

Fault-lines in temporary migration schemes: The case of Australia and the legacies of settler-colonial mentalities in the exploitation of temporary non-citizens

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Abstract

We evaluate the complexity of temporary migration schemes in contrast to the longstanding approach to immigration as a key aspect of nation-building in settler societies. Until the early 1990s, predominantly one-way, permanent immigration schemes were preferred in settler societies such as Australia. In an increasingly fluid global context, temporary migrants are more susceptible to forms of abuse and exploitation in a host society, with fewer forms of redress due to their status as non-citizens and non-permanent residents. Taking a specific focus upon Australia, we contextualize the experiences of temporary migrants both prior to and under the conditions of COVID-19. Our key argument is that temporary migration schemes are organised and structured not only to favour states, as well as employers and businesses, but that the stripping back of rights to those who enter these schemes is a deliberative aspect of the state approach.

INTRODUCTION

In “crisis times”, such as the present coronavirus pandemic, reversions to simple, yet often effective politics of “outsiders” and “strangers” as a problem for the state are phenomena evident in many national jurisdictions. Yet, at the same time, an existential crisis such as a pandemic focuses attention on what a society’s core values are and

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how vulnerable persons who happen to live in a particular territorial jurisdiction are protected or ignored (Carens, 2013; Khazan, 2020; Zaretsky, 2019). In this article, our focus is on temporary migrants in Australia, prior to and under the conditions of COVID-19, which has brought the lives of those on temporary visas into stark relief.

Since the official designation of the pandemic in March 2020 by the World Health Organization (WHO), restrictions on mobility, border closures and myriad other micro changes to rules, regulations and policies that relate to access to healthcare, social welfare provisions, the right to work and other “basic rights” are now evident in most states across the globe. Accompanying these restrictions and measures is the political rhetoric by leaders of many nation-states, invoking a closed-border, citizens-only vision of who requires protection from the pandemic and forms of assistance to ameliorate the economic effects of pandemic interventions. It is perhaps unsurprising that the mobility of persons and the idea of people being able to “carry bundles of rights” with them across nation-state borders is one of the first lines of attack when a perceived “crisis” emerges (Collins, 2019; Tazreiter, 2019a).

In this article, we seek to highlight some of the contradictions of restrictive models of citizenship in otherwise open, de-regulated globalized political and economic systems. We draw on the specific context of Australia, where the authors are based, in particular due to its notable turn towards temporary migration over the last two decades. First, patterns of migrant mobility have fundamentally changed in recent decades, impacting countries of immigration such as Australia, also referred to as a colonial-settler society. Bonds and Inwood (2016), note that as distinct from colonialism, settler colonialism “focuses on the *permanent* occupation of a territory and removal of indigenous peoples with the express purpose of building an ethnically distinct national community” (p.716). Australia, Canada and the United States (amongst others) are often framed in this specific form and context of colonialism.

The rise of temporary migration is desired by many states to fulfil labour shortages and for sectors such as higher education, nursing (Boese et al., 2013), aged care and the agriculture sector, amongst other areas of labour shortage. Temporary visas whether for work or study, offer pathways of migration for individuals, particularly where other pathways are not able to be accessed. We examine the impacts of these changes towards temporary visas for individuals, relating the impacts to implications of the lack of political membership (citizenship and residency rights) and therefore also access to basic rights and protections.

THE AUSTRALIAN CONTEXT OF TEMPORARY MIGRATION

Countries with large, regulated immigration programmes have come to favour temporary over permanent immigration over the past two decades. This is the case in Australia, where a shift in priorities has seen an increase in temporary visas for work and for study, with pathways to permanent migration, residency and citizenship becoming more difficult and lengthy to achieve. This shift provides opportunities for skilled and unskilled workers to enter Australia's employment market and for international students, particularly from the Asia region, to pursue higher education and temporary work (Castles, 2016; Mares, 2016; Robertson, 2014; Tazreiter, 2019b; Tazreiter et al., 2016). Countries such as Australia, as a settler society with immigration as a key historical aspect of nation-building provides a potential model for the governance of migration and people movement for other states (Robertson, 2014). Australia currently has a population of 25.5 million people with immigration contributing significantly to population growth since the post-WWII period. In this article, we ask what can be learned from the Australian government's turn to prioritizing temporary migration in regards to migration governance, and the maintenance of rights for those classified as temporary migrants?

