

INCREASING MIGRATION AND RETENTION IN REGIONAL AUSTRALIA: **DISPLACED TALENT VISA**

SENATE INQUIRY INTO MIGRATION
IN REGIONAL AUSTRALIA

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Executive Summary

70.8 million people are forcibly displaced worldwide, the highest level of displacement on record. Displacement can simply be understood as an inability to return to a person's country of origin or habitual residence for reasons for persecution, gross violations of human rights, threats to life, freedom or physical integrity arising from armed conflict, serious public disorder, or different situations of violence. Other risks may stem from: famine linked to situations of armed conflict; natural or man-made disasters; as well as being stateless. Being displaced is not synonymous with being vulnerable or a "burden". In fact, many displaced people are skilled but face obstacles in entering and competing in the global labour market.

Meanwhile, skills and labour shortages in Australia are compromising growth, competition and prosperity in regional Australia. The existing local population cannot absorb the increasing need for skilled and semi-skilled workers; moreover, current immigration frameworks and attempts to secure "secondary migration" pathways have not yielded strong results in the regional context. The need to populate regional Australia is set to increase in the coming years with large infrastructure and industrial projects.

This submission will draw on my international research as a 2018 Churchill Fellow; my personal experience as a refugee to Australia; and my professional experience as an immigration lawyer, Registered Migration Agent, and pro bono immigration law advisor to Talent Beyond Boundaries. Evidence will be propounded to support the notion of labour mobility as a complementary pathway to humanitarian resettlement, and the recommendation to establish a Displaced Talent Visa for the benefit of regional employers and communities. Secondary recommendations will be made to further research into other Displaced Talent categories including student and entrepreneur pathways; to mobilise community and existing supports and funding to ensure considered, holistic and culturally sensitive resettlement services to ensure successful integration into regional Australia, which would increase prospects of retention of skilled migrants; and to shift migration into *positive* public discourse.

The aim of this submission will be to address the following Terms of Reference:

- National and international best practice strategies to encourage people to settle and stay in regional areas;
- Strategies to develop regional skilled migration;
- Strategies to develop regional humanitarian migration;
- Local volunteers, employers and community organisations and their role in facilitating regional settlement; and
- Relevant migration policy, including administration and state specific migration mechanisms.

Australia is a country which was built on migration and celebrates multiculturalism and diversity. At a time where regional communities are not reaching their potential due to population and demographic compositions, a natural and logical solution is migration. But, migration with innovation.

Background and Context

People become forcibly displaced when rule of law in their home countries break down by virtue of ethnic and/or religious animosities, acute poverty and deprivation, and environmental factors often linked to climate change; leading to conflict and human rights abuses. Forcibly displaced people then rely on the rule of law of other countries for essential protection, and preservation of human dignity.

The global community – of which Australia is a part – is grappling with how to address the highest level of human displacement on record. This has resulted into the creation of protection mechanisms which apply differently in different jurisdictions. Protection mechanisms may be categorised into two categories: durable solutions and complementary pathways.

1. Durable Solutions
 - a. Resettlement (Traditional Resettlement and Regional Arrangements)
 - b. Repatriation
 - c. Local Integration
2. Complementary Pathways (including Humanitarian Response; Student Scholarships; Family Reunification and Labour Mobility)

Australia has a role to play in offering and supporting all the above protection mechanisms. Through the Australia Aid program, funding is provided for the purposes of repatriation and local integration of displaced populations. Resettlement is facilitated through the Humanitarian Visa Program. Now is the time for Australia to take the lead on innovating complementary pathways which should of course be conceived as the fourth durable solution, specifically, labour mobility.

International Lessons

With the honour of being a 2018 Churchill Fellow, I had the opportunity to travel and research globally on the issue of displacement and the myriad of solutions at local, regional and international levels. The purpose of this international travel and research was to determine “best practices” to introduce into the Australian context. It quickly became clear that in the immigration sphere, a “one size fits all” solution does not exist across countries, across regions, nor across existing legal, social or political frameworks.

My research concludes that when properly operationalised, labour mobility can ease the burden of first receiving countries; give displaced people an opportunity to rebuild their lives; empower private enterprise to benefit from untapped talent; and provide economic benefits to receiving countries whilst allowing third countries the flexibility of migrant selection to achieve independent State outcomes. In this case, the State outcome would be to increase the number of migrants moving to regional areas.

Unseen Realities: First-receiving countries of the conflict in Syria

Lebanon

Lebanon adopted a mostly open border policy towards Syrians between 2011 and 2014. The end of 2014 saw the end of Lebanon’s general goodwill towards Syrian refugees. In lieu, the Lebanese government began to introduce aggressive policies starting with closing the borders. In addition, new requirements were introduced to either force Syrians to pledge that they would not work, or that they would secure a Lebanese sponsor under the “kafala system” and pay for a residency permit every 6 months. Most troubling was that in May 2015, the government officially requested that UNHCR stop registering refugees.



Unofficial displacement camp, Bekaa Valley, Lebanon

Rights of Syrians in Lebanon are not protected by domestic nor international law. Refugees simply exist in Lebanon. Despite not being permitted to work, their access to mobility, education, employment, and healthcare is left to the whim and of, and unfavourable treatment by, political parties and local municipal councils (Geha, Talhouk 2018).



Displaced children, Bekaa Valley, Lebanon

Lebanon is hailed as an international model of resilience for hosting the highest number of refugees per capita in the world. However, the absence of a rights-based refugee policy makes the ‘existence’ of refugees turbulent at best and dangerous at worst, in the sense that basic needs (food, clothing and shelter) are not and cannot be guaranteed.

