

DEPARTMENT OF HOME AFFAIRS

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QoN Number: 1

Subject: Eligibility criteria for Visa subclasses 417 and 462

Asked by: Anne Webster

Question:

Please update the committee on the eligibility criteria for Visa subclasses 417 and 462, with particular reference to the following sectors:

- a. Tourism
- b. Hospitality.

Answer:

The Working Holiday Maker (WHM) program is made up of the uncapped Working Holiday visa (subclass 417) program and the capped Work and Holiday visa (subclass 462) program. Australia currently has bilateral arrangements in place with 47 countries and regions across the world: 19 Working Holiday arrangements and 28 Work and Holiday arrangements.

Basic eligibility criteria for first Working Holiday visa (subclass 417) and first Work and Holiday visa (subclass 462) include:

- Must be 18 to 30 years old (or 35 years old for some countries)
- Must have a passport from an eligible country or jurisdiction
- Must not be accompanied by dependent children

Applicants for a first Work and Holiday visa (subclass 462) must meet additional requirements including functional English and at least two years of post-secondary study.

Eligibility criteria for second and third subclass 417 and subclass 462 are detailed in QoN number 3.

WHMs (both Working Holiday (subclass 417) and Work and Holiday (subclass 462) visa holders) are not required to work at all, but are allowed to work for the entire duration of their stay in Australia, in any location, industry and role they choose.

- They can also choose to undertake three and six months of 'specified work' to become eligible to apply for a second and third visa respectively.
- To be eligible to apply for a second and third visa, the work must be in a region, industry and type specified for the relevant visa subclass.

The 'specified work' requirement; was introduced in 2005 to address chronic and severe labour shortages, particularly in Australia's major agricultural regions. Adjustments in relation to eligible industries, regions and subclasses aimed to maximise the benefit to these regions and industries, while increasing WHM program numbers and prioritising local job opportunities for young Australians.

Former and current Working Holiday Maker (subclass 417 and subclass 462) visa holders must have undertaken a minimum period of specified work in a specified industry sector and geographical area of Australia, to be eligible to apply for a second or third subclass 417 or subclass 462 visa.

- Specified industry sectors include tourism and hospitality work.
- Work in the tourism and hospitality sector counts as 'specified work' for both subclasses 417 and 462, only if undertaken in a postcode that falls under the definition of 'northern Australia' or 'remote and very remote Australia'.
- Tourism and Hospitality work carried out in 'northern Australia' or 'remote and very remote Australia' from 22 June 2021 onwards is considered eligible specified work for the purpose of a second or third subclass 417 or subclass 462 visa application, if the application is lodged on or after 5 March 2022.
 - For subclass 462 visa holders, the previous definition of 'tourism and hospitality' work in 'northern Australia' continues to apply to any tourism and hospitality work carried out before 22 June 2021, regardless of when the application is lodged.

Tourism and hospitality work includes work in a range of occupations that directly provide a service to tourists, including:

- Tourist guides and operators
- Outdoor adventure or activity instructors
- Tourist transport services
- Gallery or museum managers, curators or guides
- Hospitality workers, such as in hotels or other accommodation facilities
- Restaurants, cafes, bars, casinos and fast food establishments
- Conference and event organisers

DEPARTMENT OF HOME AFFAIRS

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QoN Number: 2

Subject: Working Holiday Maker visas

Asked by: Dr Anne Webster MP

Question:

Are workers able to extend their Working Holiday Maker visas if they work in certain sectors, for certain periods of time, in certain locations, or through some combination of these three?

Answer:

Working Holiday Maker (subclass 417 and subclass 462) visa holders in Australia can work in any occupation or industry while in Australia, generally for up to 6 months with one employer.

Working Holiday Makers may become eligible for a second and third subclass 417 and subclass 462 visa if, in addition to meeting the standard visa grant requirements, they undertake certain type of work in specified industry sectors and in specific locations in Australia for a minimum period.

- Working Holiday Makers must complete three months of 'specified work' to be eligible for a second subclass 417 or subclass 462 visa, and six months of 'specified work' to be eligible for a third subclass 417 or subclass 462 visa. These minimum specified work periods form part of the requirements for visa grant under the *Migration Regulations 1994* for both subclass 417 and subclass 462.
- The areas of Australia where WHMs can undertake 'specified work' are defined by a list of postcodes, which are grouped by regions such as 'remote and very remote Australia', 'northern Australia', 'regional Australia', 'bushfire affected areas' and 'flood affected areas'.
- The specified work that can be undertaken in each industry and area is specific, albeit similar, to each visa subclass, with the main difference being that only subclass 417 holders can count mining as specified work.
- The Minister determines both the types of specified work and eligible regions under relevant legislative instruments.

Specified subclass 417 work

The following industries and areas are eligible for 'specified subclass 417' work:

- tourism and hospitality in 'northern Australia' or 'remote and very remote Australia', from 22 June 2021
- plant and animal cultivation in regional Australia
- fishing and pearling in regional Australia
- tree farming and felling in regional Australia
- mining in regional Australia
- construction in regional Australia
- bushfire recovery work in declared bushfire affected areas only, after 31 July 2019
- flood recovery work in declared flood recovery areas only, undertaken on or after 1 January 2022, for applications lodged on or after 1 July 2022
- critical COVID-19 work in the healthcare and medical sectors anywhere in Australia, after 31 January 2020

Specified subclass 462 work

The following industries and areas are eligible for 'specified subclass 462' work:

- tourism and hospitality in northern or remote and very remote Australia
- plant and animal cultivation in northern Australia and other specified areas of regional Australia
- fishing and pearling in northern Australia only
- tree farming and felling in northern Australia only
- construction in northern Australia and other specified areas of regional Australia
- bushfire recovery work in declared bushfire affected areas only, after 31 July 2019
- flood recovery work in declared flood recovery areas only, undertaken on or after 1 January 2022, for applications lodged on or after 1 July 2022
- critical COVID-19 work in the healthcare and medical sectors anywhere in Australia, after 31 January 2020

DEPARTMENT OF HOME AFFAIRS

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QoN Number: 3

Subject: Eligibility criteria for Working Holiday Maker extensions

Asked by: Dr Anne Webster MP

Question:

Please provide a detailed breakdown of the eligibility criteria for Working Holiday Maker extensions.

