Temporary and permanent residence

The Australian government’s initiative to simplify the visa structure raises both challenges and opportunities.

The last few decades have seen an emphasis on temporary visa entrants. This has served Australia well with labour demand driving an efficient process of labour market matching for temporary migrants. Furthermore, this visa pathway has provided an important stepping stone to permanent settlement as the vast majority of temporary migrants go on to apply for and gain permanent residence. Paradoxically, the emphasis on temporary migrants as a pool of available and job ready workers has resulted in those entering Australia as permanent residents experiencing long delays in the process of qualifications accreditation, entry into the labour market and therefore settlement – even in those areas of the labour market, which are prime users of the temporary migration scheme. To illustrate, the case of overseas-qualified nurses entering under permanent and temporary streams brings this discrepancy to light. In brief what emerges in the following case is that demand driven conditions have been given primacy with the default being drawing on temporary visa applicants rather than simply assessing the visa applicant on their own merits. In short:

1. The premium placed on demand conditions means that the merits of the applicant are overlooked where instead the default position is to draw on temporary migrants to address skills gaps.

2. The migration process is not an end in itself and should be looked at as part of a broader process involving labour market entry (which may also involve qualifications accreditation), settlement and civic engagement. To consider the migration process as an end in itself is highly problematic and does not allow us to consider the (un)intended consequences of labour migration.

To illustrate, the case of overseas-qualified nurses (OQNs) entering on both temporary and permanent visas is illuminating. There is currently a two-tier process of accreditation: one applied to permanent entrants and one to temporary entrants. For those entering via the permanent pathway, OQNs are required to fulfill five criteria administered by the Nursing and Midwifery Board of Australia (NMBA), which is responsible for processing applications. The process includes an assessment of English language proficiency and a demonstration of proof of nursing education and practice standards commensurate with Australia (Stankiewicz and O’Connor, 2014). The process has been criticised for being time-consuming, costly, frustrating and confusing (Stankiewicz and O’Connor, 2014).

For OQNs entering via a temporary pathway, sponsorship by an employer means that their overseas skills are directly linked to a labour market opening, and as such they side-step the challenges faced by those entering via a permanent visa pathway. Entering under the temporary pathway means that the process of accreditation and registration is expedited due to the job offer. While purported to be an efficient process of labour migration due to skills/employment matching
it is worth noting two unintended negative consequences by way of example. Firstly, we have a group of OQNs arriving on permanent visas that are left to wade through a lengthy and costly process of qualifications accreditation, opting instead for alternative employment and in effect remaining underemployed. Secondly, locally-trained graduates are said to experience lengthy delays in accessing employment post graduation, instead opting out of nursing, while employers actively recruit overseas-qualified migrant nurses on temporary visas (ANMF, 2015:7). While provisions for labour market testing were implemented under the Migration Amendment (Temporary Sponsored Visas) Act 2013 requiring employers to provide evidence that they have exhausted all avenues to source labour locally before recruiting offshore, government interventions need to be tightened given the privileging of particular groups by employers with negative repercussions for locally trained and skilled permanent settler arrivals. The free hand of the market results in inefficiencies that require a careful re-think (van dan Broek and Groutsis 2016; see also Groutsis 2003; Groutsis and Venturas 2016).

**Distinctions and Parallels between the temporary and permanent visa pathways**

To address the distinctions we must also consider the parallels.

*Parallels/Distinctions I:* The temporary and permanent migration pathways should be informed by an assessment of the individual’s migration application on its merits: whereby one’s access to qualifications accreditation and therefore access to the labour market is not a product of the visa category under which they apply but rather the merits of the application. At present the visa category drives the efficient processing and expedited access to the labour market – whereby temporary visa entrants are processed more efficiently. This distinction needs to be addressed for the system to run more effectively and fairly.