Jordan

The key challenge in responding to the Syrian crisis from the Jordanian context is that the country’s immigration framework does not contain legislation, regulations or policy on the processing or status of refugees or humanitarian migrants. This is largely due to the fact the Jordan is not a signatory to the Refugee Convention. Instead of specific legal instruments, responses to the Syria crisis have been government by “Guidance by Ministers”.

The lack of structured immigration settings has frustrated refugees who exist in a legal limbo or pathway; the community who do not have assurance that proper checks have been undertaken for refugee admittance; and, more broadly the government who must balance the commitment of hosting such a large number of people, and factors such as infrastructure, employment and economic opportunities, education, health and social support.

Regular and “legal” immigration channels through investment and innovation have remained open to Syrians and has been very successful, for those with means to access these channels.



Zaatari Syrian Refugee Camp, Mafraq, Jordan



Store at Zaatari Syrian Refugee Camp, Mafraq, Jordan

Comparative Country Reflections

In terms of comparative countries, my research on the feasibility and/or existence of labour mobility as a complementary pathway to humanitarian resettlement was compartmentalised into three areas, namely, immigration landscape, settlement supports, and public perception.

<i>Country</i>	<i>Immigration Landscape</i>	<i>Settlement Supports</i>	<i>Public Perception</i>
<i>Canada</i>	Purpose-built labour mobility mechanism: Economic Mobility Pathways Pilot (EMPP) provides evidence for policy development and support implementation of the Global Compact for Refugees. The program aims to identify 10-15 skilled refugees with strong economic potential to settlement in Canada under federal or state skilled programs (permanent visa, with initial entry on temporary visa). At this stage, the EMPP is a buffer between the displaced person and immigration regulations, which sees challenges/ obstacles identified and resolved.	Full newcomer settlement support, including language classes, health care, education, job search, benefits etc.	In general, public perception is very positive towards humanitarian migrants. Canadians are “consumers of refugees” – the very successful Private Refugee Settlement Program has humanised and normalised community reception and integration of refugees.
<i>Germany</i>	Germany is grappling with the phenomenon of “mixed migration” and “changing lanes” whereby unsuccessful (sometimes frivolous, for example from the Western Balkans) humanitarian applicants secure employment and have entitlement to remain in Germany. This is because there are huge labour and skill shortages throughout the country, so a state of “tolerance” prevails. There is a focus on restructuring the country’s immigration program to mirror Australia’s and Canada’s immigration structures. A new skilled visa has been introduced, to take effect in early-2020. It is expected that labour mobility will be facilitate through this new visa. A core challenge will be German’s strict skill validation processes and language requirements, which are mitigated with an employment offer.	Full newcomer settlement support, including language classes, health care, education, job search, benefits etc.	Perceptions change from region to region. There are examples of very positive and successful integration; but also, hostility due to the number of displaced persons without status, purpose and plans. Peak employment and industry bodies are keen to harness the potential of displaced persons to fill skills and labour shortages

<i>Country</i>	<i>Immigration Landscape</i>	<i>Settlement Supports</i>	<i>Public Perception</i>
<i>UK</i>	<p>Political and legal uncertainty is rife in the UK with the looming “Brexit” deadline. Immigration has and will be of vital importance leading up to and beyond 31 October 2019. Once the direction of the country has been defined, immigration policy will be established and with-it new immigration laws. For now, labour mobility is accessible through the Tier 2 program which is comparable to the subclass 482 Temporary Skills Shortage Visa. The key distinction between the two is that the Tier 2 visa is employer-led, with onus of compatibility and compliance a monitoring exercise, not an application feature (for example, “nominations” are lodged with employer declarations in lieu of employment contracts, LMT evidence, MSR evidence etc). The Home Office endorsed the work of IOM and UNHCR in their “Tapping Potential” guide to helping UK businesses employ refugees.</p>	<p>Formal, government settlement supports are limited. A healthcare surcharge is payable on application of the Tier 2 which provides access to the NHS. However, there are a number of civic and professionalised settlement services who ensure streamlined integration.</p>	<p>Public perception on immigration has become ideological – support for migration and refugees, comes from the “Remain” voters; while opposition comes from the “Leave” voters. Notably, 140 local governments have subscribed and moved to become “Cities of Sanctuary”. As a country built on migrants – especially migrant workers – there is public support for labour mobility.</p>
<i>USA</i>	<p>The Trump administration has drastically cut resettlement numbers. The USA, for a long time, had the highest resettlement numbers globally. However, the resettlement program is now on the verge of cessation. Advocacy groups, civic society and the private sector are focused on preserving what remains of the resettlement program. Meanwhile, sweeping reforms are being proposed for the USA’s migrant program to shift majority of numbers from the family stream to the skilled stream. In terms of the latter, supply far exceeds demand, so at this stage prospects for incorporating or introducing labour mobility in the USA’s immigration framework are very low.</p>	<p>Due to the lack of feasibility of labour mobility in the USA in the current context, resettlement supports were not explored in depth. In short, however, permanent residents are entitled to public education, language classes, access to settlement agencies (typically faith-based organisations). Health care in the USA is privatised and often subsidised through employment.</p>	<p>As in the UK, immigration in the USA is ideological. Democrats are typically supportive of immigration, while Republicans are opposed to migrants. Messages about immigration from the “top, down” are negative, misleading and inflammatory, so this has polarised public perception.</p>

Each jurisdiction is faced with unique challenges, and the scope of establishing or integrating labour mobility varies, in form and substance. However, it was agreed by all interviewees as part of this research that labour mobility is not only logical, but necessary.

