

Immigration – A Commitment to Australia: Recommendations

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Recommendations of the Report of the Committee to Advise on Australia's Immigration Policies

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Chairman**

Chapter One

Definitions

1. That the Australian Bureau of Statistics' definition of Asia be revised to exclude the countries west of India, Pakistan and Afghanistan.

Philosophy

2. That the Government affirm its commitment to immigration policies which are non-discriminatory in respect of national or ethnic origin, race, sex or religion, and that this principle be asserted in all relevant published information.

3. That the Government affirm a commitment to an immigration philosophy which will produce as we enter the 21st century such outcomes in society as are outlined in Chapter 1 of the Report, and that immigration philosophy be further developed and refined on this basis and communicated broadly to the Australian community.

4. That immigration policies be developed in the national interest and for all Australians, and that in the philosophy of immigration emphasis is given to Australia, the Australian identity and

commitment to Australia.

5. That immigration be dealt with centrally, to ensure that it is brought properly within the mainstream of government deliberations and dealt with as an aspect of mainstream policy making and strategic thinking on important economic and social issues.

6. That the principle whereby immigration policies are not determined by bilateral relations be reaffirmed, and that we should continue to pursue our international obligations and humanitarian objectives through the established international networks.

7. That immigration not be used to ease the economic or political problems of particular countries or communities, recognising, however, that refugee policies and programs may be based on an assessment of the situation in a particular country.

8. That government develop and explain to the public a rationale for immigration, proceeding from the philosophy outlined in this Report and addressing the contribution of immigration to national economic and social objectives and the link between the two, and the national and international context in which immigration takes place.

9. That the following be adopted as the guiding principles for immigration policies and that they be publicised extensively in the community.

- i. The Australian Government alone will determine who will be admitted to Australia consistent with laws enacted by the Federal Parliament to regulate immigration.
- ii. Only an Australian citizen or holder of a valid resident visa has a right to enter

- Australia.
- iii. Immigration policies will be determined by Australia's national interests as defined by major government policies and strategies for Australia's social, economic and cultural development. Policies will seek a harmony of outcomes between economic and social interests.
- iv. Immigration will respond to the needs of individuals by upholding close family reunion and humanitarian assistance.
- v. In selecting between one individual and another, immigration policy will be non-discriminatory on grounds of race, colour, descent or national or ethnic origin, sex and religion.
- vi. Applicants may be considered for immigration as family units but will not be considered as community groups.
- vii. Immigrants will be required to respect the institutions and principles which are basic to Australian society, including parliamentary democracy, the rule of law and equality before the law, freedom of the individual, freedom of speech, freedom of the press, freedom of religion, equality of women, universal education. Reciprocally, Australia will be committed to facilitating the equal participation of immigrants in society.
- viii. Citizenship will be given due recognition as a symbol of commitment to Australia and its future, and be associated with a requirement to respect Australia's institutions and principles.
- ix. Australia will encourage the entry of visitors to Australia for the purpose of fostering trade and commerce, tourism, cultural and scientific activities and international understanding.
- x. Immigration policies will be determined and implemented in such a way as to maintain and protect the health, safety and good order of Australian society.

Chapter Three

Training/Retraining Obligations

10. That in the adoption and implementation of any of the measures proposed in this Report for the selection of skilled immigrants, there should be concomitant measures, including particularly negotiated arrangements, to ensure that the commitment and the obligation of employers and education authorities to train and retrain Australians are fully and properly discharged.

Chapter Four

Settlement Facilitation

11. That the Department adopt as an objective a shift in priority in settlement services to those who have been here for less than two years, and that the needs of immigrants who have been here for more than two years become the responsibility of other service delivery and appropriate policy departments: Social Security; Health and Community Services; Employment, Education and Training; Industry, Technology and Commerce; and Industrial Relations.

12. That in public spending, priority be given to four areas which the Committee identifies as critical to the settlement process: English, skills recognition and bridging and upgrading, support for women immigrants and interpreting and translation services.

13. That responsibility for adult immigrant education be transferred to the Department of Employment, Education and Training for immigrants who have been in Australia for more than two years.