Answer:

The eligibility criteria for Working Holiday Maker (WHM) second and third (subclass 417 and subclass 462) visas is as follows (noting Specified work requirements for subclass 417 are detailed in QoN number 2):

Second Working Holiday (subclass 417) visa

To be eligible for the grant of a second Working Holiday visa, the applicant must:

- be a citizen of and hold a valid passport from one of the following eligible countries/jurisdictions:
 - Belgium, Canada, Republic of Cyprus, Denmark, Estonia, Finland, France, Germany, Hong Kong Special Administrative Region of the People's Republic of China (including British National Overseas passport holders), Republic of Ireland, Italy, Japan, Republic of Korea, Malta, Netherlands, Norway, Sweden, Taiwan (other than an official or diplomatic passport), and the United Kingdom of Great Britain and Northern Ireland.
- have previously entered Australia on a subclass 417 visa
- be 18 to 30 years old at time of application, or be 18 to 35 years old at time of application for the following countries:
 - Canada, Denmark, France, Republic of Ireland, and Italy
- have undertaken three months of specified subclass 417 work in a specified industry and area of Australia.
- have enough money to support themselves while in Australia

- have complied with all the conditions on their first Working Holiday visa
- meet health and character requirements
- not be accompanied by dependent children

Third Working Holiday (subclass 417) visa

To be eligible for the grant of a third Working Holiday visa, the applicant must:

- be a citizen of and hold a valid passport from one of the following eligible countries/jurisdictions:
 - Belgium, Canada, Republic of Cyprus, Denmark, Estonia, Finland, France, Germany, Hong Kong Special Administrative Region of the People's Republic of China (including British National Overseas passport holders), Republic of Ireland, Italy, Japan, Republic of Korea, Malta, Netherlands, Norway, Sweden, Taiwan (other than an official or diplomatic passport), and the United Kingdom of Great Britain and Northern Ireland.
- have previously held two Working Holiday (subclass 417) visas in Australia, not counting a 'COVID-19 affected visa'
- be 18 to 30 years old at time of application, or be 18 to 35 years old at time of application for the following countries:
 - Canada, Denmark, France, Republic of Ireland, and Italy
- have undertaken six months of specified subclass 417 work in a specified industry and area of Australia.
- have enough money to support themselves while in Australia
- have complied with all the conditions on their second Working Holiday visa
- meet health and character requirements
- not be accompanied by dependent children

Second Work and Holiday (subclass 462) visa

To be eligible for the grant of a second Work and Holiday visa, the applicant must:

- be a citizen of and hold a valid passport from one of the following eligible countries/jurisdictions:
 - Argentina, Austria, Brazil, Chile, People's Republic of China, Czech Republic, Ecuador, Greece, Hungary, Indonesia, Israel, Luxembourg, Malaysia, Mongolia, Peru, Poland, Portugal, San Marino, Singapore, Slovak Republic, Slovenia, Spain, Switzerland, Thailand, Türkiye, Uruguay, USA, and Vietnam.
- have previously entered Australia on a subclass 462 visa
- be 18 to 30 years old at time of application

- have undertaken three months of specified subclass 462 work in a specified industry and area of Australia.
- have enough money to support themselves while in Australia
- have complied with all the conditions on their first Work and Holiday visa
- meet health and character requirements
- not be accompanied by dependent children

Third Work and Holiday (subclass 462) visa

To be eligible for the grant of a third Work and Holiday visa, the applicant must:

- be a citizen of and hold a valid passport from one of the following eligible countries/jurisdictions:
 - Argentina, Austria, Brazil, Chile, People's Republic of China, Czech Republic, Ecuador, Greece, Hungary, Indonesia, Israel, Luxembourg, Malaysia, Mongolia, Peru, Poland, Portugal, San Marino, Singapore, Slovak Republic, Slovenia, Spain, Switzerland, Thailand, Türkiye, Uruguay, USA, and Vietnam.
- have previously held two Work and Holiday (subclass 462) visas in Australia, not counting a 'COVID-19 affected visa'
- be 18 to 30 years old at time of application
- have undertaken six months of specified subclass 462 work in a specified industry and area of Australia.
- have enough money to support themselves while in Australia
- have complied with all the conditions on their second Work and Holiday visa
- meet health and character requirements
- not be accompanied by dependent children

WHM COVID concessions

Continued suspension of 6 month work limitation

- On 26 December 2022 the Government announced a continuation until 30 June 2023 of the policy allowing WHMs to work with a single employer for more than 6 months.
 - This allows WHMs to work with any one employer for the duration of their visa without requesting permission, and any work that is carried out before 1 July 2023 will not be counted towards the 6-month limitation period. This means that from 1 July 2023 onwards, WHMs may work for any employer for up to an additional 6 months even if they worked for that same employer before 1 July 2023.

- This applies to anyone in Australia who:
 - holds any kind of WHM visa, regardless of when they arrive, or
 - is a WHM visa applicant and holds a Bridging visa with condition 8547 imposed.

WHM policy settings adjustments over the COVID-19 period

Adjustments were made to a range of visa settings in the WHM program over the COVID-19 pandemic period:

- From 4 April 2020, WHMs working in the key sectors of agriculture, food processing, health, aged, disability and child care were able to extend their stay for up to 12 months using the COVID-19 Pandemic event (subclass 408) visa, with nil Visa Application Charge (VAC).
 - In May 2021, tourism and hospitality was added to this list of key sectors.
- From 19 August 2020, WHMs were able to count critical COVID-19 work in the healthcare and medical sectors anywhere in Australia as specified work towards a second or third WHM visa.
 - From 14 November 2020, WHMs could count this work and augment it with other specified work on a COVID-19 Pandemic event visa to meet the required number of days towards a second or third WHM visa.
- From 5 March 2022, all WHMs are able to apply for a second or third visa based on 'specified work' in tourism and hospitality carried out on or after 22 June 2021 in northern or 'remote and very remote' areas of Australia.

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DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QoN Number: 4

Subject: Exceptions to Working Holiday Maker visa to the northern remote and very remote regions

Asked by: Dr Anne Webster MP

Question:

Are there any exceptions to the northern remote and very remote regions that have been included in the extension program? If so, please elaborate under what circumstances were exceptions made?

Answer:

Since 5 March 2022, all Working Holiday Makers (both subclass 417 and subclass 462 visa holders) have been able to count tourism and hospitality work, carried out from 22 June 2021 in 'northern' or 'remote and very remote' areas of Australia, as 'specified work' in order to meet requirements for a second or third visa. This change addressed a recommendation of the Joint Standing Committee on Migration (JSCM) Inquiry into the WHM program, which delivered its Report on 30 November 2020.

On 30 March 2022, the then Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs added four postcodes to the eligible areas for tourism and hospitality work (carried out from 22 June 2021).

Any future changes to the WHM program, including 'specified work' or 'remote' definitions, will be informed by a range of policy inputs including 'The Review of the Migration System', by Dr Martin Parkinson AC PSM, Dr Joanna Howe and Mr John Azarias. The Government considered the review and released *A Migration System for a More Prosperous and Secure Australia - Outline of the Government's Migration Strategy* (the outline) on 27 April 2023 at **Attachment A**, and plans to release the final Migration Strategy later in 2023.



A Migration System for a More Prosperous and Secure Australia

Outline of the Government's Migration Strategy

April 2023

Migration has been essential to helping Australia become one of the safest, most prosperous countries in the world. As we look ahead, our country faces challenge and uncertainty. Australia's population is ageing. Productivity growth is declining. Our geostrategic environment is difficult. Our migration system could be a powerful force to help us manage these challenges. But not in its current state.

After a decade of ad hoc and piecemeal changes, we must embark on the biggest transformation of our migration system in a generation. A new system will drive Australia's economic prosperity and security and be better targeted, more efficient and focused on delivering the outcomes we need for Australians and our country.

Migration is central to Australia's national story

This Outline was released by the Hon Clare O'Neil MP, Minister for Home Affairs on 27 April 2023 alongside her speech to the National Press Club regarding a new migration strategy for Australia, built in our national interest.

This document outlines a series of directions for significant reform of the migration system, which the Albanese government will work on, consult on, and refine, before we release a final strategy later this year.