*Parallels/Distinctions II:* The drivers for migration are many and varied but can be summed up as including push and pull forces. Overwhelmingly, where undertaken as a free agent, individuals are driven to migrate for better economic outcomes and/or the experience of working in another country. Permanent migrants signal they are not only interested in contributing to Australia as workers but they are committed to building a new life. Temporary migrants on the other hand are signalling they are interested in working and perhaps experiencing life in Australia. The large proportion of temporary migrants who go on to become permanent residents suggests that they are using this visa to gain efficient access to the Australian labour market, or they are strategically applying under this category in the first instance with the intention of applying for permanent residence. This two step process is cumbersome and delays active civic engagement.

A distinction between the two should be a clearer line drawn between the nature, role and responsibilities of permanent and temporary entrants. In doing so, this will: (i) overcome the penalty experienced by permanent visa entrants (in terms of time taken to access the labour market in a position representative of skills and qualifications); and (ii) will send out a message to both permanent
and temporary entrants that they have different responsibilities in the medium to long term which go beyond a short term experience and a labour market quick fix but instead involve a commitment to integration and civic engagement.

**What requirements should underpin a migrant’s eligibility for permanent residence?**

The key drivers underpinning a migrant’s eligibility for permanent residence should be a desire for and commitment to making a contribution to the Australian political economy and society. *This however is a two-way process where equally as important as the migrant’s eligibility is the institutional arrangements that underpin migration and integration.* This includes: access to skilled or low skilled work placements; efficient access to qualifications accreditation; access to English language classes and information on the process of labour market entry. There is an overwhelming chorus in studies internationally arguing that efficient access to the labour market is key to integration. The primary requirement for a migrant’s eligibility for permanent residence should be the desire to work and if they have skills, qualifications and vocational experience – this should be recognised and capitalised on. Their desire needs to be matched with assistance in navigating one’s way through this process. This needs to be addressed in the Australian case with much clearer lines of communication around and a mapping of the process of entry (from the migration process onwards) through to accreditation, employment prospects, recruitment and selection processes, laws and policies in Australian workplaces, onboarding in Australian workplaces. *Research shows that there is a lack of attention placed within and across all of these elements, which needs to be addressed in order to capitalise on the skills and abilities of migrants entering Australia. The migration process should not be treated as an end in itself but rather as an ongoing process of labour market participation and broader integration (Groutsis, O’Leary and Russell 2016).*

**What role does the visa system play in ensuring Australia remains attractive to the best and brightest temporary and permanent migrants?**

A system that is fair, transparent and easy to navigate will be a magnet for the best and brightest temporary and permanent migrants.

While the Australian government retains the sovereign right to determine who is granted access to migrate to Australia, over the last two decades the process of migration has become increasingly influenced and driven by migration intermediaries – a broad suite of stakeholders including both formal and information arrangements that assist migrants with navigating their way into Australia and more specifically the labour market (Groutsis, van den Broek and Harvey 2015; van den Broek, Harvey and Groutsis 2016; Underill, Groutsis, van den Broek and Rimmer 2016; Wright, Groutsis and van den Broek 2016; Harvey, Groutsis and van den Broek 2017). Examples of such stakeholders include: migration agents, recruitment agents, employer associations, friends and family networks to name but afew. This process leads to both legitimate and less legitimate (and therefore less helpful) processes of entry.
To maintain a visa system that is attractive to the best and brightest, tighter regulations are required (at very least) around the formal intermediary arrangements and tighter links and a clearer mapping is required from the point of migration through to labour market entry. At present navigating one’s entry into the labour market is left to the individual and to the good will of the organisation in which these individuals land. This process needs to be more tightly regulated and communicated to prospective migrants. In order for this to occur clearer lines between the role of migration agents, recruitment agents, accreditation processes and the roles and responsibilities of employers in the process of onboarding, must be identified and more clearly defined. At present there are gaps within and across each of these segments.

References:


van den Broek, D., Harvey, W., & Groutsis, D. (2016). Commercial Migration