive financial assistance for unpaid wages and entitlements from employers who go out of business.**

Any scheme for protecting migrant workers from exploitation must include education for migrants so that they understand their rights at work, what steps they can take to avoid becoming victims of exploitative practices, and how they can seek redress if they do experience exploitation. Migrant communities need access to tailored, culturally safe education and legal assistance. The Federal Government must work with state governments to identify and fund appropriate networks of community legal centres and other organisations capable of providing education sessions to migrant workers about their rights at work. So that the responsibilities for ensuring compliance with employment and migration law do not fall entirely on employees, employers who hire temporary workers should be required to demonstrate their familiarity with the relevant laws.

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<sup>9</sup> Australian Government (March 2019), [Report of the Migrant Workers' Taskforce](#)

<sup>10</sup> Ibid, p.96

**Recommendation 6: That the Australian Government work with State Governments to establish networks of organisations in each state to provide education to migrant workers about their rights as employees and supports available.**

International students have been particularly vulnerable to exploitative work practices, as condition 8105 on student visas restricts them to working a maximum of 40 hours per fortnight, often forcing them into low-paid sectors where they are vulnerable to exploitation. As the fast food and retail workers' union UNITE has stated, this creates a situation where employers can force international students to work more hours for less pay, and bully and threaten them with deportation if they complain.<sup>11</sup>

In acknowledgment of the difficulties faced by international students during the pandemic, the 40 hour per fortnight work limit has at present been suspended by the Government. However, it is currently due to return on 1 July 2023. ECCV believes that international students would be better protected from falling prey to exploitation by the permanent abolition of condition 8105 on student visas.

**Recommendation 7: Condition 8105 of student visas (restricting them to 40 hours work per fortnight while their course is in session) be permanently abolished.**

### How do we address the specific needs of regional Australia?

An increasing proportion of temporary and permanent migrants to Australia are choosing to settle outside of major cities, in some cases in response to increasing government incentives. The Australian Government's long-term policy has been to promote settlement and population growth in regional centres, through both the Humanitarian Program and the Migration Program. Growing attention has been paid to filling population and skills shortages in regional Australia, in recognition of the opportunity that migration provides in helping regional communities to grow and flourish.

Many migrants are attracted to regional Australia by job opportunities, family connections and lifestyle options. Ensuring that appropriate supports are in place for migrants settling in regional areas will require close collaboration between all levels of government, settlement and other service providers, and multicultural and ethno-specific organisations such as regional ethnic communities' councils.

Addressing the specific needs of regional Australia, such as skills shortages, requires addressing the challenges that migrants face in settling in regional areas, which will in turn make regional settlement a more attractive proposition. As ECCV discussed in our recent *Submission to the Humanitarian Program 2022-23*<sup>12</sup>, our stakeholders have highlighted the following main challenges for new arrivals settling in regional areas:

- Housing affordability and availability.

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<sup>11</sup> Meld Magazine (28 April 2011), "[Calls to abolish international students' 20-hour work restrictions](#)" [Accessed 15 December 2022]

<sup>12</sup> Ethnic Communities' Council of Victoria (Aug. 2022), [Submission to the Humanitarian Program 2022-23](#)

- Lack of proper infrastructure and services, including schools, reliable transport and health infrastructure.
- Access to affordable and regular early years education and childcare. Adult clients experience difficulties with finding suitable and affordable childcare while attending English classes.
- Long wait times for general practitioners, with some clinics not taking on new clients.
- Lack of resourcing for services to provide migrants and refugees with enough support to address all their individual needs.
- Decline in sustainable employment opportunities.
- Isolation and difficulty making meaningful connections with the community during the pandemic, the after-effects of which are still being felt by new arrivals.

These challenges highlight the need for a place-based approach to settlement, which involves addressing settlement needs at the local level, and in a manner that is tailored to different regional locations. New arrivals must have access to the support required to successfully integrate and transition to living in a new country.