14. That much greater use be made of distance learning for the teaching of English, in particular by making maximum use of the Special Broadcasting Service (radio and television), including provision of funding for new SBS programs, which should also be offered for use by the ABC and on non prime-time commercial television in regional areas.

15. That resources be made available to allow for 12 months of intensive English as a Second Language for every immigrant child who has the need.

16. That English language programs be an integral part of all appropriate industry restructuring plans which require the skills of workers to be further developed and enhanced.

17. That as a further phase in the current affirmative action legislation, the Government take the necessary legislative action to ensure equal employment opportunities for immigrants in the private sector.

Citizenship

18. That government examine ways of restricting public benefits to non-citizens as a means of enhancing the value of citizenship, beginning with non-survival benefits.

19. That entitlement to sponsor immigrants be limited to Australian citizens, except in instances where those being sponsored are spouses, dependent children, or refugee/humanitarian cases.

20. That citizenship ceremonies be made more meaningful by linking the grant of citizenship with a declaration to respect fundamental institutions and principles in Australian society, and that this declaration be foreshadowed when immigrants are selected.

Possible Citizenship Declaration

- I undertake to respect the laws of Australia and fulfil my duties as an Australian citizen.

- I will endeavour to inform myself about the principles upon which these laws, and related institutions, are based.

- I undertake to accept and respect the institutions and principles of Australian society, including parliamentary democracy, the rule of law and equality before the law, freedom of the individual, freedom of speech, freedom of the press, freedom of religion, equality of women, universal education.

- I undertake to accept and respect the principle of non-discrimination on grounds of race, colour, descent and national or ethnic origin which informs the laws and institutions of Australian society and the immigration policy of Australia and under which I have taken up residence in Australia and thereby become entitled to

Australian citizenship.

21. That a group of eminent Australians be appointed to advise on further ways of making citizenship a more meaningful commitment to Australia and of encouraging its acquisition.

Chapter Five

Time frame and Program Size

22. That planning be in the form of a 10 year rolling forecast. At any one time there should be a fixed intake for the first three years with an indicative intake for the following seven years.

23. That there be a program of 150 000 per annum from 1988/89 until 1990/91. Until such time as the changes to immigration categories and selection have been effected, the program should be in pro rata terms. The first full year at 150 000 would be 1989/90, and this would be maintained for 1990/91.

24. That until the Government assesses that it has the program right, more substantial increases not be contemplated.

25. That the immigration program in the period

to June 1991 be carefully monitored to assess whether the introduction of perspective planning, improved selection, (that is the emphasis on youth, skill and entrepreneurship), and better targeted post-arrival services, has increased the impact of immigration on economic growth and improved Australia's capacity to absorb immigrants.

26. That the composition of the program for the three years from 1988/89 (beginning in January 1989) to 1990/91 be as follows:

- i) Category A (Family Immigration) to remain self-determining, but likely to increase to about 40 000;
- ii) Category B (Refugee/Humanitarian) be increased to 15 000;
- iii) Category C (Open Category) to form the balance of around 95 000.

Chapter Six

Immigration Categories

27. That the immigration program consist of three categories: Family Immigration, Refugee and Humanitarian, and Open.

Family Immigration

28. That the Family Immigration Category be expanded to cover grandparents of Australian citizens, 55 years of age or older, that the job offer requirement be dropped for parents 55 years of age and over, and that parents under 55 be processed in the Open category.

Refugee and Humanitarian Program

29. That the Refugee and Humanitarian category remain as a humanitarian provision to respond to resettlement demands which arise overseas.

30. That two distinct but complementary programs be established for refugee and humanitarian cases. One would be for people

identified by the Australian Government as needing resettlement on humanitarian grounds. The other would be for humanitarian cases identified by community organisations with international agency affiliations and with the capacity to verify such cases and provide settlement support. In all cases, it will remain the responsibility of the Australian Government to decide who will be accepted for resettlement in Australia.

31. That in 1988/89 the government and community programs number a total of 15 000 places, in which there should be a flexible contingency figure. The size of the program should be reviewed after one year and the number of places reduced if the program has not been filled. The Government should pay the travel costs to Australia of a total of 7 500 people, of which up to 1 000 places would be available for agency sponsorship. This latter arrangement should also be reviewed at an agreed time.

