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**SUBMISSION 38 - TEMPORARY  
MIGRATION**

**JANE MCADAM**

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UNSW Law  
UNSW Sydney NSW 2052 Australia

E: [unswlrs@unsw.edu.au](mailto:unswlrs@unsw.edu.au)

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**Scientia Professor Jane McAdam** BA(Hons) LLB(Hons) (Sydney) DPhil (Oxford) FASSA FAAL

Director, Andrew & Renata Kaldor Centre for International Refugee Law, UNSW  
Research Associate, Refugee Studies Centre, University of Oxford

Committee Secretary  
Department of the Senate  
PO Box 6100  
Canberra ACT 2600

23 March 2020

Dear Committee Secretary,

As the Director of the Andrew & Renata Kaldor Centre for International Refugee Law at UNSW Sydney, I am pleased to provide a short submission to the Senate Select Committee on Temporary Migration.

The Kaldor Centre is the world's first and only research centre dedicated to the study of international refugee law. The Centre was established in October 2013 to undertake rigorous research to support the development of legal, sustainable and humane solutions for displaced people, and to contribute to public policy involving the most pressing displacement issues in Australia, the Asia-Pacific region and the world.

One of the Kaldor Centre's areas of expertise is mobility in the context of climate change and disasters. In particular, our work examines how well-constructed temporary migration schemes – as one component of a comprehensive migration programme – can provide a safety valve for people who wish to diversify their livelihoods but not move permanently elsewhere, especially where they enable circular mobility. The submission below focuses on this issue.

If I can provide further information, please do not hesitate to contact me at

Yours sincerely,

Professor Jane McAdam  
Director of the Kaldor Centre for International Refugee Law, UNSW Sydney

1. A well-constructed temporary migration scheme – as one element of a broader, comprehensive migration programme – can provide a safety valve for people who wish to diversify their livelihoods but not move permanently elsewhere. This is especially so where the scheme enables circular mobility. As the late Professor Graham Hugo explained: ‘For countries of origin, circular migration can relieve labor surpluses; for destination countries, it can provide the flexibility to quickly overcome skills shortages while adapting to long-term labor market shifts. For migrants, circular migration offers the opportunity to earn higher wages and gain international experience.’<sup>1</sup>
2. That said, it is essential to ensure that temporary migrants are not exploited, and that there are pathways to permanence for those who ultimately wish to remain. Although long-term migration has the greatest benefits over time, ‘[t]he full benefits of migration can only be realized if a variety of migration options is available.’<sup>2</sup> Temporary migration may provide unique benefits for migrants, their home countries, and the Australian community at large. It enables people to experience a new country and way of life, transfer skills and knowledge (both to and from Australia), and enhance Australia’s social, cultural, and economic life.
3. Temporary migration, like permanent movement, is an important risk management strategy which can enhance the resilience of those who move, as well as those who remain behind. It can enable individuals and households to diversify their livelihoods and broaden their networks for financial security. It can increase human and social capital, and access to information and technology. In some cases, it can lead to the creation of new markets and supply chains. It may also alleviate demographic and resources pressures back home, and foster positive development in communities of origin.<sup>3</sup>
4. When it comes to the Pacific, temporary migration can be an effective way to build the long-term resilience of people and communities. Temporary or circular schemes, such as seasonal worker programmes in the agricultural industry, can help to diversify income bases and create more resilient households. In fact, research has shown that the children of seasonal workers are 10–14 per cent more likely to attend school than other Tongan children.<sup>4</sup>
5. In interviews I conducted in Kiribati and Tuvalu, I was told time and again why having the opportunity to work or study in Australia or New Zealand was a positive way of becoming familiar with another country and culture, expanding horizons, knowledge, and skills, and diversifying livelihood opportunities. Temporary work opportunities overseas were seen as providing greater economic security for the whole family, including relatives left behind who could benefit from remittances.
6. As the Lowy Institute has noted, if only one per cent of the Pacific’s relatively small population were permitted to work in Australia, this would bring more benefits to the

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<sup>1</sup> Graeme Hugo, ‘What We Know about Circular Migration and Enhanced Mobility’, Migration Policy Institute, Policy Brief No. 7 (September 2013) 1.

<sup>2</sup> Richard Curtain and others, *Pacific Possible: Labour Mobility: The Ten Billion Dollar Prize* (Pacific Possible, ANU and the World Bank, July 2016) 12 <http://pubdocs.worldbank.org/en/555421468204932199/labour-mobility-pacific-possible.pdf>. For a detailed analysis of possible temporary migration approaches for the Pacific, see 15ff.