Migration is central to Australia's national story. In times of change and crisis, migration has helped Australia tackle national challenges, and build long periods of prosperity and security for our citizens.

- Following the Second World War, we sounded the clarion call to “populate or perish”, laying the foundation for the post-war boom
- In the 1970s, we emerged as a vibrant and modern nation. We buried the White Australia Policy and embraced multiculturalism
- Skilled migrants helped Australia rebound out of the dark days of the 1990s recession – from the mid-1990s to the mid-2000s, the share of skilled migrants in our annual intake doubled

Migrants are and will always be an essential part of Australia's economy and social fabric. Today more than half of all Australians are either born overseas or have a parent born overseas. We are the lucky country: diverse, cohesive and economically prosperous.

We cannot take this success for granted. We must deliver structural reform to the migration system now to ensure Australia is well placed to deal with our ageing population, waning productivity growth and a deeply complex geostrategic environment. Migration is not the complete answer to any of these problems, but it is part of the answer to all of them.

The answer should involve a better managed and more strategic approach to temporary migration that removes the opportunity for exploitation and harnesses the true potential of migrants. It lies in us thinking clearly about the migrants Australia needs and then being explicit about their pathways to permanent residence and their role in our nation's future.

Australians want a migration system that works for them. That will help us build a prosperous and secure future for our communities and families. Not getting this right has real impacts for our citizens. We will find it harder to drive the productivity growth we need, to ensure our children enjoy the same quality of life we have experienced. We may not fully capture the opportunities presented by a transition to a clean economy. We will find it difficult to build the future workforce to support our essential services, for example in the care sector.

This document proposes directions for reform for a better targeted, more efficient and outcomes-focused migration system. It uses input from the Review of the Migration System, led by Dr Martin Parkinson, Professor Joanna Howe and Mr John Azarias, and extensive consultation across business groups, unions and civil society. It presents changes to build a migration system that works for Australia – its people, businesses, and governments – and for migrants themselves.

The system today fails to deliver for Australia and for migrants

Australia must have a more targeted, simpler migration system that serves our national interest and helps migrants thrive. Yet after a wasted decade of continental drift and piecemeal change, our current system lacks direction, is complex, inflexible and inefficient, and fails to deliver for Australians and migrants.

Australia's current migration system faces challenges at each stage of the system:

The system fails to prioritise the migrants we need to enhance our economic prosperity and security

Migration has the potential to contribute to long-term productivity, participation and innovation in our workforce, as it has done throughout our history. In the last decade however, we have built a back-to-front migration system. We have seen fewer skilled migrants choose Australia and growing numbers of migrants not selected on the basis of their skills. We need our migration system to help us meet our challenges, but it is not designed to help us secure sovereign capabilities and manage the transition to net zero. Our industries are constrained by multiple migration-related occupation lists that do not reflect current and forecast labour market need and are based on outdated definitions that have not substantially changed since 2013.

The system is too complex for employers and migrants

As other countries make simpler, more appealing offers to skilled migrants, our migration system has become more complex so we risk losing our edge in the global race for talent. We load the system up with over a hundred different visas, arcane rules and multiple requirements. These are necessary in some areas but not in others. Despite our shortage of workers in essential services, we ask an overseas trained nurse to pay up to \$20,000 and wait up to 35 months to get their qualifications recognised and their visa granted. Employers are subject to a complex labour market testing process that unions and business agree is not working. Efficiency and integrity is also hard to achieve when the visa processing ICT system relies on technology built in the 1980s and 1990s.

The system fails to deliver the right outcomes for Australians and migrants post-arrival

Despite migration driving two-thirds of our population growth, we have not had a national long-term planning process that integrates migration with the State and Territory government levers (such as infrastructure, housing and services) that make migration effective. Many migrants also have skills in shortage but aren't working in jobs matched to their skills. For example, 50% of students who stay in Australia after study end up in jobs lower than their skill level. A wasted decade in migration has also heightened the risk of exploitation faced by migrant workers. Exploitation of migrant workers can lead to poorer working conditions for local workers.

The system is also not aligned with the Australian values of integrity, fairness and inclusion

We have let abuses of the visa system go unchecked. We have a growing 'permanently temporary' cohort in Australia – this has grown to 173,000 migrants who have been in Australia for 5 years or more on a temporary work or student visa. We can do more to include all migrants in our economy, especially migrant women. Migrant women have poorer labour market participation rates than Australian women and we need to address this issue.

After a wasted decade and mounting challenges, we cannot afford to let our migration system drift any longer.

Our vision for the migration system

Migration delivers for Australia when the system matches the needs of our nation. In the face of economic and geostrategic challenges, a new system should be better targeted to drive Australia's economic prosperity and security. We need to restore Australian values at the heart of the system – integrity, fairness and inclusion.

Five core objectives will underpin the system:

- Building Australia's prosperity by lifting productivity, meeting workforce needs, and supporting exports
- Enabling a fair labour market, including by complementing the jobs, wages and conditions of Australian workers
- Building a community of Australians
- Protecting Australia's interests in the world
- Providing a fast, efficient and fair system

As we look to develop these policy shifts and restore Australian values at the heart of the system, we will work using and building on the guardrails outlined in the Review of the Migration System:

- A tripartite approach
- Universality
- Evidence-based approaches to identifying labour market need
- Mobility for temporary migrants in the labour market
- Integrity in the system in our approach to temporary migration

Proposed fundamental policy shifts at each stage of the system aim to ensure our migration system delivers for Australia:

Prioritising the people we need to enhance our economic prosperity and security

We will clearly define the role of our migration system in addressing the challenges and opportunities our nation faces. We will also redesign the structure and settings of our programs (permanent and temporary) to attract the skilled workforce and facilitate the international engagement we need to enhance our economic prosperity and security.

Making it simple and efficient for employers and migrants

We will simplify the system to make it easier and faster for the people with the skills we need. We will also ensure migration is complementary to, and not a substitute for, a highly skilled local workforce – this will involve defining a formal, evidence-based role for Jobs and Skills Australia in our migration system, using advice from tripartite mechanisms.

Delivering outcomes for Australians and migrants post-arrival

Building on the work already underway within the Government, we will create a new nation building endeavour with States and Territory governments, to ensure our migration system responds to the needs of all Australia, including those in the regions, while ensuring proper investment in housing, infrastructure and services to secure the benefits of migration. We will also do more to assist migrants to achieve better labour market outcomes and we will do more to design out exploitation from the migration system.

We also need to restore the Australian values of integrity, fairness and inclusion at the heart of each stage of the system

We will focus on integrity measures to rid the system of abuse. Migrants will have clearer pathways to permanent residence, circumventing the risk of migrants being left in 'permanently temporary' limbo. We will look to unlock the potential of all migrants, particularly migrant women, so they are better included in our national endeavours.

Next steps

This document focuses on the new design of the migration system and the critical policy shifts proposed to the skilled migration system and its adjacent programs (e.g. the international student program). It is not an exhaustive list of all skilled migration policy changes to be considered in the context of the Migration Strategy.

During May and June 2023, we will consult State and Territory governments and key stakeholders – unions, business groups, and civil society – on the outline of the Strategy and these critical policy shifts. The Government plans to release the final Migration Strategy later in 2023.

The Government recognises the need for reform of the family program and notes that this will be considered separately. The Government also remains committed to compassionate and flexible humanitarian and settlement programs, which are not included in this document.