We also question both the premise and the outcomes of global “temporariness” and its impacts for temporary migrants in Australia, for workers *and* students. First, this is manifest in exploitation as workers and students often have access to only minimal rights and protections, or are unaware of these rights (Boltanski & Chiapello, 2005; Ness, 2011; Shachar, 2009; Standing, 2011). Second, citizens and permanent residents become “free riders” on the economic, social and cultural contributions temporary migrants make to host societies, without the expected corollary of having access to adequate and reciprocal rights (Rubio-Marin, 2000). Though it is outside of the scope of this article to provide comparative detail, we concur with the growing scholarship that conceptualizes the rights and presence of

marginalized temporary migrants, or “mobile labour” in countries such as Australia, calling for attention to the harm that temporary migration programmes can cause without attention to social rights (Castles, 2016; Dauvergne, 2016; Hennebray et al., 2018; Koletch, 2017; Mares, 2016, 2017; Robertson, 2014; Robertson & Runganaikaloo, 2014).

These ideas from migration scholars contrast with state-centred understandings and interpretations of temporary migration as being focused purely upon economic benefit. As a phenomenon viewed from the perspective of the neoliberal state, temporary migration is primarily a short-term expedient to plug labour gaps and feed international markets for tertiary education. Even so, tensions often emerge between these market-driven goals and the politically driven logic of border control (Nyers, 2010; Ronson, 2012; Ruhs, 2013). We therefore seek to highlight key fault-lines between the entrepreneurial state and the conditions of everyday life of temporary migrants most vulnerable to exploitation. The concept of the entrepreneurial state that motivates our critique in this article, describes the neoliberalization of the state, where the pact between the state and citizen at the heart of liberal, democratic ideals is weakened or indeed broken in favour of a state focused on providing infrastructure and incentives to the corporate and business sector (Geiger, 2013; Mazzucato, 2011). In the context of temporary migration, the entrepreneurial state views migrants primarily as labour power rather than as persons.

In many other Western countries, the proportion of such “mobile labour” is significant. In Australia, as of 2018, some eleven per cent of the workforce was temporary “mobile labour” (Berg & Farbenblum, 2018). Australia has moved over the past two decades to prioritize temporary visas over permanent immigration. This change is a historical shift for Australia as a classic immigration country, and is arguably the biggest change in migration policy in Australia since the end of the White Australia Policy, that ran from the inception of federation in 1901 and was only officially ended in 1973 (Collins, 2019; Mares, 2017).

This more recent approach to favour temporary over permanent migration dates back to the conservative government of John Howard who was Prime Minister from 1996 to 2007. The switch to preference of temporary visas over permanent migration is evident for specific labour shortages, but is also accompanied by other changes to the various categories of immigrant in the yearly immigration intake. During the Howard Government, the family reunion category was dramatically cut back, while the humanitarian intake (refugees and asylum seekers) was politicized, with the refugee resettlement intake tied to the number of asylum seeker arrivals (reducing the resettlement intake relative to the number of asylum seekers arriving spontaneously). Notably, during this period not only asylum seeker arrivals, but immigration per se, was politicised (Tazreiter, 2017).

International students¹ and 457 temporary skilled visas² have dominated the temporary immigration market in Australia until revelations of major exploitation and underpayment forced the government of Malcolm Turnbull to abandon the 457 visa in April 2017 and replace it with the Temporary Skills Shortage (TSS) visa. This shift led to the prioritizing of flexible, temporary visas that tie prospective immigrants to specific employers and cordon off access to permanent residency (Collins, 2019).

A recent study by Farbenblum and Berg (2020) highlights the ongoing injustice experienced by temporary migrants in Australia, with evidence of frequent and often blatant wage underpayment and non-payment, accidents and injuries at work, sexual harassment and overwork. In a large, national survey of international students (5968), the study found that half the respondents were paid below the basic statutory minimum wage, with more than three quarters paid below the minimum casual hourly rate (p. 8). In recent years, the issue of wage theft in Australia has been exposed as endemic in many job sectors with temporary migrants particularly vulnerable to such practices. Temporary visa status is often a reason given for non-reporting of wage theft and other illegal practices by employers.