Case for Support: Labour Mobility as a Complementary Pathway to Humanitarian Resettlement

Labour mobility as a complementary pathway to humanitarian resettlement is the regular, lawful migration of displaced persons to third countries by virtue of assessed skills or employment arrangements, which incorporates resettlement services and addresses protection needs. Almost half of the world's displaced people are of working age. Yet displaced people are often barred from accessing labour markets in their country of asylum due to restrictive residence and work statuses. Further obstacles is their ability to compete in the international market for jobs. The result is an unacceptable waste of human capital.

Precedent exists for positive participation and contribution of displaced persons in labour markets of host countries. Indeed, labour market integration was the *modus operandi* of the earliest iteration of resettlement. The difference between labour market participation through local integration and labour mobility is that the former is reactive (that is, following arrival of displaced persons) whereas the latter is proactive (that is, based on selection and eligibility criteria being met leading to third country admission). In recent history, analysis of labour market participation and contribution in the context of local integration.

Labour mobility is a not new phenomenon. Indeed, post-World War II, Australia in collaboration with the International Refugees Organisation (IRO) administered a labour placement scheme, which specifically targeted refugees. This scheme was designed and used to bring additional work force into the country and ease labour shortages. 2-year contracts for government designated labour with possibility of renewal were issued which benefited 160,000 displaced people through admission to and work in Australia. Workers were ensured paid work, prevented from exploitation and could obtain Australian citizenship after 5 years. These 160,000 displaced people contributed to the development of Australia's resources, basic industries and services. (UNHCR, 2012). Thus labour mobility in a general sense has been tried and tested in Australia, but in today's complex, competitive and globalised world, more sophisticated models of labour mobility must be introduced.

From an economics perspective, Philippe Legrain published an article in the 2016 Organisation for Economic Co-Operation and Development (OECD) Yearbook concluding that 'refugees are not a burden, but an opportunity' when integrated in local labour markets on the basis on 8 dividends of positive labour market integration from an economics perspective, as set out below (Legrain, 2016):

Demand Dividend

- Initial investment of public funds for refugee reception and settlement acts as a small fiscal stimulus.

4D Dividend

- Essential but dirty, difficult, dangerous and dull work such as cleaning, production and manufacturing, and personal care work is often undertaken by displaced persons, allowing local employees to engage in higher-skilled and higher-paid work.

Deftness Dividend

- Highly skilled displaced people (and their children) fill skill gaps and enhance productivity and competitiveness of local workforces.

Dynamism Dividend

- Enterprising displaced persons start business that create wealth, create jobs, create competition within local and global economies, and create trade and investment opportunities where they might not have existed. By way of example, the co-founder of Google - Sergey Brin - arrived to the US as a child refugee from the Soviet Union; and Frank Lowy, one of Australia's most successful businessmen and philanthropists, arrived to Australia as a refugee.

Diversity Dividend

- Displaced people are physically displaced but carry with them their cultural, traditions, experiences and perspectives which can ignite the curiosity and interest of their host communities, thereby increasing diversity. Diverse groups outperform like-minded experts at problem solving. Further, research indicates that people uprooted from one culture tend to be more creative.

Demographic Dividend

- Ageing societies with shrinking local working-age population, benefit from younger displaced persons. As well as complementing the skills of their older, more experienced counterparts, displaced persons contribute to public funding of pensions.

Debt Dividend

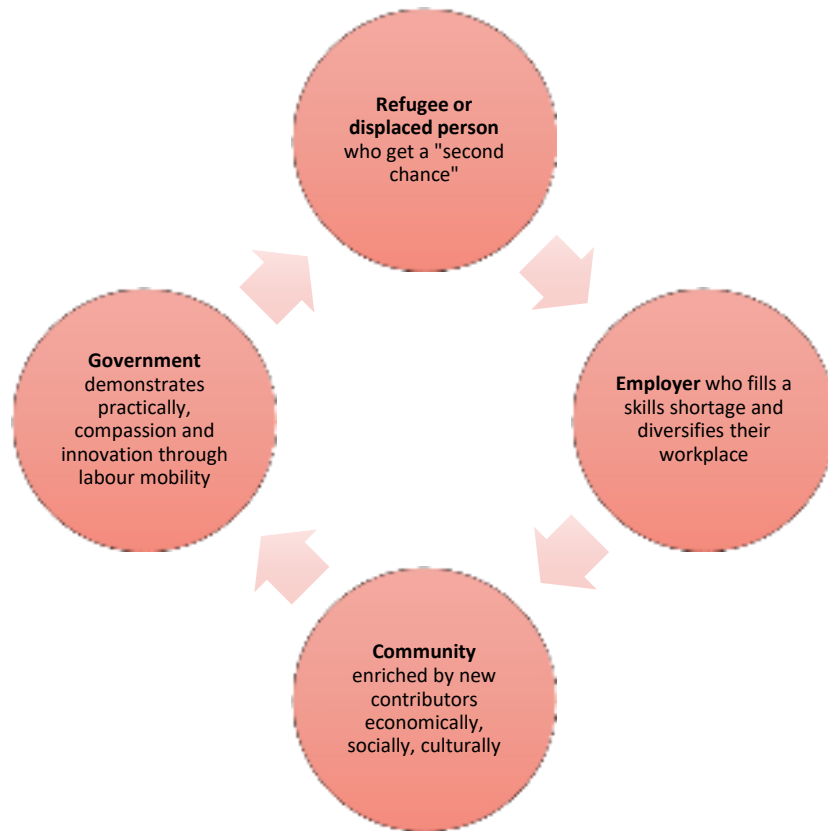
- OECD studies show that migrants in general tend to be net contributors to public finances; in Australia refugees become so after 12 years. Better still, the taxes that refugees pay can help service and repay the huge public debts incurred in many countries to provide benefits for the existing populations.