Once the Australian Government has identified a regional location as an area of settlement, its suitability must be monitored and evaluated on a regular basis. Local circumstances in regional settlement locations are subject to change due to different economic, social and political pressures. The Australian Government must thoroughly review those locations, in consultation with the settlement sector and regional communities, to determine local workforce needs, assess the availability of appropriate housing, and identify service gaps (such as the availability of interpreters), response strategies, and community attitudes towards migrants. Such measures will help ensure that settlement supports in regional communities are effective, efficient and responsive to local needs. The presence of strong, adequately resourced and well-established settlement services is essential to meeting the settlement needs of regional communities and must be prioritised by the Australian Government.

**Recommendation 8: That the Government review the funding allocated to regional settlement services given the greater level of capacity-building work required to ensure successful settlement for refugees in regional Australia.**

**Recommendation 9: That the Government takes a place-based approach to regional settlement by working closely with settlement providers to regularly review and monitor service gaps, workforce needs, and the availability of appropriate local supports, amenities and programs.**

**Recommendation 10: That the Government examine extending eligibility for aspects of settlement services to non-humanitarian arrivals settling in regional Australia.**

### 3. What are the current and potential barriers in allowing migration to play these roles?

#### How can we make the system simpler and fairer for both migrants and employers?

On 1 January 2019, the Newly Arrived Residents Waiting Period (NARWP), the period that new permanent residents must wait until they become eligible for most social security payments, was extended from two to four years. ECCV believes that this change has placed many new migrants at risk of significant financial hardship and social isolation.

The expectation is that new migrants will have demonstrated that they have sufficient means of support as a requirement for being granted a visa. However newly-arrived residents are as vulnerable (if not more) as any other Australians to changes of circumstance such as family breakdown, loss of employment, or housing insecurity. ECCV is particularly concerned that certain vulnerable groups, such as families with young children, and women experiencing family violence, are often most at need of social security support and have been left at increased risk of hardship and potential destitution by the increase to the NAWRP. It is not fair and equitable that new migrants, who have chosen to make Australia their home, bring their skills and experience to strengthen the Australian economy and society, and begun paying taxes, are left without a safety net during their most vulnerable period in their new home.

**Recommendation 11: Abolish the Newly Arrived Residents Waiting Period for all social security payments, or return it back to a maximum of two years.**

The Adult Migrant English Program (AMEP) is a vital part of the settlement process for many migrants and refugees in Australia who do not speak English as a first language. The program received a major boost with changes that came into effect in 2021. These changes were the removal of the previous 510-hour limit on free English tuition, an extension to eligibility from functional English to vocational English, and removal of the five-year time limit for enrolling, commencing and completing English tuition for migrants who arrived in Australia on or before 1 October 2020.

These changes are very positive and will allow a greater number of migrants to access the AMEP. ECCV sees no reason why the removal of the five-year time limit cannot be made permanent for all migrants. This would be particularly valuable for people entering Australia on Family Visas in assisting in increasing their employability in the jobs market. ECCV is also encouraged to hear that discussions are being held about potentially increasing the eligibility of humanitarian arrivals and other eligible migrants for settlement services support beyond the current five-year period.

The way in which English is taught to new migrants should also be reconsidered. AMEP providers must be encouraged to use teaching materials that are diverse and representative of Australia's cultural diversity and intersectionality. A change of emphasis by AMEP providers to focus on providing English language skills that will be relevant in the workplace would also help ensure that migrants whose first language is not English will be more suitably prepared for entering the labour market. Such a change would acknowledge that employability in some industries requires a specialised knowledge of certain English vocabulary.

**Recommendation 12: That eligibility for AMEP be permanently extended beyond the current five-year period after arrival in Australia.**

**Recommendation 13: That certain AMEP providers be contracted to provide “industry-specific” language skills so that recipients will be more suitably prepared for entering the labour market.**

What are the barriers to the participation of migrants in the labour market, including those entering through the family and humanitarian streams and secondary migrants?

