

Immigration: Building on Integrity and Compassion

Building on Integrity and Compassion - A compassionate immigration program managed with integrity, enjoying the community's confidence, and ensuring that through their commitment, new migrants contribute to building a stronger Australia.

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Executive Summary

The Coalition remains strongly committed to an immigration policy which is wholly **non-discriminatory** on grounds of race, ethnicity, nationality, gender and religion.

Objective **case-by-case assessment** of individual and family applications against clear legal criteria will form the basis for migrant selection.

The Coalition is **committed to restoring the Australian community's confidence in the migration program**. The Coalition will continue to run the program **in the national interest**, so that all enjoy the many benefits that a well-focussed program brings to the country.

While maintaining family reunion and refugee/humanitarian entry as central parts of the program, the Coalition will continue to ensure there is a **balance between non-economic and economic components** of the program.

The Coalition will maintain **English language competency** as a mandatory requirement for migrants entering under all skilled migration categories.

To build a stronger Australia, the Coalition has **increased the level of skilled entry** from less than 30 per cent of the total migration program under Labor, to more than 50 per cent in the first two years of this government.

In government, the Coalition significantly **enhanced the Business Skills category**, attracting 5,800 business migrants in 1996-97, compared to 2,400 in 1994-95. **Business migrants have created on average six new Australian jobs and injected over \$1 billion into the economy** in the last financial year.

In line with a 1996 election commitment to encourage a more balanced **dispersal** of Australia's migrant intake, the Coalition will continue to **ensure that states and territories have every opportunity to attract skilled migrants**. This will enhance regional development and generate a flow-on of employment opportunities.

The Coalition will continue to monitor the effectiveness of the

Employer Awareness Campaign to ensure that only people with proper work rights can gain employment during their stay in Australia.

The Coalition is committed to controlling the movement of people to and from Australia. It committed more than **\$12 million to enhance the integrity of Australia's border control**.

The Coalition introduced initiatives to support Australia's **tourism industry** and will further improve Australia's visa system, while ensuring the integrity of Australia's **border controls** is maintained.

The Coalition has introduced the **Electronic Travel Authority** (ETAs) to 29 countries since its introduction in 1996. More than 54 major airlines and in excess of 20,000 travel agents have asked to access ETAs. More than 70 per cent of all visitors to Australia now come on an ETA. The government **will extend the ETA to Hong Kong and Taiwan in July 1999**, and will investigate other high-volume, low-risk markets.

In government, the Coalition has **improved screening** to deny possible war criminals, people associated with organised crime, and 'gang' members, entry to Australia. The Coalition will reintroduce to the parliament a bill to increase the government's **power to cancel the visas** of people who are of character concern or whose visas were obtained by fraudulent or false declarations.

The Coalition supports the **mandatory detention of illegal immigrants**. The Coalition will minimise detention periods either by removing illegal entrants as quickly as possible or by regularising their status according to the law.

In line with this commitment, the **Immigration Detention Centre** at Villawood will undergo a **major redevelopment** in 1998-99. The upgrade of facilities at the detention centre in Port Hedland also has been completed.

In government, the Coalition will continue to press for legislation to ensure **that access to the courts for review of tribunal decisions be restricted** in all but exceptional circumstances.

The Coalition also is strongly committed to a non-discriminatory **Refugee and Humanitarian program** to help people who have faced serious abuses of their human rights. It will be maintained as a separate program with 12,000 places.

The Coalition will consider economic, social and environmental factors as well as our international obligations before determining

Australia's migration program, which will be designed after **wide-ranging community consultations.**

Labor's Record

In government, Labor was responsible for Australians' loss of confidence in the migration program by the Australian community.

Labor pandered to interest groups and ceased to target the program to the national interest.

Former ALP Minister, the Hon. Barry Jones, said:

"The handling of it [immigration] by the previous [Labor] government was, I'd have to say, less than distinguished. Partly because, I think, it [immigration] was seen as very important, a tremendously important element, in building up a long-term political constituency..."(Among the Barbarians: The Dividing of Australia, Paul Sheehan, Page112)

For 13 years, Labor set **high yearly intakes with little thought or direction,**

- setting aside 70 per cent of the program for family sponsored migration – a category with high and sustained levels of unemployment and welfare dependency compared to other entry categories;
- reducing the skilled categories of the immigration program from a high of around 52,000 in 1989-90 to a low of 18,000 in 1993-94;
- slashing the refugee intake by more than two-thirds while placing an emphasis on the Special Assistance Category, which has a family reunion component, which Labor exploited for political advantage;
- failing to resolve the status of certain temporary entrants, including 5,500 People's Republic of China nationals who entered Australia after the Tiananmen Square Massacre, and
- designing immigration policies and practices which were riddled with abuses and rorts.

