

Committee Secretary

Senate Standing Committees on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Via email: community.affairs.sen@aph.gov.au

26 July 2021

Dear Committee Secretary

RE: Inquiry into the Social Services Legislation Amendment (Consistent Waiting Periods for New Migrants) Bill 2021 (the Bill)

We welcome the opportunity to comment on this Bill.

Founded in 2001, the Asylum Seeker Resource Centre (ASRC) is Australia's largest independent human rights organisation providing support to people seeking asylum.

We are a not-for-profit organisation whose programs support and empower people seeking asylum to maximise their own physical, mental and social well being. We champion the rights of people seeking asylum and mobilise a community of compassion to create lasting social and policy change. We prioritise and embed the voice and rights of people seeking asylum and refugees in our work.

Backed by our community of compassion the ASRC is proud to support and empower more than 7,000 people seeking asylum each year, providing legal assistance, food and material aid, housing support, access to healthcare, casework and access to education and employment programs.

The ASRC is concerned by the amendments raised in this Bill and we endorse the submissions of the Australian Council of Social Services (ACOSS) submission and the Federation of Ethnic and Communities' Councils of Australia (FECCA) to this amendment.

We strongly recommend that this Bill not be passed as it denies people in need access to critical support to raise their family and look after loved ones.

In line with this, we would like to bring the following concerns to the Committee's attention:

1. **People will be forced into poverty and destitution, mainly women and children.** We have just witnessed a real life case study highlighting the devastating impact of withholding access to a safety net to certain groups in our community. Due to COVID19 and lack of safety net for people seeking asylum and refugees, the ASRC saw a three to four fold increase in demand for critical services such as housing, food and material aid. Many of the people coming to the ASRC for help had been working and paying taxes, but as a result of COVID19 had lost their jobs and as they were on temporary visa were not eligible for support such as JobSeeker. This lack of safety net forced people into destitution, homelessness and poverty. If the migrant waiting period was to be extended to as proposed in this bill, the same situation would occur. People who have been working will be forced into poverty and benefits such as JobSeeker, Carer Payment and Paid Parental Leave will be denied simply because the nature of their visa excludes them from a safety

net.

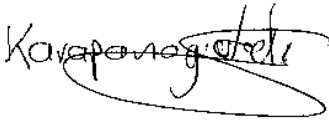
2. **The changes particularly impact women and children as the payments affected are provided to people providing care.** The Department of Social Services expects 45,000 families and 13,200 individuals who are granted a permanent visa on or after 1 January 2022 to lose social security that they would otherwise be eligible for. The people affected would also likely be in low-paid employment.
3. **Access to the welfare payment system should be based on need.** The ASRC's experience shows that the social welfare provided to people in the early stages of migration can be critical, particularly for women struggling with the challenges of employment in a foreign land.
4. **Barriers to employment exist for migrants which will be magnified if benefits are removed.** The ASRC's Employment Program has found that accessing employment in the early stages of arriving in Australia a challenge – due to a range of factors impacting job readiness, lack of local work experience, lack of local networks and language difficulties. There are obvious and far reaching impacts in removing financial support when people are ill-equipped and unprepared to enter or reenter the workforce.
5. **The impact of this bill is longer than four years.** The Government is calling this a 'newly arrived resident wait time'. This is incorrect, the wait time commences only once the person has permanent residency. Many people have worked, lived, and paid taxes in Australia on Temporary Visas for over three years before becoming eligible to apply for a Permanent Visa. They are not newly arrived. These people are eligible and have already applied for Permanent Residency, but due to prolonged processing wait times (often exceeding 12 months) will not be accepted before January 2022. The prolonged pathway to permanency combined with the proposed change will result in migrants without support for their families for approximately eight years.
6. **This will create two classes of people in our community, by excluding migrants from benefits.** Without eligibility for Family Tax Benefits A and B, people migrating to Australia and becoming permanent residents will be effectively paying more to raise their children. We believe in a fair, equal and equitable society and this bill discriminates based solely on people's visa status and arrival date in Australia.
7. **The changes will impact the demand on the social services sector in Australia.** As waiting period to access to the welfare payment system are extended (and in some cases introduced), people may face destitution and homelessness and will turn to the social services sector, placing greater demand on an already stretched sector.
8. **There is a track record of migrants contributing significantly to the Australian economy.** Migrants have resiliently thrived in the midst of adversity and created a home and future for themselves and their families in the Australian community. Unfortunately unforeseen circumstances such as loss of employment, pregnancy & child birth, ill health etc. may lead to destitution if there is no safety net for people to cope with immediate challenge while they transition back into employment.
9. **It is difficult to see how this amendment is in line with human rights obligations such as**
 - a. The right to social security as contained in article 9 under the ICESCR.
 - b. Article 10 which recognizes that 'special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits'.

10. We note that humanitarian entrants and their families will continue to be excluded from the existing and new proposed waiting periods however there are no assurance or safeguards that this will not be extended through further amendmends to humanitarian entrants in the future.

We recommend this bill is opposed in its entirety.

We welcome the opportunity to present at an inquiry. Please contact jana.f@asrc.org.au for further information or clarification of any of the points above.

Yours faithfully



Kon Karapanagiotidis
OAM, Chief Executive and Founder
Asylum Seeker Resource Centre