

Tiara Shafiq

To Parliament of Australia - Senate
Re: Migration Amendment (Visa Capping) Bill 2010 [Provisions]

I am an emerging artsworkeer and creative producer originally from Malaysia, of Bangladeshi heritage and citizenship, currently applying for Australian permanent residency. I have completed a Bachelors Degree in Creative Industries (Interdisciplinary) from Queensland University of Technology over two and a half years, with the assistance of a partial Dean's Merit Scholarship. I am active within the arts and youth empowerment communities here in Brisbane and across Australia, and have made very strong and fulfilling relationships and connections with people from a variety of cultures.

I desire to continue my creative and community life in Brisbane, hence the permanent residency application. However, I find that the overall process of migration and the constant changes of rules - especially with the new rules proposed by Immigration Minister Chris Evans in mid February 2010 - is restrictive, time-consuming, and not reflective of reality. I am writing in to share my perspective on these changes, highlight the specific issues involved, and provide suitable alternatives to improve the current immigration system.

People from developing countries, young people, career changers, entrepreneurs, and other people that do not neatly fit into pigeon-holes are highly disadvantaged by the system's unwillingness to recognise their contributions, skills, and potential. People like us hold strong resources for Australia financially, socially, and culturally, but are often confused or put off by the unnecessarily-complicated and invasive bureaucracy that is the visa application process. Our frustrations, however, go unheard - overpowered by under-informed people who use global warming, water restrictions, and the Global Financial Crisis as excuses for xenophobia and misleading statements. [1]

Most immigrants move to Australia in search of a better life - improved career prospects, financial standing, education, and social standing. Some have come from restrictive and oppressive regimes, disadvantaged by the lack of human rights or opportunities. Most immigrants do seek to contribute to the Australian way of life and be assets to the country - however, the manifold layers of the system forces us to begin as "guilty until proven innocent", requiring us to submit highly invasive documentation - bank statements, blood tests, police checks - to make sure we are not "cheating" the system. At the same time, we are considered Australian residents for tax purposes (and tax purposes only), which means we effectively subsidise plenty of Australia's public services, such as Medicare and tertiary education, while getting very limited and often expensive access to only a limited subset of these services [2].

On the 8th of February 2010 the current Australian Immigration Minister Chris Evans announced that 20,000 applications filed before mid 2007 would be rejected solely due to the introduction of new rules [3] . My application was submitted in mid 2009, so it should not be part of the churn, but the prospect of my application suddenly being cut due to the whims and fancies of whoever is in charge is frightening. The process takes many months and years to complete, and it is not fair to punish applicants with wasted time and resources for no justifiable reasons.

Evans claims that they are building a more targeted list of skills needed for the application process, with priority given to people who already have jobs lined up. However, based on my experiences and from talking to other migrants (past and present), even these suggested changes are difficult and unrealistic. Here is what I see is problematic with current Australian immigration policy:

The current "skills" list [4] isn't really a list of skills, but a list of occupations.

It disregards the fact that many people nowadays, especially young people, don't just belong to an occupation - they build up a set of transferable skills, and move between occupations. Some hold multiple jobs that bear little relation to each other - or even to their initial university degree - but are still able to utilise the skills picked up from previous experience. An architect, a hairdresser, and an executive all share skills in design, problem solving, research, knowing their client, application of ideas and concepts - yet they're all treated differently by DIAC. The current system assumes that people stick to one career path from university to retirement, which is no longer a realistic proposition.

Newer industries, such as the Creative Industries, are not represented in the Skills list at all.

Each occupation is given a number of points according to demand, and residency applicants need to meet a minimum number of points to have their application considered. However, there are a lot of occupations that don't give you points at all. Anything to do with the creative industries, for example, doesn't get you points - you need to already be hired as that role for that "skill" to be relevant to your application. The only Creative Industries occupations with points are related to journalism - but they favour traditional media over new media, not considering that traditional media sources are currently losing financial ground. The current and proposed updates tend to focus on healthcare and sciences, without taking into consideration the considerable contributions the creative industries [5] (or other industries for that matter) provide to the national economy, as well as to Australian culture and society. It perpetuates the notion that only certain occupations and skills are prized, which disadvantages both international migrants and local residents.