Migrants and refugees have long experienced disadvantage in the labour market. Many find that they face barriers to sustainable employment such as employer demands for local experience, lack of local networks, non-recognition of overseas qualifications, difficulties navigating the employment services system, bias, and concerns by employers about their job readiness. This situation has been made worse by the COVID-19 pandemic, which has caused massive disruption to the labour market and further exacerbated disadvantage for many of Victoria’s culturally and linguistically diverse communities.

Research has shown that people from migrant and refugee backgrounds in Australia, New Zealand, Canada and the US have poorer employment outcomes than people born in these countries or who migrate from English-speaking countries.<sup>13</sup> 33% of new migrants to Australia reported having trouble finding their first job in the ABS *Characteristics of Recent Migrants Survey* in 2019.<sup>14</sup> The most common difficulties were:

- Lack of Australian work experience or references (65%)
- Lack of local contacts or networks (29%)
- Language difficulties (25%)

Many people from migrant and refugee backgrounds who have consulted with ECCV cited non-recognition of their overseas qualifications and experience as the biggest barrier they faced in the labour market. As the Discussion Paper for this inquiry notes:

“While skilled migrants have achieved high levels of workforce participation and employment, the available data suggests that many find it difficult to secure work in their field or at a level commensurate with their qualifications and experience.”  
(p.11)

Much of this difficulty stems from qualifications and skills from overseas not being recognised or given appropriate weight in Australia. Migrants on Family Visas, humanitarian entrants, and temporary visa holders have skills that could contribute greatly to the Australian economy, but are prevented from working in the field for which they are qualified because of non-recognition.

Many migrants are finding that obtaining the appropriate recognition of overseas qualifications and skills is becoming increasingly difficult. As a result they are left with no choice but to take on jobs that are

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<sup>13</sup> Parliament of Australia Joint Standing Committee on Migration (June 2013), [Inquiry into Migration and Multiculturalism in Australia](#), pp.190-191

<sup>14</sup> Australian Bureau of Statistics, [“Characteristics of Recent Migrants”](#) [Accessed 15 December 2022]

below their professional skill level. Many people feel overwhelmed by the complexity of the process required to obtain recognition of their qualifications and are confused about how to upgrade them where required. This results in not just a significant loss of productivity for the Australian economy, but high levels of frustration and alienation for many migrants that can greatly impact their settlement experience.

In Australia, qualifications recognition is in the hands of a diverse and fragmented range of professional and trades bodies. The criteria under which candidates are assessed are often unclear. Seeking review of overseas qualifications is a costly and time-consuming process. ECCV believes that the government must take steps to increase the accountability of accrediting bodies through a thorough public review of the processes for accreditation of overseas qualifications and skills by professional associations. A review could be undertaken by Parliament, the Productivity Commission or the Australian Competition and Consumer Commission, with support from employment services providers and other agencies working with jobseekers from migrant and refugee backgrounds.

**Recommendation 14: That the Government conduct a public review of the processes for accreditation of overseas qualifications and skills by profession associations, through inquiries by Parliament, the Productivity Commission or the Australian Competition and Consumer Commission.**

Bridging study offer a means by which migrants with overseas qualifications can get them recognised so that they can work in Australia. However bridging courses are mostly facilitated by universities, private providers, and some professional associations. FEE-HELP loans are only available in certain circumstances, so bridging study is expensive for many migrants and may be an unaffordable burden for migrants who are already financially disadvantaged.

Migrants and refugees would also benefit from the creation of an easily accessible list of all currently available bridging programs. Following the compilation of such a list, it would be possible for community organisations to advise migrants and refugees of the available bridging courses best suited to their needs. It would also allow community organisations to produce new programs to fill any apparent service gaps to upskill migrant job seekers.

**Recommendation 15: That Government provide greater financial assistance for migrants to access bridging courses through expansion of eligibility for FEE-HELP loans.**

**Recommendation 16: A list of currently available bridging courses to upskill migrants should be compiled and made available to migrant and refugee jobseekers.**

Each Australian state and territory (except New South Wales) has an Overseas Qualifications Unit (OQU). The Victorian OQU is a free service that can assess completed higher education and vocational or technical education qualifications, and help migrants to navigate the rest of the qualifications recognition system.