Under Labor, there was a high incidence of:

- **protection visa fraud** as applicants could, for only \$30, obtain work

rights, access to Medicare, Asylum Seeker Assistance (if in financial hardship), and prolong their stay in Australia indefinitely, and

- **migration fraud** in the spouse, prospective marriage and interdependency categories. The last year of Labor in government saw the spouse category grow by 32 per cent.

In Opposition, Labor has continued to obstruct efforts to restore the integrity of the program and reduce the incidence of abuse and rorts.

During the last two years, Labor:

- **rejected regulations to prevent Protection Visa applicants from accessing Medicare;**
- **rejected a regulation to recognise English language ability as a valuable skill for migrants entering under a points-tested skill-linked category**
(the government successfully reintroduced the regulation);
- **rejected a regulation to seek full cost recovery of English language tuition charges;**
- **indicated it would oppose legislation to reduce litigation in the immigration portfolio;**
- **rejected a regulation to introduce a two-year temporary entry visa for off-shore spouse applicants**
(Labor realised it had made a mistake and after negotiations, agreement was reached to reintroduce the measure);
- **weakened measures to address spurious applicants in the family stream;**
- **rejected measures to allow the government to determine the number of migrants entering under the spouse category;**
- **rejected a regulation to require the majority of an intending migrant's children to be in Australia before they could be sponsored as a parent under the Balance of Family test, and**
- **rejected a regulation enabling refugees to be reunited with their immediate family under the humanitarian program**

(The government successfully reintroduced the regulation).

Highlights of the government's Achievements

The Coalition has ensured that the migration program was properly administered and structured to deliver the **best outcome for Australia and the Australian community**.

The program is smaller and better focussed on skilled migration (now constituting **52 per cent** of the program), while still ensuring the entry of **genuine family members** (forming **45 per cent** of the migrant intake).

According to an independent study undertaken by the economic consultants Econtech, the Coalition's policies have resulted in an **increase in the skill level** of the Australian workforce. Econtech's *Economic impact of Changes in the Migration Program between 1995-96 and 1997-98* also shows that Australians will be \$95 a person a year better off if the current size and composition of the migration program is maintained till 2007-08. This saving could not be realised if Labor's 1995-96 migration program had remained.

In 1997-98 the Coalition delivered a migration program at 67,100 places, close to its target of 68,000. The humanitarian program was on target at 12,055 places.

To restore confidence in the integrity of the immigration program, the Coalition:

- **saved taxpayers around \$50 million in welfare payments last financial year** by matching data across government departments to identify people who had left Australia and were receiving benefits illegally;
- **introduced regulations to ensure migration sponsors honoured their assurances of support, increasing the health services charge and the Assurance of Support bond;**
- **increased cost recovery from non-humanitarian entrants;**
- **increased cost recovery for English language training from those who can afford to pay;**
- **made English language competency a mandatory criterion** in the selection of skilled migrants;

- **raised the points test for skilled migrants**, thus improving their employment opportunities and ability to contribute to Australia;
- **moved to improve character checking** of entrants to Australia **and increase the government's ability to remove or exclude non-citizens** (ie temporary and permanent entrants) on the basis of bad character or criminal record;
- performed a **major overhaul of the Movement Alert List**, to identify people with serious criminal backgrounds or serious character concerns if they tried to enter Australia;
- **put in place 100 per cent interview rates at many high-risk posts** to ascertain the bona fides of applicants;
- introduced a **two-year temporary visa for overseas spouse applicants to reduce the incidence of 'sham marriages'** and ensure that relationships are bona fide. If the relationship was found not to be genuine, the visa could be revoked;
- **increased bona fide testing to address fraud in spouse, fiance and interdependency migration**, resulting in a 29 per cent decline in the application rate in these categories with average **refusal rates doubling as non-genuine applicants were deterred from 'trying their luck'**;
- **introduced a one-year co-habitation requirement for de facto spouses to sponsor partners**;
- **limited the number of sponsorships an individual can make under the spouse, fiance or interdependent partner categories to two, a minimum of five years apart**;
- **undertook a major review of the Parents' category. Resulting policy changes require new parent applicants to be of retirement age and sponsors to better meet their commitments**;
- **increased the emphasis on migration to regional areas of Australia to help relieve pressure on urban centres such as Sydney and Melbourne, through the introduction of new migration categories:**
 - - the State/Territory Nominated Independent category
 - - the Regional Established Business in Australia category, and