You can only claim one "skilled occupation" on the list, regardless of your abilities.

If I could claim more than one skill on that list, I'd have about 300 points easy - stage management, production, journalism, marketing, all sorts. But I could only claim one, and spent ages with my agent figuring out the best occupation that encompasses both my skillset as well as my degree (the only deciding factor). As I said before, the list doesn't account for people who have worked across occupations and industries, and those that have changed careers. Wouldn't Australia be happy to have people that are flexible and can adapt? The current economic climate *demands* that people multi-skill and be prepared to switch careers - but the immigration system disadvantages (and in some cases *punishes*) people who are trying to adapt and contribute better, as they do not always fit neatly into systems or pigeonholes.

Determining your "skilled occupation" doesn't actually involve your past experience, but rather your degree (and now where you've worked for a year).

If my CV had anything to do with the occupation I could choose for my PR application, I would be qualified as some version of youth or community worker. However, my CV and years of experience within the Brisbane community did not matter one bit. According to my degree, I was qualified to be a Print Journalist (while I do write, it is primarily for online indie media). A new rule has been added saying the degree wasn't enough - you need to have one year's worth of work experience to claim it. Yet how many students are actually able to get a skilled job while doing a full-time degree (until very recently international students couldn't do part-time study) continuously over a year, especially with the limitations of 20 hours a week? Volunteering does not count, personal projects do not count, ad-hoc or short-but-regular projects (like festivals) do not count. It also significantly disadvantages people who change their minds after their degree, or who took a degree in one thing but realised that their skills and passions lay elsewhere - perhaps somewhere without a degree

available. As mentioned before, rules like these do not reflect the reality of the current job market.

It is *extremely* difficult for international students and migrants (especially people on Bridging visas) to get any sort of employment.

The reasoning behind all these changes is the idea that migrants should be able to get a job in Australia to qualify as a permanent resident. This is often accompanied by cries of migrants "stealing jobs from Australians" and calls for tighter migration rules. However, it ignores the fact that migrants are *already* significantly disadvantaged in the job market *merely* for being a migrant. Here's how:

- **Stigma against minorities** - just having an ethnic-sounding name can disqualify you from fair job prospects. [6] Having a foreign passport and an unusual visa makes this more complicated.
- **Company policies regarding visas** - there have been a number of occasions when I was almost convinced that a company had a policy (written or otherwise) against hiring people on a Student or Bridging visa due to possible lack of permanence. QUT's Human Resources (HR) Department actually tried to tell me that they have a policy against hiring people with Bridging visas since they had no definite end date (they are valid up till a month after the final decision on a Permanent Residency application, but no date for that was available). However, a search through their Manual of Policy and Procedures [7] revealed no such policy. Their HR department did not respond to my enquiries. The Government does not want to give you a visa unless you have a job, yet from my experience many companies do not want to consider applicants with certain visas. It's a Catch-22, with the migrants being the ultimate losers.
- **Temporary residents are blocked from accessing job search help** - despite being considered as Australian residents for tax purposes, international students and temporary visa holders (including Bridging visas) receive very little, if any, Government assistance - including programs geared towards job-seekers. Among these services are: Centrelink payments, Job Assistance, free training in childcare or hospitality, grants, scholarships, apprenticeships, traineeships, Recognition of Prior Learning, mentoring or residences sponsored by a Government agency (e.g. arts mentoring programs by Arts Queensland), credit cards, loans, permanent public service jobs, even entry into national television programs! Other avenues, such as further university or TAFE study, are priced at full-fee rates - which, at about 10x the cost for domestic students and without the option of grants or scholarships, is prohibitive.
- **International students must juggle study and work** - international students can only work about 20 hours a week, even though most part-time jobs want at least 25 hours' commitment, often between 9 to 5 - clashing with university study. There is a misconception that international students are wealthy due to the requirement of paying full-fee; however, their entry into Australian universities has usually involved great familial sacrifices. After paying off the fees they may not be left with very much money, especially when it involves currencies that are weak against the Australian dollar. Also, the only jobs international students often get are menial jobs that hardly any local would do, paid at alarmingly low rates and utterly exploitative - to them, it's better than nothing.