Development Dividend

- Remittances to first countries of asylum contribute to the development dividend; accounting for 18.5% of GDP in Liberia in 2016.

Evidently, regional communities, industries and economies would benefit for every “Dividend” that flows from the existence of a structured, purpose-built, employer-led labour mobility migration scheme.

Finally, based on research as well as public and political sentiment and rhetoric in Canada which is trialing labour mobility through the EMPP discussed above, benefits of labour mobility are described as the “4 wins”:



It is undeniable that challenges still exist in developing and implementing a labour mobility program. For example, displaced people may not have access to documents – which may make character checks more complicated; employers may have to commit to skills transfer or skills update training; migration pathways would have to be reconsidered to suit the needs of displaced people who may not be exceptionally vulnerable, but nonetheless require resettlement assistance. However, if these challenges are discussed and resolved in design phase, the 4 wins will result.

Spotlight on Manitoba: Regional Canada

The Province of Manitoba is at the longitudinal centre of Canada and borders the Province of Ontario. The Province is renowned for its landscape of lakes, rivers, mountains, forests, and prairies. The biggest cities within the province are Winnipeg and Churchill.

According to the Government of Manitoba, “Manitoba’s labour market conditions are unique, its economy is vibrant, and is strongly positioned to embrace the opportunities and tackle the challenges of the labour market of the future.” The challenges of the labour market can be summed up by the following finding:

The Manitoba economy will see a total of 168,700 job openings between 2018 and 2024, with 66 per cent of these openings to replace worker retirements and deaths. The forecasts predict approximately 24,100 total job openings per year.

It is forecasted the 168,400 new workers will join the labour force between 2018 and 2024 which equates to approximately 24,100 jobs per year. If this is achieved, then (Government of Manitoba, 2018):

- Manitoba’s unemployment rate is expected to remain constant at 5.3 per cent both in 2018 and 2024.
- After adjusting for inflation, Manitoba’s economy is expected to grow by an average of 1.7 per cent annually from 2018 to 2024.
- Manitoba’s labour market is expected to lift hourly labour income by an average of 2.3 per cent annually over the next seven years. Over the same period, this is expected to increase personal incomes in Manitoba by an average of 3.6 per cent annually.

However, this is simply maintaining the status quo. An analysis of the total labour demand in Manitoba has revealed that (Government of Manitoba, 2018):

- Expansion demand (new jobs due to economic growth) is forecasted to create 58,000 job openings (34 per cent of the total). Replacement demand (job openings from retirements and deaths) is forecasted to create 110,700 job openings (66 per cent of the total).
- The occupation group with the most expected job openings is sales and service at 33,300 or 19.7 per cent of the total Manitoba job openings outlook.
- Job openings in business, finance, and administration occupations are estimated at 26,400 or 15.7 per cent; and occupations in education, law and social, community and government services at 23,600 or 14.0 per cent.
- Within the sales and service occupation group, the highest number of job openings is expected for the following sub-groups: cleaners, retail salespersons, and food counter attendants, kitchen helpers, and related occupations.

- For all occupation groups, replacement demand is more prominent than expansion demand over the forecast period. However, in occupations in Health and Sales and Service, expansion demand almost equals replacement demand.
- With regard to educational requirements, of the 168,700 forecasted job openings over the seven-year period, approximately 60 per cent are forecasted to require some post-secondary education and training (ex: college, university, trade certification). The remaining 40 per cent may not necessitate post-secondary training or education, but may have occupation-specific or on-the-job training requirements.

With this context in mind, it is no great surprise that Ben Rempel, Manitoba's Assistant Deputy Minister for Immigration and Economic Opportunities, is excited about cutting-edge immigration innovation such as labour mobility as a complementary pathway to humanitarian resettlement.

Kempel explained that Canada has informally and inadvertently put an economic lens on humanitarian resettlement since the early 2000s with the introduction of the Private Sponsorship of Refugees (PSR) program. Manitoba is statistically the biggest user of the PSR.

Technically, labour mobility in Canada could be simply incorporated and repurposed from the existing immigration stream – particularly PSR and PNP. It was unequivocally stated by Kempel that in their current state Canada's immigration pathways do not fit a labour mobility pathway. He observed that:

- a) From 2010 onwards, the PSR has been constrained by economic criteria, in that funds for sponsorship must be raised by a syndicate of five people or organisations. Displaced persons – especially those who are subscribed to Talent Beyond Boundaries' Talent Catalogue – are more likely to meet criteria of the PSR, but the difficulty is establishing a "syndicate" when, in essence, the sponsor is an employing company.
- b) The employer and skilled pathways that exist in Canada are largely employer driven (as opposed to heavily legislated and regulated), which is the preferred approach; however, this is a problem in the Manitoba context where employers are inherently business conservative. Most would avoid the risk of sponsoring a displaced person based overseas on account of the high stakes associated with costing, time frames, integration and performance of the talent pool. Accordingly, these pathways are not often considered for hiring skilled displaced persons to fill skills shortages. Changes to employer and skilled visas would make this option more appealing to employers in smaller regions.
- c) The creation of a new visa would not be feasible in Canada as labour mobility currently lacks volume. Instead, there should be a focus on "human capital" assessment factors in visa decision making. Based on resettlement experience in the province, which sees settlement and support agencies job-match Syrians' background with job opportunities in Manitoba, Kempel asserts that "if we take the label "refugee" away, human capital can be objective".

