

# MIGRANT EMPLOYMENT LEGAL SERVICE

FREE CONFIDENTIAL LEGAL HELP

6 April 2020

The Hon Anne Ruston MP  
Minister for Families and Social Services  
senator.ruston@aph.gov.au

## By email

Dear Minister Ruston,

### Re: Welfare support for temporary visa holders

The COVID-19 outbreak is having a disastrous impact on Australia's workforce. We support the government's recently announced JobKeeper wage subsidy, to help employers retain staff and cushion the economic impact of this crisis.

While temporary stand downs, terminations and redundancies affect every employee in a negative way, we are concerned for those vulnerable and disadvantaged workers who are not eligible for any social security benefits. It is estimated that 1.1 million temporary visa holders are ineligible for JobKeeper wage subsidy or other welfare payments.

The Migrant Employment Legal Service (MELS) began in mid-2019 and is a joint initiative of Redfern Legal Centre, Marrickville Legal Centre, Inner City Legal Centre and Kingsford Legal Centre to provide migrants, temporary visa holders and culturally and linguistically diverse clients across NSW with free employment law advice and representation. The MELS aims to address and remove the systemic barriers that allow for the exploitation of migrant workers across New South Wales.

MELS has expertise in providing employment law advice to migrant workers. We are in a unique position to comment upon the anticipated disproportionate impact of temporary visa holders not being able to access social security benefits during the COVID-19 crisis.

### Temporary visa holders

If temporary visa holders lose their jobs or are stood down because of the impact of COVID-19 on their employer, these Australian taxpayers are not eligible for either the JobKeeper wage subsidy, the Job Seeker payment, or other allowances.

Further, we have concerns that the eligibility requirements for the JobKeeper wage subsidy will actively incentivise workplaces to terminate temporary visa holders and retain only Australian workers.

MELS has been providing employment advice to migrant workers who, with their families, are at real risk of becoming homeless and destitute.



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## Akon's story

Akon\* came to Sydney on a sponsored skills shortage visa to work as a chef for a catering company. After 12 months, his employer told him he was being stood down without pay due to a downturn in business because of COVID-19. His employer told him they could not afford to pay him his accrued annual leave.

Akon came to the Migrant Employment Legal Service for help because he is destitute. He is unable work for another employer without breaching his visa. Although he is willing to work in any role, such as a supermarket shelf packer, his visa conditions prevent him from doing so.

Akon's home country has shut its borders and he cannot return home. He has no way to earn an income in Australia, and no access to benefits. He has very limited savings and fears he will soon go hungry.

\*Name has been changed

Many migrant workers will not be able to work from home. We are advising many clients who have already been stood down and dismissed. The current situation will leave many migrant workers with no income and no social security net. Many of these employees are not able to return to their home countries because they cannot get flights, or because borders have been closed to contain the transmission of COVID19. They have nowhere else to go.

It is in the Australian Government's interest to support these experienced and highly skilled workers. These workers were encouraged by the Australian migration program to come to Australia to fill gaps in the labour market. Now, more so than ever, it is their labour that has become essential. They care for our sick and teach our children. They pick our fresh produce, cook our food, and deliver it to our self-isolating population.

We are asking you to support those workers who have been supporting our economy. We urge the federal government to extend financial support to those on temporary visas.

Yours sincerely,



**Sharmilla Bargon, Employment Law Practice, Redfern Legal Centre**  
**Vasili Maroulis, Managing Principal Solicitor, Marrickville Legal Centre**  
**Emma Golledge, Director, Kingsford Legal Centre**  
**Vicki Harding, Director, Inner City Legal Centre**