32. That funding go to those in most humanitarian need, namely refugees and in-country rescue cases.

33. That the existing Community Refugee Settlement Scheme be expanded to offer support to all refugees including agency sponsored, cases.

34. That from 1988/89 Australia gradually disengage itself from Indochinese resettlement, in line with the decreasing outflow and diminishing number of refugees from Indochina and in the context of positive strategies for solutions to this problem.

35. That the allocations in the refugee program for refugees from different regions in the world cease to be regarded as quotas or targets.

36. That Australia work in multilateral forums towards a separate program of measures, including a legal framework, for the orderly and humane management of mass movements of undocumented migrants.

Open Category

37. That selection for the Open category be based on three fundamental elements:

- a) self-assessment, or the assessment by applicants of their prospects prior to formal assessment, a process which should help to eliminate frivolous applications;
- b) scoring on the basis of factors which reflect Australia's economic, demographic, social and cultural interests;
- c) an order of merit approach which, by taking the top scorers from around the world, selects only enough to meet the proposed size of the program, replacing the present system whereby everyone who scores 70 points or more is eligible.

38. That a task force comprising relevant government, employer and union representatives be established to facilitate the introduction of negotiated arrangements.

39. That the renewal of negotiated arrangements continue to be conditional on the relevant industry demonstrating a record of commitment to training and retraining.

40. That seven groups of factors should form the basis of the selection procedure in the following order of priority: labour market skills; entrepreneurship and special talents; age; language capacity including English as an employability factor; kinship in Australia; links with Australia; attributes of spouse.

41. That tripartite negotiated arrangements (government, employers, trade unions) be central to the allocation of points to different skills under the labour market skills factor. They should largely determine where the skill shortages are and which skills should receive the highest points. These negotiated arrangements should supersede the existing OSS and ENS

sub-categories.

42. That the contribution of people with entrepreneurial skills to Australia's economic development be recognised by awarding a significant number of points for entrepreneurship, including a component on capital transfer insofar as it relates to a business venture.

43. That for business immigrants the grant of Australian citizenship be contingent on provision of proof of a business venture having been set up.

44. That an effective monitoring and auditing system be established to cover both the investment of funds by business immigrants and the activities of accredited business immigration agents.

45. That a greater emphasis be placed on youth in the immigration program, not only because of the demographic argument, but also because of the dynamism and innovation which youthful immigrants can bring to this country. The actual points allocation for age should be determined on the basis of which age groups have the most impact in reducing the median age of the immigrant intake while maximising skill levels.

46. That applicants be able to score on the language factor either by having a knowledge of English, by being bilingual or multilingual or by being proficient in a language of national importance, for example, the language of a major trading partner.

47. That the kinship factor give more points to siblings, adult children, nieces and nephews, parents and grandparents of Australian citizens, and fewer points to more distant relatives. No points on this factor should be allocated to applicants whose kin in Australia are not Australian citizens.

48. That an adjustment be made to the score of applicants on the basis of skills and other relevant attributes of spouses for example, by

the allocation of bonus points.

49. That the highest weightings go to the skills and entrepreneurship factors. People covered by negotiated arrangements should be given maximum points on the skills factor and this should ensure their selection provided they score adequately on the age and language factors. The weightings for entrepreneurship/special talents should be sufficiently high to facilitate the entry of business immigrants and the exceptionally talented, once their eligibility has been established. The age factor should receive the next highest weighting so as to deliver a low median age in the Open category. Language capacity should have the next highest weighting, close in importance to the age factor. The order of priority of the remaining factors, which are of lesser importance than the above, should be kinship, other links with Australia, and attributes of spouses. The latter three factors must be weighted to support the broad objectives of the Open category.

Health

50. That infectious diseases continue to be taken as a basis for excluding immigrants but that applicants with disabilities be assessed in the light of economic and family circumstances and taking account of the public health costs involved in their care and treatment.

Settlement Assessment

51. That the settlement assessment be dropped for all immigration categories.

Eligibility for Sponsorship

52. That entitlement to sponsor immigrants, including through the kinship factor in the Open category, be limited to Australian citizens, except in instances where those being sponsored are spouses, dependent children or refugee/humanitarian cases.