At the conclusion of our discussion, Kempel made a comment that on that very day Minister Hussen was speaking on economic pathways for refugees, demonstrating that he is engaged and action-driven. Manitoba will support innovative refugee programs, provided that the mechanism is well developed. “The devil is in the detail,” Kempel cautioned.

Talent Beyond Boundaries: Putting Theory into Practice

Talent Beyond Boundaries (TBB) is a social enterprise putting labour mobility theory into practice. The purpose of TBB is on the one hand to fill skills gaps and contribute to global economic growth, while on the other, delivering a profound humanitarian benefit to refugees and stateless people. The solution is based on skills, and enabled by private enterprise, technology and data. This innovative and employer-led approach offers great potential to contribute to meeting global labour needs.

TBB runs an online ‘Talent Catalogue’ of skilled displaced people in Lebanon and Jordan, on which approximately 15,000 people have registered since July 2016. Registrants on the Talent Catalogue are mainly Syrian, Iraqi and Palestinian refugees as well as stateless people and a range of other displaced nationalities. TBB is also now working with refugees in Kenya through a partner organisation, Refuge Point; with an aim of expanding into other large refugee hosting countries over time. The Talent Catalogue is a rare data source which captures the range of skills currently going to waste in refugee communities which are in high demand across the world – from healthcare professionals to IT workers, skilled tradespeople and engineers.

TBB in Australia is the successor to the ‘Refugee Jobs Marketplace Leadership Forum’, a multi-stakeholder initiative spearheaded in March 2016 by philanthropist John Cameron and involving Amnesty International, AMES Australia, Andrew and Renata Kaldor, the Business Council of Australia, Refugee Talent and others.

In 2018 TBB and Refugee Talent began a pilot in Australia to empower employers to recruit and sponsor skilled refugees. The pilot was initiated with support from the Australian Government’s Minister for Home Affairs, The Hon Peter Dutton MP, and the Department of Home Affairs (DHA). Using a mix of skilled and humanitarian visa pathways and working with a group of high calibre employers including EY, Accenture, Deloitte, John Holland, Harvey Beef, IRESS and Maurice Blackburn, we proved this model can work to meet employer skill needs whilst providing a complementary pathway for refugees to find safety and stability in Australia. So far six displaced workers and their families have relocated to Australia under the pilot (14 people in total), with several more still to arrive.

The missing piece in the labour mobility puzzle is the existence of a purpose-built ***Displaced Talent Visa***. This immigration solution will empower employers to recruit skilled and talented people who happen to be displaced and living under constraints.

It is intended that this submission be read together with the submission provided to the Committee by Talent Beyond Boundaries.

Accessibility & Empowerment



Give displaced persons the tools to make autonomous and independent applications with the support of skilled RMAs. This will essentially require simple, streamlined and electronic application processes.

Employer-led



The parametres of suitability for employment should be employer-led. Not only will this ensure that actual skills or labour shortages are addressed, but that the requirements of the role are assessed by those securing talent, rather than sweeping public policy.

Additionality



Resettlement must continue to focus on assisting the most vulnerable refugees and those with family links in Australia. Duly, complementary pathways must be outside and in addition to Australia's established humanitarian programs.

Displaced Person-Centred Design



The challenges and opportunities that stem from being displaced should be acknowledged. Displaced persons should be central to programme design of the Displaced Talent Visa. Importantly, solutions should be durable (permanent) and flexible.

Settlement & Integration



Robust settlement and supports must be available upon arrival. Monitoring, evaluation, scaling and improvements must be embedded in programming.

Displaced Talent Visa Design

The primary purpose of the Displaced Talent Visa is to fill skills shortages, and mobilise an untapped workforce. For this reason, the ultimate placement of this proposed visa program is with the Skills/ Employer Unit of the Department of Home Affairs. This is the approach taken by Canada's IRCC. To achieve this primary purpose, the proposed program intends to extend access to resettlement services to visa holders which do not typically apply for working visas.

Thus, the Displaced Talent Visa is a hybrid visa, taking more flexible eligibility features from the subclass 482 Temporary Skills Shortage Visa and 189 Independent Skills Program; while taking the resettlement entitlements of the subclass 202 Special Humanitarian Visa.

The use of the word "displaced" is intentional; the definition of being displaced is far broader when compared with "refugee" or "humanitarian". Nonetheless, to be assessed as being a "displaced person", candidates would have to establish that they are in need of "international protection". This notion is conceived by UNHCR as follows:

The need for international protection arises when a person is outside their own country and unable to return home because they would be at risk there, and their country is unable or unwilling to protect them. Risks that give rise to a need for international protection classically include those of persecution, threats to life, freedom or physical integrity arising from armed conflict, serious public disorder, or different situations of violence. Other risks may stem from: famine linked to situations of armed conflict; natural or man-made disasters; as well as being stateless.

Ideally, prima facie categories of displacement would be enacted by legislative instrument to obviate the need for a full or quasi protection determination.