As in other settler societies, temporary migration to Australia has exceeded the levels of permanent migration over the past decade (Australian Government Productivity Commission, 2016), yet the rights framework and policies to support the everyday lives of temporary migrants have not developed at the same pace. At the beginning of 2017, there were 2,091,490 temporary entrants in Australia, compared with 1,986,420 at the beginning of 2016 (an increase of 5.3%).³ In the first quarter of 2020, just as COVID-19 closures set in, there were 2,432,682 temporary migrants residing in Australia.⁴

For the first half of 2020, it was recorded that there were 637,415 international students present in Australia, with the majority from China, India and Nepal. Three lakhs nine thousand and five hundred and sixty-three of

those students were enrolled in higher education, the most significant sector for economic impact.⁵ Recent figures from the Australian Bureau of Statistics (ABS) show that, in 2017–18, international education was worth \$32.4 billion to the Australian economy.⁶

As the investigative journalist and scholar Peter Mares (2018) notes, between 2006 and 2018, “the number of international students, working holiday makers and temporary skilled workers present in Australia grew from around 350,000 to more than 800,000”. These categories of visa have grown much faster than the number of permanent visas issued each year, and is now roughly triple the number of permanent visas (*ibid*).

TEMPORARY STATUS AS AN EMERGING PHENOMENA IN MIGRATION GOVERNANCE

Globally, an increase in prevalence of temporary rather than permanent migration is evident due to complex factors including less permanent work; increasingly transnational intimate and social networks; and the economic demand for a highly mobile, yet dispensable workforce (Castles, 2006; Geiger, 2013). While globalized economies are highly adaptive to these international forces, the consequences of flexibility and quick adaptation for individuals and social groups is marked by contradictory rights and membership frameworks by the same states that desire migrants (Tazreiter, 2019b; Tazreiter et al., 2016).

As outlined above, temporary status is a tool of migration governance, that in recent years has overtaken permanent migration opportunities in immigration countries such as Australia. For the purposes of this article, we draw upon Geiger’s (2013) definition of governance through migration management, who notes that:

The government of international migration and the treatment of foreign populations working and living within nation-states must therefore be understood as a form of governmentality that aims first and foremost for the preservation of the status and welfare of citizens [...] Meeting this concern [has] inevitably required the effective identification and constant control and surveillance of foreigners and regulation of those people’s access, stay, employment and, eventually, return.

(p. 20)

While the complexity of the consequences that flow from temporary migration schemes is beyond the scope of this article to fully analyse, the human consequences of temporary status is directly linked to conceptualizations of global justice (Pécoud, 2013). Apparent also are the contradictions that a restrictive citizenship model poses to countries with a “mixed migration” intake that includes migrants on temporary visas. Such contradictions have emerged through the lens of COVID-19 restrictions.

It is an evident contradiction that while migration patterns are now predominantly temporary, the dominant focus of policy and public discourse remains largely oriented towards stasis and permanent settlement. This results in a disconnect between policy, public discourse and lived reality (Dauvergne, 2016). Temporary migrants, and indeed other categories of migrant are sent mixed and often contradictory signals. Yet, temporary migrants also display a nimble approach of adaptation to fast-changing rules, conditions and opportunities. Herein, though lies a central conundrum for contemporary societies under the conditions of neoliberal globalization. Though temporary migration and the irregular status often closely associated with temporariness are fundamental aspects of contemporary global transformations that require this nimble adaptability, the burdens resulting from legal, economic and socio-cultural exclusions that result from contemporary bordering practices are largely borne by migrants as well as other “marginal peoples” such as Indigenous people and the long-term unemployed (Mezzadra & Neilson, 2012; 63). In the globalized system of late capital (and late modernity), states gesture towards upholding human rights of all peoples, yet implement policies and legislation that create precarity including through a lack of access to the rights framework people require for a sustainable life.