Supporting detail: Policy shifts for a new migration system

Prioritising the people we need to enhance our economic prosperity and security

We need to clearly define how our migration system can help Australia, by:

- Adopting a clear set of objectives and principles to guide the migration system for the coming decades

We need to build a new temporary skilled migration system, to ensure Australia has the skills we need to enhance our economic prosperity and security, by:

- For the first time, creating proper, tripartite, regulated pathways for desperately needed workers, recognising the long-term labour shortages in our essential industries like the care sector, while maintaining the primacy of our relationships with the Pacific as a guiding principle
- Building a mainstream temporary skilled pathway to bring in the core skills we need, using an improved approach to determining which skills we really need – doing away with outdated, inflexible occupation lists. This pathway will include skilled migrants above an increased temporary skilled migration income threshold (TSMIT), to ensure our migration system remains a program for skilled migrants, and wages and conditions of local workers are not undercut
- Developing fast, simple pathways for the specialised, highly skilled workers we need to drive innovation in our economy and to help us build the jobs of the future

We need to reform the way we select those who are offered permanent residence:

- Changing how we select permanent skilled migrants (reforming ‘the points test’) to focus on factors that best contribute to lifting Australia’s productivity, participation, and addressing our ageing population challenges, all while meeting our strategic security imperatives
- Radically reshaping the Global Talent and Business Innovation & Investment programs, and building a new, simple pathway to attract the migrants we need to drive innovation

Modern Australia is in competition for the migrants we desperately need – and competitor countries are scouring the world for specific skills and providing pathways for those workers. This means we need to shift our mindset to competition, by:

- Working across Government and with business to identify the people we need to help us build a more productive economy and to actively promote Australia internationally as a migration destination
- Building a new stream of work to help our country find the migrants we need, promote Australia to the world and to strengthen our ties with partners in our region

Making it simple and efficient for employers and migrants

We need a system that improves the experiences of people who interact with the migration system through:

- Simplifying the system (e.g. visa categories, rules, requirements) and improving the user experience of employers and migrants
- After addressing the most acute aspects of the visa backlog, continuing to make the system faster and more efficient through investment in IT, data and people capabilities
- Placing small business on a more level playing field by exploring a switch to monthly employer fees and charges rather than a large up-front investment

We need an evidence-based approach to migration decisions, and better coordination and integration of the labour market, the training and education systems with the migration system. This means:

- Establishing a formal role for Jobs and Skills Australia in defining Australia's skills needs using evidence, including advice from tripartite mechanisms
- Formalising feedback between the migration system and the training and education system to ensure labour shortages are dealt with in a comprehensive, planned manner
- Once a formal role is established for Jobs and Skills Australia in our migration system, many of the drivers of complexity can be simplified and removed

Delivering outcomes for Australians and migrants post-arrival

Building on the work already underway within the Government, we need to create a new nation building endeavour with State and Territory governments to plan our migration intake, by:

- Aligning investments in infrastructure, service provision and housing including ensuring joint action across governments to address barriers to increasing housing supply
- Establishing a greater role for States and Territories in identifying their migration needs and priorities, especially in our regions

We need to improve the job readiness and outcomes of migrants, including international students, by:

- Providing faster pathways to permanent residence for the skilled migrants and graduates we need
- Recognising Australia's place as a destination of choice for international students, we need to ensure that all international students are genuinely in Australia to study, including by tightening requirements and by strengthening the quality assurance of education providers
- Reducing time international students spend on bridging visas by easing the path to graduate visas

Our system needs to provide greater protections for all migrants, and therefore local workers, by:

- Reforming the policy settings that drive exploitation, including by increasing mobility to allow temporary migrants to move employers, and enforce their workplace rights, without jeopardising their ability to stay in Australia

We also need to restore the Australian values of integrity, fairness and inclusion at the heart of each stage of the system

We need to improve the integrity of the system, by:

- Improving post-arrival monitoring and enforcement of wages and conditions to detect and prevent exploitation, including by investing in compliance resources and the use of Tax File Numbers by migrant workers
- Strengthening the regulation of registered migration agents

We need to bring fairness back into the system, and address 'permanent temporariness', by:

- Ensuring migrants have clarity on their prospects for permanent residence – whether that means staying here or returning home
- Resolving some of the biggest caseloads of permanently temporary people such as New Zealand citizens and TPV/SHEV holders to ensure they can build a career and a family with clarity and a full connection to Australia
- Providing clear pathways to permanent residence for temporary skilled visa holders

We need to drive stronger inclusion of all migrants in our economy, by:

- Improving and streamlining skills recognition, to help more migrants, including secondary applicants, enter the labour market at a level commensurate with their qualifications

The Government acknowledges the Traditional Owners of the lands and waters on which Australians live and work and pays respect to their Elders.

From the moment they arrive, migrants are on the lands and the waters of Australia's First Nations peoples. Whether here temporarily, or establishing new lives in Australia, migrants live on Country belonging to First Nations peoples.

**HOME AFFAIRS PORTFOLIO
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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QoN Number: 5

Subject: Skilled visas- Healthcare Professionals - Qualification Recognition

Asked by: Anne Webster

Question:

Dr WEBSTER: There are so many questions; where we start is the issue. Thank you for coming today. I am interested in the Canada and New Zealand comparison with where we sit in terms of expediting and smoothly getting people into the country, particularly health professionals. We have heard from witnesses how incredibly difficult it is for them to come into Australia. The ATO, AHPRA and the colleges have something to do with the complexities and inside-outs. Can you give us an overview of how we manage those migration stories compared to Canada and New Zealand?

Answer:

Broadly speaking, the requirements for medical professionals looking to migrate to Australia, Canada or New Zealand are similar in terms of obtaining skilled work visas and registration. The Department of Home Affairs has contacted counterparts in the Canadian Government for further information on their processes for overseas medical practitioners, which will be provided to the Joint Standing Committee on Migration.

Regarding registration, the Trans-Tasman Mutual Recognition Act 1997 (TTMRA) does not apply to the medical profession. Under the health Practitioner Regulation Nation Law Act 2009, internationally qualified medical graduates (IMGs) who wish to practice in Australia must seek registration through one of the Medical Board of Australia's (MBA's) formal pathways. Each of the formal pathways to registration is published in detail on the MBA's website at:

<https://www.medicalboard.gov.au/registration/international-medical-graduates.aspx>

On 30 September 2022, National Cabinet announced an independently-led review of Australia's regulatory settings relating to overseas trained practitioners (Kruk Review). The Kruk Review interim report has proposed recommendations to streamline the registration process for internationally qualified health practitioners seeking registration, including IMGs, and reduce the burden of regulation.

A key priority action is the expansion of streamlined pathways to registration similar to the MBA's CAP for all professions registered under the National Registration and Accreditation Scheme. The final report is expected to be considered by National Cabinet in the third quarter of 2023. Further information on the Kruk Review is available on the Department of Health and Aged Care website at <https://www.health.gov.au/independent-review-of-health-practitioner-regulatory-settings>

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QoN Number: 6

Subject: Skilled visa- processing terms

Asked by: Anne Webster

Question:

Dr WEBSTER: rather than how we do health checks on these applicants. I am not interested in health checks; I am sure they are straightforward. I will give you the background. We know that doctors come through the back door of New Zealand, are approved there, and can waltz straight into Australia. That is what we hear all the time. Why is this so? If we accept—this may be an AHPRA issue; I don't know—that they are suitable for working as professionals in New Zealand, why do we take so long to go through this process in Australia?