The end goal of Displaced Talent Visa design is to align the program with UNHCR Complementary Pathways Guidelines:

- Accessibility & Empowerment
- Employer-led
- Additionality
- Displaced Person-Centered Design
- Settlement & Integration

Obstacle	Proposed Solution	Commentary
<p>Displaced people may have limited access to documents on account of fleeing persecution or disaster. Further, obtaining documents (such as passports or police checks) may not be feasible in failed States.</p>	<p>Integrate flexible documentary and evidence requirements to meet visa criteria. On account of meeting the “international protection” definition, ImmiCards should be issued as travel documents.</p>	<p>Some flexibilities already exist in the <i>Migration Act</i> for example, PIC4021 passport waiver, or character policy allowing Statutory Declarations to be submitted in lieu of police checks. These should be more codified for this visa.</p>
<p>Displaced people may have limited access to funds.</p>	<p>Draft new sponsorship obligations to ensure that employers are responsible for the costs of visas as well as airfares to Australia.</p>	<p>Further research and analysis should be undertaken to develop a HECS-style loan scheme for incoming visa holders to assist with establishments costs.</p>
<p>Displaced people may not have access to English language testing centres, or achieve results required of other work visas.</p>	<p>Remove the English language requirement and replace with an employer undertaking for English language ability. Alternatively, lower the English language requirement to “functional”, being IELTS 4.5.</p>	<p>Prior to 17 April 2018, English language tests were not mandatory for temporary work visas, therefore this is not a radical solution. English could be assessed at permanent residence stage.</p>
<p>The premise of being displaced is that the visa holder cannot return to their country of origin. While visas may be temporary in the first instance, they must offer a pathway to permanent residence.</p>	<p>One approach could be to mirror the application process for subclass 309/100 or 820/801 Partner Visa whereby the initial application is for both temporary and permanent stage, with onus on the applicant to evidence their eligibility for a permanent visa rather than make a separate application.</p>	<p>Eligibility for permanent residence should not be contingent on employer/ employee relationship due to power imbalance (to be discussed further).</p>
<p>Skills assessments, licensing and registration requirements are onerous for displaced people, because some may be in remote areas, have limited funds, and not have mandatory documents. Displaced persons are also often unable to acquire or maintain professional licences while living in exile, and the ability to maintain a professional license is often used as a standard eligibility requirement by Australian skills assessing bodies.</p>	<p>In line with being “employer-led”, employers could sign undertakings as to skills, with formal skills assessment, licenses or registration requirements to follow at permanent residence stage.</p>	<p>Canada have developed the ‘Facilitating Access to Skilled Talent’ (FAST) online platform as a preliminary skills assessment and information platform for offshore skilled visa applicants. In Germany, the Ministry of Jobs have developed a testing system, which they administer on-the-ground in source countries. Further, in Germany skills validations are exempt at initial visa application if employers undertake to facilitate skills validation within a prescribed time period.</p>

Obstacle	Proposed Solution	Commentary
<p>Due to a potential power imbalance between a displaced person and an employer, there is risk of exploitation – for example, poor working conditions, not paying appropriate wages, debt bondage or improper qualification/ position alignment.</p>	<p>Grant visas with alignment to ‘industry’ in shortage, rather than occupation in shortage. This will allow visa holders the scope to seek alternative opportunities if exploitation arises, which will still service an industry in shortage. Further, this model will allow for progression without delaying permanent residence eligibility.</p>	<p>An example of an industry visa could be “healthcare” with established pathways to registration – that is, entry as a Resident Doctor to General Practitioner through satisfactory AHPRA registration.</p>
<p>A family unit in source countries of displacement are typically not aligned with the definition of “member of a family unit” (MOFU).</p>	<p>Apply the humanitarian definition of MOFU to the Displaced Talent Visa or redefine family unit to apply to relatives dependent on the visa applicant.</p>	<p>It is important to acknowledge that migrating to Australia without parents or siblings who remain in crisis circumstances would impact on the wellbeing of the visa holders. Furthermore, preliminary evidence from Focus Groups at Zaatari Refugee Camp suggests that extending the definition of the family unit would increase participation of female applicants.</p>
<p>By virtue of living in failed states, having limited access to services, or facing nature or man-made disaster, displaced people may require medical attention or access to counselling services.</p>	<p>PIC4007 as it applies to the Humanitarian program should apply to Displaced Talent Visa holders.</p>	<p>It may be necessary to develop a health undertaking/ health waiver mechanism into PIC4007 for public health purposes.</p>
<p>While employment and receipt of a salary are guaranteed, visa holders need initial settlement supports that go beyond the needs of other work visa holders.</p>	<p>Visa conditions should allow access to health services; Adult Migrant English Programs; free access to primary and secondary education, and eligibility for HECS for tertiary education.</p>	<p>Employment is just one piece of the puzzle. For successful integration, targeted settlement supports should be extended to Displaced Talent Visa holders. In addition, resettlement should be considered from the perspective of the receiving community to ensure streamlined processes and managed expectations and perceptions, especially in regional communities.</p>

Operationally, the Displaced Talent Visa may exist as either a sponsored visa, or a points-tested visa.

Sponsored Visa

A sponsored Displaced Talent Visa scheme is comparable to the existing Temporary Skills Shortage Visa, albeit with the above-identified flexibilities engrained into the scheme.

The advantages of operationalising labour mobility through sponsorship include guaranteeing employment for the displaced person; as well as ensuring undertakings and assurances from Australian companies as to the conditions and contributions of such employment.