Our key argument is that temporary migration schemes are organised and structured not only to favour states, but that the stripping back of rights to those who enter these schemes is a quite deliberative aspect of the state approach. In the case study of the Australian state, this is evidenced through both student visas and through temporary “short stay” business visas (Temporary Skill Shortage Visa 482). This trend towards temporary migration in Australia and the state’s reliance on this form of migrant labour is evidently strained through the conditions and changes imposed due to COVID-19. This is evidenced for example in the closure of Australia’s international border, as well as in the limits to support measures for non-citizens. Soon after Australia closed its national border in March 2020, the Prime Minister, Scott Morrison urged non-citizens to go home, saying:

As much as it’s lovely to have visitors to Australia in good times, at times like this, if you are a visitor in this country, it is time ... to make your way home ... For those backpackers in Australia who are nurses or doctors, or have other critical skills that can really help us during this crisis, there will be opportunities ... but our focus and our priority is on supporting Australians and Australian residents with the economic supports that are available” (Gibson & Moran, 2020).

The impact of COVID-19 measures on temporary migrants are explored further below, highlighting the key problem with restrictive models of citizenship.

COVID-19 MEASURES AND RHETORIC IN Australia

Australia’s Prime Minister, Scott Morrison, announced soon after closing Australia’s international borders on 19 March 2020 (taking effect at 9 pm the following day, with initial exemptions for New Zealand and Pacific Islander nationals to return home), that a range of state-funded payments to employers and individuals could be accessed. These benefits called *JobKeeper* and *JobSeeker*⁷ were made available to Australian citizens and permanent residents, while an estimated 1.1 million temporary migrants were ruled ineligible. In numerous press conferences and public statements, the Prime Minister stressed the need to support Australians and the fairness of this in relation to care about use of taxpayer public funds. Many researchers and activists pointed out the problems with such an approach, as Australia relies on high numbers of temporary migrants, including international students, who work and pay taxes while living in Australia. The impoverishment of many temporary migrants living in Australia became quickly evident as casual and part-time work in service sectors experienced large job losses from March with the imposition of “lock-downs” (Whiteford, 2020).

The impacts of COVID-19 conditions and restrictions on those with temporary migration status are harsh and arguably punitive. Meanwhile, population growth in Australia for 2021 was forecast to be the lowest since 1916–1917, at 0.6%, due in large part to the closure of the international border to migrants.⁸ Without the support of the state benefits of *JobKeeper/Seeker*, temporary migrants face destitution, already witnessed as concerned residents set up soup kitchens and other local interventions for those on temporary visas. For those lucky enough, prior to July 1 2020, temporary migrants were allowed to access up to AU\$10,000 of their superannuation, however few migrants had sufficient savings accrued, and the policy was widely criticized (Whiteford, 2020). In limited cases, temporary migrants could also apply for a financial hardship payment under the “Special Benefit scheme”. As Matt Kunkel of the *Migrant Workers Centre* in Melbourne stated, “This government has continually made decisions at every step of this response of this pandemic to cut them out of any sort of support at all”.⁹ By contrast, the Canadian response to COVID-19, though mirroring some aspects of Australia’s approach, differs in terms of extending special welfare support to non-citizens, unlike Australia (Shields & Abu Alrob, 2020). Ultimately, the long-term impacts of COVID-19 support measures by governments that prioritize support according to citizenship status, rather than by need require detailed evaluation. The Australian case highlights some drawbacks of temporary migration schemes in such circumstances of “crisis” as the COVID-19 pandemic, where visa status excluded some workers who lost jobs due to the pandemic from basic forms of support to ensure subsistence.

LACK OF CITIZENSHIP STATUS AND GLOBAL JUSTICE

Despite some developments towards more transnational and global justice-oriented forms of membership and rights, that address inequalities within and between states, the privileged form of citizenship encapsulated by Shachar's (2009) "citizenship-as-inherited-property" remains dominant in liberal societies, including in Australia. Temporary migrants are actively recruited when economic circumstances demand yet are simultaneously also subject to rapid change in policy, in visa requirements and in access to rights. Drawing on the analysis of Etienne Balibar, Mezzadra and Neilson (2012) argue that new forms of borders and bordering practices have proliferated in the contemporary period and indeed are now in the centre of political space with fundamental transformations of citizenship and labour, as well as of culture and space.