Mr Pezzullo: We would have to look at the instances, because you cannot simply waltz into Australia from New Zealand; you have to come on a 444 and that means that you are a New Zealand citizen. So, if they had migrated to New Zealand some years past, qualified for a special category visa or a 444 visa to then come to Australia and practice medicine, we could look at that. Ms Cavanagh, can you shed light on this?

Ms Cavanagh: I am not aware of that particular pathway into Australia. We can get some more information.

Answer:

Broadly speaking, the requirements for medical professionals looking to migrate to Australia or New Zealand are similar in terms of obtaining skilled work visas and registration.

Regarding registration, the *Trans-Tasman Mutual Recognition Act 1997* (TTMRA) does not apply to the medical profession. Internationally qualified medical graduates (IMGs) who wish to practice in Australia must seek registration through one of the Medical Board of Australia's (MBA's) formal pathways. Each of the formal pathways to registration is published in detail on the MBA's website at <https://www.medicalboard.gov.au/Registration/International-Medical-Graduates.aspx>.

The most streamlined pathway for IMG registration is the Competent Authority Pathway (CAP) which applies to practitioners eligible for unrestricted registration in New Zealand, United States, Canada, United Kingdom and Ireland. Practitioners eligible for the CAP must complete the relevant exams and a minimum period of practice in the jurisdiction from which they apply. More details on the CAP is available on the MBA's website at

<https://www.medicalboard.gov.au/Registration/International-Medical-Graduates/Competent-Authority-Pathway>.

On 30 September 2022, National Cabinet announced an independently-led review of Australia's regulatory settings relating to overseas trained practitioners (Kruk Review). The Kruk Review interim report has proposed recommendations to streamline the registration process for internationally qualified health practitioners seeking registration, including IMGs, and reduce the burden of regulation.

A key priority action is the expansion of streamlined pathways to registration similar to the MBA's CAP for all professions registered under the National Registration and Accreditation Scheme. The final report is expected to be considered by National Cabinet in the third quarter of 2023. Further information on the Kruk Review is available on the Department of Health and Aged Care website at

<https://www.health.gov.au/independent-review-of-health-practitioner-regulatory-settings>.

DEPARTMENT OF HOME AFFAIRS

PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QoN Number: 7

Subject: Skilled Visas- Healthcare professionals

Asked by: Anne Webster

Question:

Dr WEBSTER: What is the engagement of the Department of Home Affairs in that process? We understand, again through the evidence we have received, that Canada looks at the qualifications and has to go through the verification process, but they take away the layer of skills requirement, the evidence of skills. The qualification speaks for itself. In Australia, many doctors who have been out in practice for 20 years would fail the requirement that is put on those who come into Australia. Being specific, the fellowship exam would be impossible for most doctors who are practicing in Australia. So my question is: what is the department's part in that, or is this simply AHPRA and the colleges?

Mr Pezzullo: It is the colleges and AHPRA. I will look into the Canadian example because I am intrigued by your reference. We engage with the Canadians a lot, so we'll ask them directly about it. I suspect they must have some kind of health or medical board to register doctors. As to whether they take a skills qualification or other view, we will ask. We will come back to the committee.

Answer:

Visa applications from health sectors in Australia are prioritised under Ministerial Direction 100. For those eligible applicants, migration legislation provides that they hold relevant medical registration or a skills assessments and this varies by subclass.

Employer Sponsored visa applications with an occupation in the health sector are being assessed, and where complete, in under 5 business days.

In the 2022-23 program year to 31 May 2023, primary applicants with a health sector occupation as specified in Ministerial Direction 100 were granted over 22,000 visas, made up of:

- 5,720 Temporary Skill Shortages (subclass 482) visas; and
- 16,348 permanent/provision skilled visas. This includes:
 - 2,424 Employer Nomination Scheme (ENS) (subclass 186)
 - 266 Regional Sponsored Migration Scheme (RSMS) (subclass 187) and Skilled Employer Sponsored Regional (SESR) (subclass 494)
 - 32 Skilled Regional (Provisional) (subclass 489)
 - 1,462 Skilled Work Regional (Provisional) (subclass 491)
 - 7,037 Skilled Independent (subclass 189); and
 - 5,127 Skilled Nominated (subclass 190)

This compares to 12,627 visas granted to primary applicants with a health sector occupation as specified in Ministerial Direction 100 over the full 2021-22 program year.

Broadly speaking, the requirements for medical professionals looking to migrate to Australia, Canada or New Zealand are similar in terms of obtaining skilled work visas. The Department of Home Affairs is contacting counterparts in the Canadian Government for further information on their processes for overseas medical practitioners, which will be provided to the Joint Standing Committee on Migration (JSCM).

Regarding registration, *Trans-Tasman Mutual Recognition Act 1997* (TTMRA) does not apply to the medical profession. Under the *Health Practitioner Regulation National Law Act 2009*, internationally qualified medical graduates (IMGs) who wish to practice in Australia must seek registration through one of the Medical Board of Australia's (MBA's) formal pathways. Each of the formal pathways to registration is published in detail on the MBA's website at www.medicalboard.gov.au/Registration/International-Medical-Graduates.aspx.

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QoN Number: 8

Subject: Skilled visa- Healthcare Professionals

Asked by: Anne Webster

Question:

Mr Pezzullo: But the specific question about credentialling and particularly, shall we say, the rationing of skilled doctors and other health professionals is a matter for the health department, the practitioners recognition authority and the colleges. In my experience—I don't wish to show any disrespect—the colleges take a very conservative attitude, in my understanding, on the very point you have made. If you did a retrospective of many of their own members getting into the discipline for the first time, maybe they passed initially but there is not continuous assessment. But it is a requirement under our health system for them to be credentialled by a college here, and that is a matter for the health department. So the point about, 'I have this qualification or credential in another country; why can't it be ported across?' the Department of Home Affairs has no direct standing there. We just say, 'What's the requirement?' They have to have a degree or a qualification or whatever it is; that is part of the visa processing requirements the staff have to go through. But we don't set those standards.

CHAIR: Yes.

Mr Pezzullo: I can say that with 99.9 per cent certainty. Isn't that right?

Ms Foster: Absolutely, Secretary. Nor are we not listening to the voices that are telling us that this problem needs to be addressed. What we can do is work with those bodies to try to find a way to accommodate their requirements and still deliver the kind of system we are trying to deliver.

CHAIR: Are you currently doing that, or is it something you could do?

Ms Foster: It is part of our strategy over the next couple of months. I don't know whether those consultations have started.

CHAIR: We would be interested in that issue.

Answer:

The role of Australia's migration settings in supporting health professionals was considered through the Migration Review led by Dr Martin Parkinson AC PSM. In response to this review, the Minister released for discussion an Outline of the Government's Migration Strategy. The Government plans to release the final Migration Strategy later in 2023.

The Migration Review also links with other related work, such as the independent review of regulatory settings for health professionals led by Ms Robyn Kruk AO. The Department of Health and Aged Care supports the independent review.