However Australia has no national coordinating body providing oversight of overseas qualifications and skills recognition. There is no direct appeal or complaints process for individuals to question decisions

made by professional and trades bodies regarding the assessment of overseas qualifications and skills. The recognition system overall is complex, fragmented, and lacks accountability. ECCV believes that the Australian Government should establish an independent Office of the Fairness Commissioner to facilitate a fair and transparent process for skills and qualification recognition, and expand opportunities for appeals or review of recognition decisions.

The Canadian province of Ontario provides an example of what such an Office could look like. In 2006 the Government of Ontario introduced legislation to mandate transparency, objectivity, impartiality and fairness in the policies and procedures that regulators use to license applicants in their professions. The Office of the Fairness Commissioner was established to hold regulators accountable for meeting requirements set out in the legislation. Significantly, the Office recognises that internationally trained professionals bring “new ideas and innovation, global experience and networks, and linguistic and cultural competencies that enhance their ability to serve the increasingly diverse population of Ontario”.<sup>15</sup>

**Recommendation 17: Establishment of an independent Office of the Fairness Commissioner to facilitate a fair and transparent process for skills and qualifications recognition, and expand opportunities for appeals or review of recognition decisions.**

As mentioned, each Australian state and territory (except New South Wales) has an Overseas Qualifications Unit (OQU) that can assist people holding overseas qualifications with getting them recognised. It has become evident through ECCV’s consultations in Victoria that awareness of the Victorian OQU amongst migrants is low. There are clearly many migrants who come with qualifications but do not about the OQU or any other body that can help with getting them recognised.

It is important therefore that migrants learn about the OQU in their state, what they do and the free services that they provide. Victoria’s OQU is currently working to raise its profile by producing materials and circulating them amongst migrant and refugee communities, but it lacks the necessary resources for large-scale multicultural outreach. While ECCV would like to see state governments provide greater resources for their OQUs, higher levels of awareness could be achieved if the provision of information about recognition processes and introductions to OQUs became part of settlement services orientation. Greater awareness of the support that is available to have qualifications recognised would also give skilled migrants greater confidence in choosing Australia as a migration destination.

**Recommendation 18: That information about recognition processes and introductions to Overseas Qualifications Units are included as part of settlement services orientation.**

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<sup>15</sup> Office of the Fairness Commissioner (2013), [\*A Fair Way to Go: Access to Ontario’s Regulated Professions and the Need to Embrace Newcomers in the Global Economy\*](#)

## Conclusion

ECCV would like to thank the Department of Home Affairs for the opportunity to share our knowledge and the experiences of our communities and stakeholders.

In making this submission, ECCV's key concern has been to emphasise that Australia's migration program will be most effective if it is fair, humane, centres the support needs of new migrants, and removes the barriers that sometimes prevent them from fully contributing to and participating in the nation's economic and social life. Implicit in this is the adoption of a philosophy that sees migrants fully as human beings, not just as economic units and potential creators of wealth.

It is not acceptable in Australia in 2022 that migrant workers continue to be victims of wage theft and other form of exploitation. ECCV commends the review committee for prominently featuring this issue in its Discussion Paper, and we are pleased to have been able to use our close connections with employment and migration law experts to develop a series of recommendations about how these practices can best be prevented.

With more migrants choosing to settle in regional Australia, this submission has examined how settlement support should be enhanced in ways that are specific to the distinct features of regional settlement. We have also examined how new migrants can be better assisted to learn the English skills that will best support a positive settlement experience. Finally, we examined the frustrations and productivity losses caused by non-recognition of overseas skills and qualifications, and the steps that the Government should take to ensure that migrants are able to bring all their education and abilities into the employment market.

Through the adoption of our recommendations, temporary and permanent migrants will be supported to flourish and contribute most effectively to the life of the nation they have chosen to make their home.

ECCV looks forward to supporting the government in implementing the recommendations contained in this submission.