Given that the premise of this complementary pathway is to lead to a ‘durable solution’, the visa application should be a two-stage visa application; firstly, a temporary residence visa based on fulfilling flexible criteria, and secondly an invitation to provide further information to meet a higher threshold criteria for permanent residence (for example, fulfilling English language requirement and skills assessment, registration and licensing requirements).

Below is a proposed Displaced Talent Visa sponsored scheme:



Points Tested Visa

An alternative approach could be for eligibility for the Displaced Talent Visa shift from an employer and skilled position, to a visa applicant by way of a points test. The minimum points test can be determined for both temporary and permanent stages, depending on the Government’s priorities.

Importantly, unlike the comparable subclass 189 Skilled Visa Programs, a points tested Displaced Talent Visa should require nomination by an employer with undertakings and assurances as to conditions of employment.

Below is a proposed points test for eligibility for the Displaced Talent Visa:

Age	23 – 30	30
	31 – 40	25
	41 – 50	20
	51 - 55	15
Qualification	Doctorate	30
	Masters	25
	Bachelors	20
	Trade Qualification	15
Employment Experience	Over 10 years	20
	6 – 10 years	15
	3 – 5 years	10
English Language Ability	IELTS 7.0	20
	IELTS 6.0	15
	IELTS 5.0	10
Offer of Employment	<i>Mandatory</i>	10
Regional Area	Up to 3 years	20
	Up to 2 years	15
	Intended first resettlement	10

Conclusion

By applying any 'lens' of analysis to labour mobility – whether it be economic, social, global, humanitarian – benefits follow. Filling skills shortages through a managed skilled migration program is not profound; however, allowing equitable access to these programs by displaced persons is innovative. There are risks that come with venturing into uncharted territory, but with a solid evidence base established by TBB's candidates, risks, challenges and obstacles have been identified and can pragmatically be mitigated.

A Displaced Talent Visa should not be introduced only for use in regional Australia. However, concessions and/or "fast tracking" pathways to permanent residence should apply to regional areas. Anecdotal evidence from international academics, practitioners, policy makers and community leaders suggests that migrants are inclined to remain in their first location of third-country resettlement, given their investment in "establishing roots" in their new community, and connectedness to their new home. This, of course, can only be achieved if appropriate and adequate settlement networks and services exist to ensure successful integration.

A successful Displaced Talent Visa program in Australia must start with political and bureaucratic leadership, will and courage. With these as a starting point, an Australian labour mobility framework can be developed with an equal balance of practicality, integrity, compassion and humanity.

ANNEXURE A

Secondary Recommendations

It appears to be consensus that Australia's migration program is globally considered as being a well-structured, predictable yet flexible system which responds directly to political and social will. Compared to the American and German migration programs, the skills and employment focused framework of Australia's migration program is enviable. Given its standing as a fair and progressive developed country, there is an opportunity for the word 'compassionate' to be re-introduced in Australia's migration program settings.

Based on the experiences of comparable countries, the realities of displacement and key public policy settings, I propound the following recommendations:

Revision of government funded resettlement programs to respond to the changing profile of 'humanitarian entrants' with skills and employment offers.

With a call to innovation on visa options, comes a call to innovation on resettlement programs. Resettlement of people in need of international protection who arrive to Australia has largely been the domain of professionalised resettlement bodies. However, holders of the proposed Displaced Talent Visa arguably do not require the breadth of services available to humanitarian entrants so resettlement programs would have to be revised to respond to *actual need* of displaced people. Furthermore, professionalised resettlement bodies may not have a presence in regional Australia so would be unable to provide resettlement support to those in some areas in need of skilled migration.

Put simply, successful settlement and integration will increase rate of retention.

The alternative to institutional resettlement support is community and 'grass roots' resettlement support. This section of the submission will focus on community resettlement support in Canada and the United Kingdom respectively.

Canada: Together Project & Pairity

Craig Damian Smith is the Associate Director of the Global Migration Lab at the Munk School of Global Affairs & Public Policy. His research focuses on irregular migration, displacements, European foreign policy, and importantly for this recommendation, refugee integration.

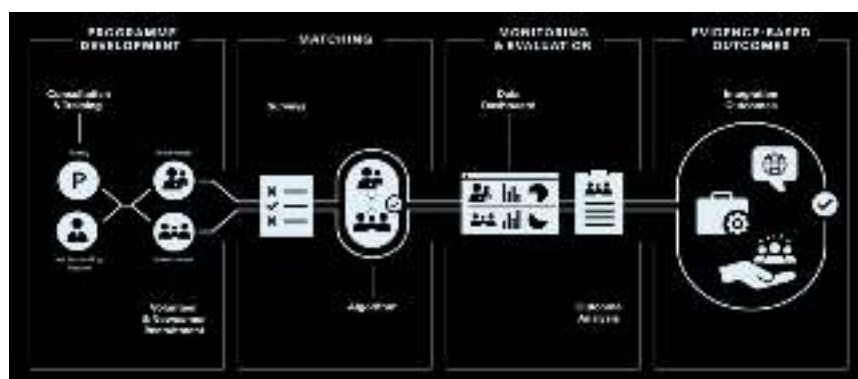
Smith has played a key role in developing two research projects and social movements which are data-driven but human-led. Through his research, Smith observed that in Canada, professional settlement agencies were being over-burdened not only by high numbers of newcomers with varying needs, but by members of the public

offering their time and networks to support newcomers into their networks. This was the milieu which gave rise to Smith’s first project: “Together Project”. In Smith’s words: “We started the Together Project with the goal to create a venue to channel that *will*, to give people that opportunity and connect them meaningfully with others. The project emulated the private sponsorship model but with low barriers to entry in terms of legal and financial requirements. It also gave us the room to give volunteers more training and support than private sponsors normally get.” (Justice and Peace Netherlands, 2019) The idea was simple: help people get housing, find their bearings, and get settled in their communities. Smith highlights: “There’s a lot of people moving into communities, but not a lot of venues for everyday people to meet their neighbours. The project focuses on community events to break down the social isolation that a lot of resettled people face.” (Justice and Peace Netherlands, 2019)