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QoN Number: 9

Subject: TPV and SHEV work rights

Asked by: Allegra Spender

Question:

Mr Kiley: Breaking down the cohort, any individual who holds a TPV or a SHEV will have work rights with that visa. If they've applied for their resolution of status visa, they'll continue to have work rights as they go through that transition process. Individuals who are still going through the process of their initial TPV or SHEV should also have access to work rights. I'll take on notice, and we can come back to you, if there are instances where there aren't, but they should have access to work rights while they're going through that initial assessment. For individuals who are finally determined and who have gone through the process of applying for the TPV or SHEV and have been refused, at the end of that process, while they're on their bridging departure visa, the BVE, they probably would not have work rights. At that point of the process they're on a departure pathway.

Answer:

The Migration Regulations 1994 (the Regulations) determine which conditions are mandatory and discretionary on bridging visas granted by a delegate of the Minister, based on the reason for grant.

Temporary Protection (subclass 785) visa (TPV) and Safe Haven Enterprise (subclass 790) visa (SHEV) applicants are generally granted bridging visas with work rights, however there are certain circumstances where work rights may not be granted. Specifically, the Regulations provide that condition 8101 (the holder must not engage in work in Australia) must be imposed on an associated Bridging E visa (BVE), if the applicant has not previously been granted a BVE under s195A of the Act. The applicant can apply to be granted a further BVE with work rights if they can demonstrate that they have a compelling need to work and an acceptable reason for any delay in applying for the TPV/SHEV visa. For example, if a non-citizen entered Australia without a valid visa, was released from immigration detention for the first time directly onto a TPV or SHEV (so they had not previously been granted a BVE under s195A of the Act), and had become unlawful following expiry of that TPV or SHEV, the first BVE granted in association with any subsequent TPV/SHEV application must have condition 8101 imposed.

TPV and SHEV applicants will have permission to work on a bridging visa granted in association with judicial review if they had permission to work on their last visa. Where a BVE is granted on this basis, the Regulations provide that a number of conditions are discretionary, including conditions restricting study. When this visa expires, whether the applicant will be granted a further bridging visa with permission to work or study will depend on their circumstances.

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QoN Number: 10

Subject: Modelling working hours and payrate of children

Asked by: Allegra Spender

Question:

Ms SPENDER: To move on to the recently announced changes to the TSMIT and students, I'm interested in whether the department has done any modelling on the impact of the changes that come into place on 1 July—the restriction in the working hours of students and the threshold lift of the rate of pay—and how that will impact different industries.

Ms Foster: The team that was working on that did do modelling. I don't have the details to hand. They will be listening, for sure. If we can get some information for you on the nature and extent of that modelling while the session is in progress, I'll come back to you on that. But, yes, in both cases, as the changes were being progressed, we sought to understand what the impact would be on industries. Obviously, we've had a lot of feedback from different industries about the impact on them.

Answer:

Please refer to QoN15.

**HOME AFFAIRS PORTFOLIO
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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QoN Number: 11

Subject: TPV and SHEV - Resolution of Status Visa Applications

Asked by: Allegra Spender

Question:

Ms SPENDER: Beyond those who have been finally determined and who are not going to be given the right to remain, should anyone else in the humanitarian space not have access to work and study rights?

Mr Kiley: In the TPV/SHEV cohort, that is the breakdown: it should only be those who are finally determined who would not have work rights. I'll take on notice those going through judicial review; that might be slightly different. I think, with a merits review, you have access to work rights. As for a judicial review, I'll take that on notice; there may be some subtleties there.

Answer:

The *Migration Regulations 1994* (the Regulations) determine which conditions are mandatory and discretionary on bridging visas granted by a delegate of the Minister, based on the reason for grant.

Temporary Protection (subclass 785) visa (TPV) and Safe Haven Enterprise (subclass 790) visa (SHEV) applicants will have permission to work on a bridging visa granted in association with judicial review if they had permission to work on their last visa. Where a Bridging E visa is granted on this basis, the Regulations provide that a number of conditions are discretionary, including conditions restricting study. When this visa expires, whether the applicant will be granted a further bridging visa with permission to work or study will depend on their circumstances.

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QoN Number: 12

Subject: Permanent Residency Pathways

Asked by: Allegra Spender

Question:

Ms SPENDER: There is a new flag on healthcare workers. Obviously, aged-care workers are absolutely critical to our community, and I think we're all very concerned about that. I have heard, again anecdotally, that one of the challenges of supporting people into aged-care visas, childcare visas or caring visas is that people don't stay on those visas. They come into the sector, get a visa for a number of years and then, once they get permanent residency, they leave the sector. There's this new model being developed, working with the unions and businesses, around aged-care workers having a fast track to permanency. Is there modelling available, and can we have access to it, on what has happened in the past to people in aged care who have got permanent residency via aged care and whether they have stayed in the sector—their longer term pathway in the sector?

Ms Foster: We will certainly have data on people's trajectory through the system. If people come in on a particular visa type that's not linked to an industry agreement, we may not be able to find the data on what job they went into and therefore what happened when they became permanent. That will be much easier for us to do with this new defined system.

Ms SPENDER: But we do have some visas that are currently in that sector, so do we have any current information about aged-care workers? Has the department reflected on this as a potential challenge of this visa category? Ms Cavanagh: Yes.

Ms Foster: Absolutely, we have reflected on any kind of visa which is tied to a particular profession or region. Once permanence is achieved then, typically, you lose the levers that they brought with it. So that's part of our thinking about how you would structure a program like that to maximise the benefit. I'm sure that Dr Webster will be able to help me with the statistics here, but there's a particular sweet point on regions, for example, where, if people stay there for three years or five years—

CHAIR: I think it's five now, if I'm not mistaken.

Ms Foster: the data shows that they are more likely to have made their home there and to stay there. Obviously, that is a different scenario when we're talking about care workers. Ms Cavanagh: The challenge that we have with the data is the challenge that we have in achieving those outcomes as well: there's only so much you can do with a visa. I think one of the questions is: how does government work with these really important industry sectors, going forward, so that not only is there

access to visas quickly and seamlessly but also there are conditions in that industry such that people want to stay, build their skills and help with those structural shortages longer term.

Ms SPENDER: I appreciate that, and I agree that it is a question of how we make that attractive to the country in general, and not just to migrants. But my question is more about this being a two-year visa, and the fastest permanency track. What is the evidence that people who get permanency, who don't have to meet the English requirements or other requirements that everybody else does, will stay in the sector?

Ms Foster: Yes; I hear the question.

Ms SPENDER: Could you get the data on that?

Ms Foster: We will have some data on that.

Answer:

Permanent visa holders can live, work and study without restriction in Australia. Australian permanent residents are not required to inform the Department of their location or occupation.

From 1 July 2022 to 31 May 2023, the Department of Home Affairs granted 238 visas under the Labour Agreement stream to skilled migrants in aged care relevant occupations.

Out of the 238 visas granted, 209 were Subclass 482 Temporary Skill Shortage visas, 21 were Subclass 494 Skilled Employer Sponsored Regional (Provisional) visas, and 8 were Subclass 186 Employer Nomination Scheme visas. Please refer to the attached tables for further details on the relevant occupations and the number of visas granted under a Labour Agreement stream from 1 July 2018.