<sup>3</sup> See eg Graeme Hugo, ‘Migration and Development in Low-Income Countries: A Role for Destination Country Policy?’ (2012) 1 *Migration and Development* 24; Olivia Dun and Natascha Klocker, ‘The Migration of Horticultural Knowledge: Pacific Island Seasonal Workers in Rural Australia – A Missed Opportunity?’ (2017) 48 *Australian Geographer* 27.

<sup>4</sup> David McKenzie and John Gibson, ‘The Development Impact of a Best Practice Seasonal Worker Policy’, World Bank Policy Research Working Paper 5488 (November 2010) 18.

people of the Pacific than Australia's aid contribution.<sup>5</sup> Given that remoteness from large markets, small market size and weak governance hamper economic growth in the Pacific, enhanced mobility would provide a great economic boost. Furthermore, it is clear that 'Australia has a strong interest in seeing a stable, prosperous, and developed Pacific.'<sup>6</sup>

7. Research on mobility in the context of climate change and disasters shows that migration itself can be a form of adaptation. As disasters become more frequent and/or intense in the Pacific, some displacement is inevitable. Yet, unlike reactive responses to displacement, smart migration policies can provide people with a self-help mechanism. They give people choices and allow them to take control of their own lives. Such policies could include bilateral or regional free movement agreements, training programs that prepare individuals to find work abroad, or the creation of special visa categories for people living in at-risk areas. They could also be premised on giving people in vulnerable circumstances preferential access to existing labour, education, or family visas. In this context, temporary mobility schemes could provide another lifeline (especially in the aftermath of a disaster).
8. The former President of Kiribati, Anote Tong, has described migration as a win-win opportunity for both sending and receiving States alike. By linking it to education and training that can be utilized at home or abroad, it has benefits irrespective of whether people remain in their own country, move elsewhere for a period of time, or migrate permanently. Many experts argue that the individual and structural benefits of migration counter concerns about 'brain drain'.<sup>7</sup>
9. However, it is essential that human dignity is front and centre of any migration policy. Temporary migration is not a panacea. In addition to its benefits, it can disrupt family ties, deplete human resources, and result in remittance dependency. If very large numbers of people move, it may also affect people's sense of identity and belonging. And if people who move temporarily never have the opportunity to formally join the community in which they live, then they may be disenfranchised and under-represented in decisions that affect them on a daily basis.
10. In emergency situations, such as the COVID-19 pandemic, people on temporary visas may find themselves in highly precarious circumstances and require special assistance and protection. For instance, they may be at risk of breaching visa conditions if their employment changes, become highly vulnerable if they cannot afford to pay for rent and provisions for their families, be unable to return to their home country, and be unable to access financial support and medical treatment. Furthermore, there could be significant public health consequences if they continue to work to survive because they have no other means of support.<sup>8</sup>
11. There is also evidence that some temporary migrants are subject to exploitation, including by employers, third parties and even the consequences of restrictive visa

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<sup>5</sup> Leon Berkelmans and Jonathan Pryke, *The Development Benefits of Expanding Pacific Access to Australia's Labour Market* (Lowy Institute for International Policy, December 2016) 1 <https://www.lowyinstitute.org/sites/default/files/documents/The%20development%20benefits%20of%20expanding%20Pacific%20access%20to%20Australia%27s%20labour%20market.pdf>. See also Menzies Research Centre, *Oceans of Opportunity: How Labour Mobility Can Help Australia and Its Neighbours* (Menzies Research Centre, 2016).

<sup>6</sup> Berkelmans and Pryke (n 5) 2.

<sup>7</sup> See eg Hugo (n 3) 28; Hein de Haas, 'Migration and Development: A Theoretical Perspective' (2010) 44 *International Migration Review* 227; Dun and Klocker (n 3) 29.

<sup>8</sup> Sarah Martin, 'Two Million Temporary Visa Holders in Australia Left in Limbo by Coronavirus Travel Standstill', *The Guardian* (20 March 2020) <https://www.theguardian.com/world/2020/mar/20/two-million-temporary-visa-holders-in-australia-left-in-limbo-by-coronavirus-travel-standstill>.

conditions.<sup>9</sup> Self-evidently, exploitation must never be tolerated. However, it must be remembered that exploitation is not an inherent part of temporary migration, but rather something that must be safeguarded against through good policy design and oversight.

12. Finally, future policymaking should be attuned not only to Australia's interests and needs, but also those of sending communities.

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<sup>9</sup> See submission to this inquiry by Bassina Farbenblum and Laurie Berg, section II.