The Together Project joins or coordinates 5 volunteers who form a “Welcome Group”. Each Welcome Group is surveyed to understand individual and group backgrounds and expectations; this is also the case for the newcomer. Data is derived from the survey, and an algorithm is produced to suggest the best “match” of Welcome Group to newcomer. According to Smith, “The algorithm helps us do two things: it lets us try to make the best possible matches without human bias, and it gives us—and I can get academic about it—a set of independent variables from which we can benchmark success and with which we can understand differences in outcomes. It’s empirical validation of what we do.” (Justice and Peace Netherlands, 2019)

But the data and the algorithms are not the driving force behind the success of the Together Project, the volunteers and community are responsible for the positive resettlement outcomes of newcomers.

Pairity is the second project which Smith is involved with and follows this *volunteer – newcomer matching service*. This end-to-end digital platform that administers demographic and preference-ranking surveys to volunteer groups and refugee newcomer households. After meeting inclusion and exclusion criteria, an algorithm uses scoring and randomisation to match newcomers with resettlement volunteers.



Source: Pairity

Pairity is being rolled out in the Netherlands between May 2019 and May 2020. Initially, it is projected that 50 to 60 “matches” will be made by Pairity’s local implementation partner in the Netherlands. Following evaluation, it is expected that Pairity could be scaled in size and jurisdiction.

In the context of regional Australia, communities should be given the mechanism and skills to be welcoming leaders and integrators. Through data-driven but human-led projects as outlined above, resettlement and integration may be less costly, but more effective.

United Kingdom: City of Sanctuary

A leading community-led welcome and resettlement movement in the United Kingdom is ‘City of Sanctuary’. The City of Sanctuary network is part of a mainstream, grassroots movement working towards achieving the overall vision that the United Kingdom should be a welcoming place for people who seek sanctuary.

City of Sanctuary began in United Kingdom in Sheffield in 2005. In 2007, Sheffield became the United Kingdom’s first official City of Sanctuary – a notion which was adopted by Council in 2009. In 2007, 70 local community organisations followed Sheffield’s lead and subscribed to the City of Sanctuary movement. A large wave of support for welcoming and hospitality was fueled by the image of Aylan Kurdi in 2015. Today there are more than 130 local community organisation who are part of the network.

Becoming a City of Sanctuary is not formulaic as newcomer numbers and needs vary across communities. There are however a number of guiding principles:

1. Establishing a strategy on how the city will work to foster inclusion and integration;
2. Gather Resolutions of Support from organisations in the city;
3. Encourage participating organisations to act on pledges of support;
4. Engage with groups across the network to share best practice;
5. Support and work alongside refugees and people seeking sanctuary in the City of Sanctuary group; and,
6. Sustain engagement with local authorities – ideally, leading to local governments motions and declarations that a city has become a City of Sanctuary.

I had the opportunity to travel to Bristol which has been a City of Sanctuary since 2010. The Council’s mission is to “support local organisations and individuals in Bristol and its surrounding areas to uphold Bristol’s long-standing tradition of welcoming and providing safety for all, including people seeking sanctuary fleeing from war, violence and persecution.” (Bristol City of Sanctuary, 2019).

In order to effect their mission, Bristol Council organise events and conferences celebrating sanctuary and maximising integration; raise funds for a ‘transport fund’; lead advocacy projects; and coordinate the dozens of

participating organisations with displaced people who may benefit from their offerings. Most recently, Bristol Council launched the #wearebristol campaign to bring the people of the city together.

The City of Sanctuary model may be one which could be transferred to cities, towns and centres in Australia – especially regional areas – to enhance social cohesion, integration and successful resettlement and integration outcomes.

In sum, the experience of Bristol and other members of the City of Sanctuary network highlight that the ‘benefit of the doubt’ should be given to both host communities and displaced persons to coexist in a mutually beneficial and productive environment where “humanity” is the only applicable label.

Investment in further research into complementary pathways in the new visa program, including for student scholarship and entrepreneurs.

Increasing migration to regional Australia need not be separated into traditional “skilled” or “humanitarian” categories, as this would exclude access and opportunity to large cohorts of displaced people of high potential. In addition to the potential of opening pathways for skilled displaced people to enter Australia and resettle in both regional and metropolitan cities, there should be investment in research and pilot projects to explore the potential of displaced people who are eligible for student scholarships or are entrepreneurs.

It is beyond the scope of this submission to substantiate the need and benefit of student migration or migration of entrepreneurs or innovators. However, Canada and Japan are blazing the trail as third country student scholarship receiving countries; and Germany is exploring migration pathways for entrepreneurs. With investment in qualifying and educating high performers; and empowering innovators through opportunity, it can be surmised that regional communities stand to gain an economic, demographic and social contributor on a long-term basis.

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