Visa Grants – Subclass 482 Temporary Skill Shortage visa, Labour Agreement Stream – as at 31 May 2023

Nominated Occupation	2018-19	2019-20	2020-21	2021-22	2022-23 to 31/05/2023
254412 Registered Nurse (Aged Care)	17	15	16	58	27
423111 Aged or Disabled Carer		<5	8	18	87
423312 Nursing Support Worker					6
423313 Personal Care Assistant	7	<5	5	7	89
Grant Total	24	20	29	83	209

Visa Grants – Subclass 494 Skilled Employer Sponsored Regional (Provisional) visa, Labour Agreement Stream – as at 31 May 2023

Nominated Occupation	2022-23 to 31/05/2023
254412 Registered Nurse (Aged Care)	<5
423111 Aged or Disabled Carer	15
423312 Nursing Support Worker	<5
423313 Personal Care Assistant	<5
Grant Total	21

Visa Grants – Subclass 186 Employer Nomination Scheme visas), Labour Agreement Stream – as at 31 May 2023

Nominated Occupation	2018-19	2019-20	2020-21	2021-22	2022-23 to 31/05/2023
423111 Aged or Disabled Carer	<5		<5	<5	<5
423313 Personal Care Assistant	<5	8	>5	<5	<5
Grant Total	6	8	11	10	8

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QoN Number: 13

Subject: Permanent Residence - Visa Loop-holes

Asked by: Allegra Spender

Question:

Ms SPENDER: I appreciate that, and I agree that it is a question of how we make that attractive to the country in general, and not just to migrants. But my question is more about this being a two-year visa, and the fastest permanency track. What is the evidence that people who get permanency, who don't have to meet the English requirements or other requirements that everybody else does, will stay in the sector?

Ms Foster: Yes; I hear the question.

Ms SPENDER: Could you get the data on that?

Ms Foster: We will have some data on that.

Answer:

Sponsors under the Aged Care Industry Labour Agreement will be eligible to sponsor aged care workers for permanent residence who have at least two years of work experience in Australia in a relevant direct care occupation, through the Employer Nomination Scheme visa (subclass 186) Labour Agreement stream.

The two years of work experience is not tied to a particular employer or visa subclass.

To be eligible, visa applicants must:

- have at least two years of work experience in Australia in a relevant direct care occupation;
- hold at least a relevant AQF Cert III or higher level qualification; and
- scored of at least 5.5 in the International English Language Testing System.

Permanent visa holders can live, work and study without restriction in Australia. Australian permanent residents are not required to inform the Department of their location or their occupation.

From 1 July 2022 to 31 May 2023, the Department of Home Affairs granted 238 visas under the Labour Agreement stream to skilled migrants in aged care relevant occupations.

Out of the 238 visas granted, 209 were Subclass 482 Temporary Skill Shortage visas, 21 were Subclass 494 Skilled Employer Sponsored Regional (Provisional) visas, and 8 were Subclass 186 Employer Nomination Scheme visas. Please refer to the attached tables for further details on the relevant occupations and the number of visas granted under a Labour Agreement stream from 1 July 2018.

Visa Grants – Subclass 482 Temporary Skill Shortage visa, Labour Agreement Stream – as at 31 May 2023

Nominated Occupation	2018-19	2019-20	2020-21	2021-22	2022-23 to 31/05/2023
254412 Registered Nurse (Aged Care)	17	15	16	58	27
423111 Aged or Disabled Carer		<5	8	18	87
423312 Nursing Support Worker					6
423313 Personal Care Assistant	7	<5	5	7	89
Grant Total	24	20	29	83	209

Visa Grants – Subclass 494 Skilled Employer Sponsored Regional (Provisional) visa, Labour Agreement Stream – as at 31 May 2023

Nominated Occupation	2022-23 to 31/05/2023
254412 Registered Nurse (Aged Care)	<5
423111 Aged or Disabled Carer	15
423312 Nursing Support Worker	<5
423313 Personal Care Assistant	<5
Grant Total	21

Visa Grants – Subclass 186 Employer Nomination Scheme visas), Labour Agreement Stream – as at 31 May 2023

Nominated Occupation	2018-19	2019-20	2020-21	2021-22	2022-23 to 31/05/2023
423111 Aged or Disabled Carer	<5		<5	<5	<5
423313 Personal Care Assistant	<5	8	>5	<5	<5
Grant Total	6	8	11	10	8

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QoN Number: 14

Subject: Visa entitlements verification system

Asked by: Anne Webster

Question:

Ms Cavanagh: We do have a system, VEVO, which is the visa entitlements verification system, that employers can use to check the visa conditions of workers. At this stage it's not a mandatory requirement for employers to check. We would encourage those farmers that you mentioned in that scenario to check, using the VEVO system.

Dr WEBSTER: How clunky is that? Do you scan a code? It needs to be simple. If it's about going to a website and punching in somebody's name that you can't spell, you could potentially get it all wrong.

Ms Cavanagh: The quickest way in that scenario you have mentioned would be for them to ask the worker to quickly log into VEVO and show them—with their permission, of course—what the system says about their visa conditions. That's one way in which employers commonly use the VEVO system. It doesn't need to be a clunky, back-end process where they are doing it with paperwork. We could get further information for you on how VEVO works.

Answer:

Employers may register to use the Visa Entitlement Verification Online (VEVO) system via the Department's main client service portal, ImmiAccount.

With the visa holder's permission and a relevant travel document, for example, a passport, they are then able to conduct a VEVO check.

Employers enter a visa holder's name, date of birth, and travel document number to check visa conditions. Information to assist employers access VEVO and conduct checks can be found on the Department's website at:

<https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/check-conditions-online/for-organisations>

Employers can also ask potential employees to provide evidence of their right to work by conducting their own VEVO check and showing the employer the results.

VEVO also allows a visa holder to email details of their visa conditions to a third person, such as an employer, upon request.

DEPARTMENT OF HOME AFFAIRS

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QW Number:15

Subject: Modelling on the economic impact of the increase in the TSMIT

Asked by: Allegra Spender

Question:

TSMIT:

- o Please can the Department confirm whether it conducted modelling on the economic impact of the increase in the TSMIT and change in student working hours, in both the short and medium-term, and particularly relating to skills/labour shortages?
- o If so, please can the Department provide the results from this modelling?

Answer:

In regards to the question on modelling the increase of the Temporary Skilled Migration Income Threshold, this was a budget measure and went through the cabinet process. The deliberations of cabinet and its committees are confidential. It is a longstanding practice of successive Governments not to disclose information about the operation and business of the cabinet and its committees.

The decision to reintroduce a limit on the hours student visa holders can work, and increasing this from 40 to 48 hours a fortnight, was made in response to advice from the Post-Study Work Rights Working Group, see

<https://www.education.gov.au/extended-poststudy-work-rights-international-graduates/resources/government-response-poststudy-work-rights-report>

The Government considers 48 hours a fortnight as an appropriate balance between work and study, acknowledging that study is the primary purpose of the Student visa.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QW Number: 16

Subject: Aged Care Labour Agreements

Asked by: Allegra Spender

Question:

Aged Care Labour Agreements (ACLAs):

o Please can the Department confirm:

- What its expectations are for the number of workers that will receive temporary skilled visas through the new ACLAs?
- The number of these people that are expected to latterly gain permanent residence in Australia?
- The quantitative extent to which workers hired through ACLAs will fill identified skills shortages in the aged care sector?
- How many temporary skilled visas are currently allocated to aged care workers through:
 - Individual labour agreements?
 - Other temporary skilled visa classes where the salary of the employee is below \$70,000?