Nexus between Temporary and Permanent Stay

53. That the criteria whereby people temporarily in Australia are assessed for permanent residence be the same as for immigration applicants overseas. Accordingly, the practice of granting resident status to people temporarily in Australia (change of status) should be discontinued, but applications, within all entry categories should be accepted from people while in Australia.

54. That people applying in Australia under the Open category not be permitted to extend their visas pending decisions and not have access to review rights. Sponsors would be entitled to seek review. Anyone who is illegally in Australia by unauthorised stay beyond the expiry of a visa, or by illegal entry, should forfeit the right to apply for immigration while here or be automatically rejected if they have already applied.

55. That existing entry provisions for special need relationships be expanded to cover cases of emotional inter-dependency between an overseas applicant and an Australian citizen, currently dealt with by the grant of resident status provisions. This should include widowed in-laws of Australian citizens (but only those people formerly married to brothers, sisters or adult children of their Australian sponsors) who have young children, and are without family or other means of emotional support in the home country.

56. To deal with temporary residents equitably, that:

- i) spouses and children accompanying parents be permitted to work;
- ii) where the head of the family and/or spouses or children are working and thus paying taxes, the members of the immediate family accompanying parents to Australia should have the same access to education as other Australian taxpayers.

57. That early steps be taken to protect the integrity, of the total immigration program where it might be compromised by the unintended consequences of other government programs, for example, by certain schemes for temporary entrants such as students.

Australia and New Zealand: Immigration Policies

58. That in the longer term, steps be taken to align Australian and New Zealand immigration policies.

Chapter Seven

A Professional Immigration Service

59. That the Department recruit a greater mix of highly qualified staff, including demographers, economists, psychologists, sociologists, statisticians, lawyers, political scientists and business graduates.

60. That proficiency in a language or languages other than English should be emphasised in the appointment of officers to the Department.

61. That there be continued and enhanced commitment at all levels of the Department including Regional Offices to the EEO Program, and to close monitoring of its progress. Indicative numerical targets should be set for representation of women and people of non-English speaking background in key positions in the Department, while ensuring that the merit system continues to prevail.

62. That further efforts be made to increase the representation of women in the immigration service overseas.

63. That the objective of a new approach to the service should be a more professional, more integrated immigration service, from the enquiry counters at Regional Offices, to the operations of our posts overseas, and the provision of policy advice to government.

64. That there be established an independent

Minister's Committee on Immigration with a substantive role in policy formulation.

65. That the proposed Minister's Committee on Immigration be able to draw on a well-resourced research capability through a new and independent body to be called the Bureau of Immigration Research.

Consulting and Planning

66. That every two years there should be an Immigration Outlook Conference, supported by professional papers, with the first conference to be held in late 1989.

Keeping the Community Informed

67. That an integrated and coherent approach to public education be undertaken to dispel community, misconceptions.

Distribution of Staff Overseas

68. That the distribution of staff overseas be related to the number of immigration decisions likely to be made at each overseas post after applicants have been pre-selected.

Providing Better Service to Clients

69. That there be a comprehensive review of recruitment, training and supervision of locally engaged staff, but that where possible and appropriate, Australians living or travelling abroad be recruited as immigration aides at Australian overseas missions.

70. That in any information materials prepared for clients, the Department ensure that due emphasis is placed on the position and rights of women in Australia and on Australia's commitment to giving women the same access and opportunity as men to the immigration process. Where possible, women immigration officers should be available to counsel women applicants.

Immigration Fees

71. That fees continue to be applied to immigration services and be extended to fund services such as the provision of information kits to facilitate self-selection. Fees should be waived in cases of extreme hardship..

Recognition of Qualifications

72. That as a priority' the National Board of Employment, Education and Training take responsibility for developing a strategy to integrate . accreditation procedures within the relevant Federal body responsible for labour market planning.

Chapter Eight

Model Migration Bill

73. That a draft Bill, drawing on the Committee's model, be introduced into Parliament as soon as possible to replace the existing Migration, Act.