The processes and practices of bordering: spatial, material, cognitive and conceptual, entrench and extend inequalities and exclusions. Yet importantly, the inequalities and exclusions that emerge from restrictive bordering are also likely to be hidden and invisible through the transnational character of temporary migrant lives. That is, the prevalence of circular migration, return migration and the lack of substantive rights temporary migrants experience in a receiver society, are factors that render their needs and lack of rights fulfilment hidden and invisible (Pécoud, 2021). Temporary migrants tend to settle in a new society for indeterminate periods of time, mediated by negotiations over work, further education and visas, as well as family and friendship ties. They require a nimble approach of adaptation to fast changing rules, conditions and opportunities.

CONCLUSION AND RECOMMENDATIONS

The circumstances of COVID-19 exacerbated the circumstances of temporary migrants in Australia, highlighting the problems of non-citizenship status. The case of Australia is not unique. However, it serves as a reminder of a number of key contradictions of temporary migration schemes, as temporary migrants are, on the one hand, easily discarded and sent away in times of crisis, yet on the other, relied on to fulfil key work functions – even in times of austerity and crisis such as the COVID-19 circumstances. The continued reliance on the seasonal worker programme is a case in point, as insufficient temporary migrants were in Australia to harvest key crops during 2020. The government has since announced special flights to recruit Pacific Islander migrants for these harvests.¹⁰

We have outlined a number of problems with temporary migration schemes, though more evidence-based research is required. We argue that temporary status creates new realities for individuals and families, including students, problems that do not appear to be part of the calculus of governments in the proliferation of temporary migration schemes. For many temporary migrants, access to fair working conditions and access to healthcare and education in their host country are prevalent problems. States will continue to get it wrong if they persist in seeing the desires of migrants as necessarily antithetical to state self-interest, and will be condemned to playing catch-up to fundamental changes occurring in the world.

The considerable increase in temporary migration raises fundamental questions about relationships between human security, citizenship and human rights. The presence of temporary migrants demands that states clarify the links between such physical presence and any legal entitlement and security claims made by and of the state (Carens, 2013). At a social level, the presence of higher numbers of temporary migrants raises questions of the nature of belonging that may lead to more nuanced appraisals of the means by which individuals negotiate transnational spaces and form networks and communities in both real and virtual space (Tazeiter et al., 2016).

Ultimately, our emphasis in examining temporary migration is on the individuals that take up these schemes. We are interested in understanding the changes in basic rights that result from temporary visas. Yet at the same time, temporary migration schemes offer the state opportunities to reimagine and reconfigure the nexus between needs for workers and the recognition of workers as individuals with specific needs and life plans beyond the traditional model of membership we have briefly outlined. Temporary migration warrants future research

both theoretically and empirically oriented to better understand both the opportunities and potential pitfalls of offering migrants temporary visas in a world still configured through the core value of stasis rather than mobility.

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ENDNOTES

1. <https://immi.homeaffairs.gov.au/what-we-do/education-program/what-we-do/simplified-student-visa-framework>
2. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/repealed-visas/temporary-work-skilled-457>
3. Source: Department of Home Affairs <https://www.homeaffairs.gov.au/research-and-stats/files/temp-entrants-aust-31-dec-2016.pdf>
4. Source: https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2020/June/COVID_and_temporary_migration
5. Source: Department of Education, Skills and Employment, June 2020 <https://internationaleducation.gov.au/research/International-Student-Data/Documents/MONTHLY%20SUMMARIES/2020/Jun%202020%20MonthlyInfographic.pdf>
6. Source: Ferguson and Sherrel, June 2020 https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1819/Quick_Guides/OverseasStudents
7. Source: <https://www.servicesaustralia.gov.au/individuals/news/how-jobseeker-payment-different-jobkeeper-payment>
8. See also latest figures (though only for first quarter of 2020) - https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2020/June/COVID_and_temporary_migration; <https://www.abc.net.au/news/2020-07-24/treasurer-josh-frydenberg-baby-boom-economy-recovery-coronavirus/12489678>
9. <https://www.sbs.com.au/news/australia-s-temporary-visa-holders-remain-locked-out-of-jobkeeper-and-jobseeker>
10. <https://thediplomat.com/2020/08/australia-to-open-travel-corridor-for-seasonal-workers/>; <https://www.abc.net.au/news/2020-08-28/vanuatu-government-fruit-picking-coronavirus-borders-australia/12608080>; <https://www.abc.net.au/news/rural/2020-09-03/vanuatu-workers-arrive-in-darwin-to-pick-mangoes/12621234>

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