Answer:

The Aged Care Industry Labour Agreement is a demand driven program. Aged care providers that enter into a Memorandum of Understanding with the relevant union/s can nominate overseas workers in direct care occupations – Nursing Support Worker (ANZSCO 423312), Personal Care Assistant (ANZSCO 423313) and Aged or Disabled Carer (ANZSCO 423111) – under the Labour Agreement streams of the Temporary Skill Shortage visa (subclass 482) and Employer Nomination Scheme visa (subclass 186).

Subclass 482 visa holders under the Aged Care Industry Labour Agreement are not guaranteed a permanent visa after two years. To be granted a permanent visa under the Aged Care Industry Labour Agreement, visa applicants are required to satisfy all legislative requirements, including:

- have at least two years of work experience in Australia in a relevant direct care occupation;
- hold at least a relevant AQF Cert III or higher level qualification; and
- scored at least 5.5 in the International English Language Testing System.

From 1 July 2022 to 31 May 2023, the Department of Home Affairs granted 202 visas under the Labour Agreement stream to skilled migrants in Aged Care Industry Labour Agreement relevant occupations. Out of the 202 visas granted, 182 were Subclass 482 visas and 20 were Subclass 494 Skilled Employer Sponsored Regional (Provisional) visas. Please refer to the attached tables for further details on the number of visas granted to aged care workers under a Labour Agreement stream from 1 July 2018.

Visa Grants for aged care workers – Subclass 482 Temporary Skill Shortage visa, Labour Agreement Stream – as at 31 May 2023

Nominated Occupation	2018-19	2019-20	2020-21	2021-22	2022-23 to 31/05/2023
423111 Aged or Disabled Carer	<5	<5	8	18	87
423312 Nursing Support Worker					6
423313 Personal Care Assistant	7	<5	5	7	89
Grant Total	10	5	13	25	182

Visa Grants – other skilled visa grants for aged care occupations where the nominated salary is less than 70,000AUD

Nominated Occupation	2018-19	2019-20	2020-21	2021-22	2022-23 to 31/05/2023
423111 Aged or Disabled Carer	<5		<5	9	19
423312 Nursing Support Worker					<5
423313 Personal Care Assistant	5	9	8	4	12
Grant Total	6	9	11	13	32

DEPARTMENT OF HOME AFFAIRS

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QW Number: 17

Subject: Talent Beyond Boundaries

Asked by: Allegra Spender

Question:

Talent Beyond Boundaries (TBB):

Please can the Department confirm whether skilled visas provided through the TBB program will be affected by the rise in the TSMIT?

If the TBB is affected, how many visas does the Department expect will no longer be granted due to the rise in the salary threshold?

Answer:

Talent Beyond Boundaries (TBB) may endorse businesses who are able to nominate approved skilled refugees/displaced persons under the Skilled Refugee Labour Agreement Pilot (the Pilot).

Existing TSMIT concessions under Labour agreements of up to ten per cent will continue to be applicable, noting that the concession is a percentage reduction to the TSMIT rate relevant at the time the nomination application was made.

- This means that any nomination received prior to 1 July 2023 will be assessed against the \$53,900 TSMIT and concession of \$48,510:
- Nominations received from 1 July 2023 will be assessed against the salary concessions for TSMIT at \$70,000 which is \$63,000.

Nominations are valid for up to 12 months for temporary and provisional skilled visas and six months for permanent skilled visas.

The TSMIT is intended to ensure migrants entering Australia have sufficient income to support themselves and their families, noting that migrants entering under the Pilot have very limited access to social security payments.

The Department is unable to estimate the impact of the TSMIT increase on future nomination applications lodged in association with the Pilot Labour agreement. However, since the commencement of the Pilot on 1 July 2021 to 31 March 2023, the average salary of candidates nominated is \$71,175.

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PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Joint Standing Committee on Migration

QW Number: 18

Subject: TPVs/SHEVs/Fast Track

Asked by: Allegra Spender

Question:

TPVs/SHEVs/Fast Track:

Please can the Department confirm:

- How many people in this cohort of ~30k do not currently have full work and study rights?
- Whether it is correct that there are approximately ~8k people in this cohort, who are either at the Ministerial Intervention of Judicial Review stage of the process, and therefore either: (i) cannot access any bridging visa or (ii) hold a bridging visa without work and/or study rights?
- Whether it will provide more information on the guidelines around how Ministerial discretion will be exercised in relation to determinations for this cohort? Of particular concern is whether people in the cohort will be able to apply for other visa classes, and how those whose circumstances have changed (e.g. Iranian or Afghan nationals) can swiftly re-apply for protection visas.

Answer:

As at 7 July 2023, of the 32,028 persons in the Unauthorised Maritime Arrival (UMA) legacy caseload, 28,042 persons were former fast track applicants and, of those, 26,035 persons were in Australia. Of this group of 26,035 persons:

- 23,225 persons had work and study rights associated with their visas;
- 1,573 persons were unlawful non-citizens with no visa in effect and therefore did not have work or study rights;
- 1,049 persons had condition 8207 (no study) attached to their bridging visa;
- 97 persons had condition 8101 (no work) attached to their bridging visa; and
- 91 persons had both condition 8101 (no work) and 8207 (no study) attached.

In addition, of the 26,035 persons in the UMA legacy caseload in Australia:

- 4,250 persons whose temporary protection visa was refused or cancelled had requested the Minister to intervene under sections 46A and 48B of the Migration Act 1958 to allow a further TPV/SHEV application and were awaiting a decision on that request (however, due to systems limitations, and because people are entitled to seek ministerial intervention while also seeking judicial review, this number includes duplication); and
- 4,822 persons were seeking judicial review of the decision to refuse their temporary protection visa application.

Of the 8,884 persons recorded as being at the ministerial intervention (4,250 persons) or judicial review (4,822 persons) stages:

- 7,776 persons had work and study rights associated with their visas;
- 507 were unlawful non-citizens with no visa in effect and therefore did not have work or study right;
- 506 persons had condition 8207 (no study) attached to their bridging visa;
- 18 persons had condition 8101 (no work) attached to their bridging visa; and
- 77 persons have both condition 8101 and 8207 attached to their bridging visa.

TPV and SHEV applicants seeking ministerial intervention under sections 417 or 48B of the *Migration Act 1958*, for the first time, may be eligible for a bridging visa with permission to work only if they lodge the MI request without delay and had permission to work on their last visa. Whether a TPV/SHEV applicant awaiting the outcome of a subsequent MI request, or one made under another power such as section 46A, will be eligible for a visa with work rights will depend on their circumstances.

TPV and SHEV applicants will have permission to work on a bridging visa granted in association with judicial review if they had permission to work on their last visa.

Applicants who do not engage protection obligations, are not awaiting a merits or judicial review outcome, and have exhausted all avenues to remain in Australia, are expected to depart Australia voluntarily and may be provided assistance to depart.

Those with new, credible protection claims relating to changes in their country of origin or personal circumstances, may request ministerial intervention.