- - the Regional Linked category;
- **resolved the status of certain temporary entrants, including 5,500 PRC nationals, who had entered Australia after the Tiananmen Square massacre;**
- **introduced changes to the Health Assessment Service** including checking all students with visas from high-risk Tuberculosis (TB) areas, an immediate listing on the Movement Alert List of persons deferred from entering Australia because of suspicion of TB and re-examination of all visa issue delegations;
- **limited access to work rights** for people applying for a protection visa, greatly **reducing the number of false applications** by individuals who have no claims but seek to gain work rights (*Unless a protection visa has been sought within 45 days of arriving in Australia, work rights are not granted*);
- **introduced a \$1,000 post-decision fee** for unsuccessful applicants before the Refugee Review Tribunal **to deter frivolous applications** for review of primary decisions;
- **implemented faster processing of illegal immigrants reducing the burden on taxpayers;**
- **introduced legislation into parliament to limit the cost and volume of litigation** on refugee and immigration decisions that have already been considered on their merits by departmental officers and independent review tribunals (*Migration matters currently make up about 65 per cent of the Federal Court's administrative law caseload, at a huge cost to the taxpayer, with a significant number of applicants simply seeking to extend their stay in Australia without legitimate claims*);
- **established a Business Advisory Panel to advise the government on how to be more responsive to business needs;**
- **established 'Business Centres' to service the business community on immigration matters;**
- **undertook a review of the overseas students visa category, which resulted in changes including liberalising restrictions on gazetted countries but increasing the scrutiny of student bona fides;**

- **improved and streamlined permanent and temporary business entry;**
- **introduced The Long Stay Business Visa, which allows genuine overseas business people to obtain visas quickly for periods ranging from three months to four years;**
- **introduced The Australian Business Access card, which gives preferential queuing treatment on arrival and departure from Australian international airports to business people receiving short-term business visas or business ETAs;**
- **restructured** the Department of Immigration and Multicultural Affairs to reflect the **emphasis** that the Coalition places **on program management accountability;**
- **put to competitive tender the provision of detention services** to improve the level of service and contain costs;
- **given the Australian community the opportunity to have direct input into the size, shape and composition of our migration program** through public meetings and an extensive consultation process;
- **maintained a distinct Humanitarian Program** and enhanced its integrity by reducing the number of ‘Special Assistance Category’ programs and increasing the number of places for refugee and humanitarian entrants;
- **enhanced the Migration Agents Registration Scheme** by instituting a statutory self-regulation scheme, and
- launched *Immigration: The Facts* - an information kit which has been distributed around Australia.

Part 1 Immigration Policy

A Building on Integrity and Compassion

Migrants from some 200 countries have helped Australia forge a peaceful and stable liberal democratic society. Almost one-quarter of all Australians was born overseas. More than 2 million came originally from non-English speaking regions.

The Coalition takes pride in our diverse and tolerant nation.

It was a Coalition government that presided over the arrival in Australia of millions of migrants in the 1950s, 1960s, late 1970s, and early 1980's.

Coalition governments opened up large-scale immigration from continental Europe, the Mediterranean, Eastern Europe, the Middle East, and more recently Asia and the Pacific.

The Coalition has resettled millions of people from war ravaged regions around the world.

(i) Key Principles

The pressures on Australia's migration program will become greater. The Coalition will respond to them by administering an immigration program that:

- does not discriminate on the basis of race, religion, gender, nationality or country of origin;
- enjoys the confidence of the Australian community;
- serves the national interest, and
- balances economic, social, environmental and international considerations.

Part 2 Shaping the Migration Program

A Consultation and Selection

The Coalition will administer its immigration program in an open and publicly accountable manner, and strengthen consultative mechanisms.

B The Migration Program

The Coalition will balance the humanitarian, family and economic components of the program.

Migrants will be selected by an objective, case-by-case assessment of applications against clear legal criteria.

Tough bona-fide measures will limit abuse of the program.

(i) Composition and Size

The Coalition reserves the right to vary the level and mix of the immigration program in response to changing economic, social, environmental, political and humanitarian requirements.

The Coalition will examine the recommendations of a commonwealth/state/territory working party, due to report in 1999, which is considering options to increase the number of skilled migrants in regional areas.

The Coalition will continue to ensure that each year's migration targets are not exceeded and will use administrative mechanisms, including capping visa classes, to contain the intake.

(ii) Accountability and Review

To maintain community confidence in the administration of the immigration program, the Coalition will continue to emphasise accountability and procedural reform.

While acknowledging the constitutional guarantee of a review of administrative decisions, the Coalition will curb the number of applicants who seek to abuse the review process, simply to prolong their stay in Australia, by reintroducing legislation in the Senate to restrict access to judicial review in all but exceptional circumstances.

The Coalition also will reintroduce legislation, delayed in the Senate, to streamline the two-tier review process of non-refugee visa decisions to a single review by an independent review agency, the Migration Review Tribunal.

C Family Reunion

Coalition immigration policy, while being focussed on Australia's economic well being, will acknowledge our commitment to the family through family reunion. It also will take account of our international responsibilities for refugee and humanitarian programs.