Entrepreneurship is barely encouraged, and sometimes seems to be discouraged.

Entrepreneurs should be welcomed by Australia - they create jobs and opportunities, and stimulate the economy. Migrants have traditionally created growth in their areas by setting up businesses to support their communities. Even people who don't make for-profit businesses, such as artists or community developers, still enhance Australia's culture and lifestyle in major ways - often

benefiting locals more than they are benefiting themselves or fellow migrants. These people dedicate part of their existence to the betterment of Australia - but they are not given any resources, support, or recognition for it. The focus on jobs actually discourages entrepreneurship and innovation - you're expected to fit into a mold to be approved for a visa. The process of migration gives no room for failure or experimentation - yet it is those two qualities that are greatly needed for entrepreneurial ventures to eventually succeed.

DIAC makes changes quicker than they, or anyone else, can keep up with them, and there are no recourses for people who are suddenly negatively affected.

The average processing times for General Skilled Migration visas [7] range from 6 months to 2 years depending on where the visa was lodged and the priority levels. It is alarming to note that there were still a large number of applications from 2007 that were still not being processed - and now will be discarded not for any fault of their own. Migration agents, department staff, and applicants are not able to keep up with the rapidly-changing rules. It takes a lot of effort, time, and money to put in an application - not all of these can be recovered in case of an impromptu law change. Some applicants, tired by the constant changes and unable to wait any longer, simply leave the country [8] - but for many others, particularly those who have moved from war-torn countries or places where they are in significant risk, this is no longer an option.

The English language requirements completely disregard any university degree.

Residency applicants are required to score well in the IELTS tests (International English Language Testing System) to prove their ability to communicate in Australia. This test was already required for entry into Australia as an international student - however, as the scores are only valid for two years, residency applicants would likely need to retake the test. The fact that they are able to complete an Australian degree satisfactorily should be enough to prove language skills - but instead the degree is worthless.

This visa process is personally frustrating and heart-breaking, not just for me but for so many others involved - migrants, families, agents, and so on. Many people are left vulnerable and confused after trying to manage the unpredictable changes, leaving them open to exploitation by people-smugglers and human traffickers who take advantage by promising them "easier" but highly illegal and dangerous methods to enter Australia. After all, why bother putting yourself through the wringer if you're only going to end up worse than before?

Yet, other than the regular moral panics about "boat people", these issues with immigration from the perspective of migrants are hardly ever discussed. The only time mass media channels and shows like Today Tonight or A Current Affair bring up the issue is when it affects someone of European descent, or when it disadvantages an Australian. Yet this is the reality for many migrants out there, not just in Australia but in other places around the world - many of whom are unnecessarily troubled just for holding a green passport. International students and temporary visa holders are often too scared to speak out for fears of losing their visas; some have come from countries where the slightest criticism can lead to major repercussions. The Australian public is not sufficiently educated and are only exposed to the danger of allowing immigrants into the country. So this becomes a lost cause; one deemed unimportant because it is decided that no one is passionate enough to speak up.

There are a number of ways to improve the migration process, be more in line with the current job markets, and ultimately support Australian society in all its forms. Among them are:

Include documentation beyond just degrees in applications, such as resumes and references.

If Australian businesses require a resume and look for skills and experience beyond a degree when considering a job application, surely a Government agency could do the same. It would not be too hard to ask for a resume, some portfolio samples, references, and maybe even selection criteria - thereby providing greater flexibility and enabling migrants to be properly certified for their best skills (and making it easier for them to be hired). The job experience considered should be taken as a whole - not just in picking one job that lasted a year.

Allow multiple occupation nominations, or nominate based on skills.

Instead of concentrating a big proportion of points into one occupation, allow applicants to nominate various skills, backed up by proof such as resumes and skills tests, to create a package of their viability in the Australian job market. Once again, flexibility is encouraged, and migrants are more likely to find employment as they can prove their ability to adapt, change, and learn.

Changes should never be retrospective, and should always include consultation with stakeholders: migrants (past, current, future), education bodies, migration agents, DIAC staff, and so on.