The Family Reunion program will continue to have as its primary focus the reunion of close family members including spouses and partners, dependent children and orphaned relatives, parents and last remaining relatives.

Applicants in the Skilled Australian-Linked category will have to meet the skill and English language requirements of the independent skilled category though family connection will remain a criterion for

entry.

(i) Bona Fides Testing

The introduction of tough bona fides testing of family entrants has resulted in a dramatic decline of fraud and rorting in this category.

Parent migration will be capped at 2,500 and new measures also will be introduced to give priority to parents supported by family members in Australia.

Serial spouse sponsorship has been significantly curbed. Individual spouse sponsors are now limited to two spouse sponsorships, a minimum of 5 years apart, other than in exceptional circumstances.

(ii) Responsibility

The Coalition introduced measures to begin on 1 November 1998 to increase the Assurances of Support bond. Other measures due to come into effect on 1 November 1998 will ensure that sponsors are more responsible for their undertakings to look after family members they sponsor. The health services charge also will be increased.

Adult dependents of all skilled stream migrants who do not speak functional level English are now required to pay for their English language tuition before receiving a visa.

D Skilled Migration

The proportion of the skilled element in the migration program increased from 32 per cent to 52 per cent in 1997-98. The Coalition will ensure this balance is retained and increased.

Skills in short supply in Australia will be the principal determinant of skilled migrant entry.

(i) Informed Decisions

The Coalition will improve skills recognition and employment prospects information, which is supplied by the Department of Immigration at overseas posts to potential applicants.

(ii) Targetting Skills

Employer nomination, where migrants are guaranteed employment, will be accorded a higher priority for independent skilled entry.

English proficiency will continue to have high priority for permanent skilled and business migrants. In light of Australia's strong international orientation, the Coalition will give greater weight to bilingual and multilingual skills in the points test.

From 1 July 1999 new applicants in these categories will have to be less than 45 years of age, have vocational level English and have a skilled occupation with qualifications recognised in Australia.

Other minimum thresholds also will be established to remove anomalies in the current points test and introduce factors more pertinent to obtaining employment in Australia.

Additional employability factors include the provision of five additional points where the applicant's spouse also meets the threshold requirements for skills, age and English language ability. From 1 July 1998, additional points are awarded where applicants obtain their diploma, trade certificate or degree from an Australian educational institution.

E Business Skills Migration

The Business Skills category encourages successful business people to settle permanently in Australia and develop new business opportunities.

This category is monitored to guarantee only business people of high calibre and character are granted entry, and that businesses actually are established. The minister can cancel the visas of business entrants who do not meet the criteria.

The number of business migrants rose from 2,400 in 1994-95 to more than 5,800 in 1996-97.

Business migrants who have arrived in the last few years have created on average six new Australian jobs and injected over \$1 billion into the economy in the last financial year.

F Regional Migration

To encourage a balanced dispersal of Australia's migrant intake, the Coalition created new regional focussed categories. These included the state/territory Nominated Independent Scheme, the Regional Linked category and the Regional Established Business in Australia category.

In 1997-98, nearly 1,700 skilled migrants were granted visas under the new arrangements, an increase of 65 per cent on the 1996-97 figures. The Coalition will maintain these programs.

G The Refugee and Humanitarian Program

The refugee and humanitarian program will continue to be an essential element of the immigration program under a Coalition government and we shall maintain it as a separate program.

The Coalition reaffirms its commitment to maintain the refugee component of the program.

The Coalition will maintain the current definition of 'refugee', originating from the 1951 United Nations Convention on the Status of Refugees. However, we shall request the UNHCR to re-examine practices for dealing with female asylum-seekers to ensure their claims, especially those involving matters of cultural sensitivity, are fairly and properly assessed.

Part 3 General Administration

The Coalition restructured the Department of Immigration and Multicultural Affairs to better reflect our priorities and placed emphasis on program management accountability.

A Strengthening Border Control

The Coalition is committed to ensuring the integrity of Australia's borders and effective management of movement of people to and from Australia

The Coalition will strengthen enforcement of the provisions for revocation of visas obtained by fraudulent declarations.

The Coalition will ask the Council on Australian Citizenship to investigate options to allow the revocation - without time limitation - of future grants of citizenship on the basis of a false declaration or demonstrable fraud, either at the time of entry or application for citizenship.

B Detention and Deportation

The Coalition supports mandatory detention of illegal immigrants, with release provisions in the event of prolonged detention.

The Coalition will not tolerate blatant queue-jumping. This practice unfairly benefits a minority at the expense of the majority with equal or superior claims to entry.

Illegal immigrants with no just claim to remain in Australia will be removed promptly.

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