There have been plenty of community consultations for issues such as youth & body image [9] and ratings on computer games [10]; however, none have been conducted about migration, despite the frequent changes. A thorough investigation on the realities of migration, including the experiences of migrants past and present through the different systems, as well as a look into hiring practices and obstacles, would go a long way into creating a more stable migration system - eventually benefiting Australia.

Substantially increase education around visas.

There are plenty of misunderstandings and misinformation about the differing types of visas, especially with regards to work and study rights. Sometimes an applicant will ring DIAC for clarification only to be given different answers by different staffers. Having clearer information about each visa, and making sure it is consistently delivered, will help ease misunderstandings and create confidence within employers, migrants, and public service.

Substantially increase job search and financial resources.

There are people and organisations who are willing to bend the rules to take in a worthy candidate who may not quite qualify due to residency concerns. However, this comes at great risk to their funding and the sustainability of the program. (This is a common concern shared by all types of non-profits and social benefit programs, trying to cater to demand that is greater than what their funding permits.) By relaxing the rules on residency for grants, scholarships, job assistance, apprenticeships, and other such assistance, more migrants will be able to skill up and equip themselves for employment - and employers will win by getting diverse well-skilled staff.

Australian immigration policies demand reforms that are realistic, humanistic, and takes into account the real-world experiences of migrants and current job-seekers. Migrants do not deserve to be taken for a ride as they try to keep up with the ever-changing rules. Many people come to Australia for the promise of a better life, and have often done all they can to contribute - however, the current restrictions only hinder them from doing the best they can, and ultimately hurt Australia as a country. A better, more organised, consultative system, based on real-world experiences and requirements, will not just benefit migrants but also bring prosperity and success to Australian economy and culture.

I call onto Senator Chris Evans, other relevant ministers, and the Australian media to open up more education and discussion on the migration system, informed by relevant and recent research into the effects and experiences of current migrants. I also call onto the Australian public to show empathy for the migrants who have worked very hard to integrate into Australian society, and to broaden their minds and be educated

on the migration process.

I would greatly appreciate a response to this letter, to learn more about efforts to improve the immigration process, as well as any resources for those of us trying to thrive and contribute to Australian society despite issues with visas and regulations. I thank you for reading this and look forward to hearing from you soon.

Sincerely,

Tiara Shafiq

References

[1] Comments on Barns. ABC The Drum: Unleashed: Immigrants: Australia needs them.
<http://www.abc.net.au/unleashed/stories/s2813938.htm>

[2] GlobalHigherEd: Making sense of the economic contribution of international students in Australia (up to 2008). <http://globalhighered.wordpress.com/2009/04/04/the-economic-contribution-of-international-students-australia/>

[3] Financial Times: Australia rejects 20,000 would-be immigrants.
<http://www.ft.com/cms/s/0/bc6e39a4-1489-11df-9ea1-00144feab49a.html> [4] DIAC GSM Skills List.
<http://www.immi.gov.au/allforms/pdf/1121i.pdf>

[5] ABC Centre of Excellence for Creative Industries and Innovation: Creative Industries National Mapping Project - Findings. <https://wiki.cci.edu.au/display/NMP/1.+The+Findings>

[6] Booth, Leigh, and Varganova (Australian National University). Does Racial and Ethnic Discrimination Vary Across Minority Groups? Evidence From a Field Experiment.
<http://people.anu.edu.au/andrew.leigh/pdf/AuditDiscrimination.pdf>

[7] DIAC Average Processing Times - General Skilled Visas.
<http://www.immi.gov.au/about/charters/client-services-charter/visas/8.0.htm>

[8] Gerkens. ABC The Drum: Unleashed: A long goodbye to Australia.
<http://www.abc.net.au/unleashed/stories/s2836983.htm>

[9] Youth.Gov.Au: Body Image. <http://www.youth.gov.au/bodyimage.html>

[10] Attorney-General's Department: An R18+ Classification for Computer Games - Public Consultation.
http://www.ag.gov.au/www/agd/agd.nsf/Page/Consultationsreformsandreviews_AnR18+ClassificationforComputerGames-PublicConsultation