

‘Inanimate Objects’: Human consequences of Australia’s commodified approach to migrant workers during COVID-19

Laurie Berg and Bassina Farbenblum

Abstract

The Australian government has long treated migrant labour as a commodity, a ‘tap’ to be turned on and off in accordance with government or employer perceptions of the labour market. This article examines the Australian government’s policies concerning migrant workers during COVID-19, against the backdrop of its failure to take any meaningful steps to address systemic migrant exploitation over the past decade. It then considers the devastating human consequences of these policies during the first pandemic lockdowns, based on empirical data from over 6,100 temporary migrants collected in mid-2020. The data demonstrate migrant workers’ inability to pay for essential needs (including food and medical care); their lack of access to secure or emergency housing as well as emergency support in the form of cash or food; and their experiences of racism, discrimination, and social exclusion during the pandemic. We conclude that Australia’s commodified approach to migrant workers and acquiescence to exploitation reflected a deeper disavowal of migrants’ humanity and rights. This lens explains the apparent contradiction in which the government first denied or disregarded its legal and moral responsibilities towards them during the immediate crisis posed by the pandemic, while at the same time courting their labour in the context of skills shortages during and after the pandemic.

Keywords: migrant workers, COVID-19, wage theft, exploitation, survey, social inclusion

Suggested citation: L Berg and B Farbenblum, “‘Inanimate Objects’: Human consequences of Australia’s commodified approach to migrant workers during COVID-19”, *Anti-Trafficking Review*, issue 21, 2023, pp. 17-35, <https://doi.org/10.14197/atr.201223212>

Introduction

As much as it's lovely to have visitors to Australia in good times, at times like this, if you are a visitor in this country, it is time [...] to make your way home [...] Australia must focus on its citizens and its residents to ensure that we can maximise the economic supports that we have.¹

And my message to [temporary migrants] is — come on down. Come on down now, because you're wanted to come to Australia... join our workforce and help us in our agricultural sector, in our hospitality sector, and so many of the other parts of the economy that rely on that labour.²

I felt used and disrespected as an individual. The government's remarks ushering [migrants] to go back to their country was offensive and unthoughtful as my country's borders were closed and it was not that easy to just go home. It felt as though I had become a burden suddenly despite contributing to this beautiful country. Moreover, I felt abandoned as the government only offered job keeper support for Australian citizens even though I do the same job and am also a human being who needs money for food, rent, etc. Female, 22, from Mauritius (Victoria, Australia).

The Australian government has long treated migrant labour as a commodity, a 'tap' to be turned on and off in accordance with government or employer perceptions of the labour market.³ COVID-19 revealed that this commodification in fact reflected a deeper disavowal of migrants' humanity and rights. This lens explains the apparent contradiction where the government first denied or disregarded its legal and moral responsibilities of care towards them during the immediate crisis posed by the pandemic, while at the same time courting their labour in the context of skills shortages during and after the pandemic.

The Australian conservative Coalition government was on notice for many years that migrant workers were being systemically underpaid and exploited across numerous industries. It took virtually no steps to change this situation and largely ignored the recommendations advanced by its own Migrant Worker Taskforce in

¹ Prime Minister Scott Morrison, 'Transcript of Press Conference', Parliament House, 3 April 2020.

² Prime Minister Scott Morrison, 'Transcript 43749 | Press Conference – Canberra, ACT', 19 January 2022.

³ B Anderson, 'Migration, Immigration Controls and the Fashioning of Precarious Workers', *Work, Employment and Society*, vol. 24, issue 2, 2010, pp. 300–317, <https://doi.org/10.1177/0950017010362141>.

2019.⁴ It assumed action was not necessary because even under current conditions migrant workers would continue to come to Australia and perform exploitative work on farms and in cafes, factories, and abattoirs.

During COVID-19, the impact of this commodified approach went far beyond enabling the ongoing mistreatment of migrant workers at work and other arenas: it directly caused extreme levels of human suffering and violations of migrants' most basic human rights. The government used the emergency nature of pandemic response measures to justify new policies which hardened the distinctions between temporary migrants and citizens. This included telling anyone who was not a citizen or permanent resident that they should 'go home', coupled with the near absolute closure of borders to temporary visa holders, meaning migrant workers who left could not return. At the same time, the government denied temporary migrants in Australia the financial assistance that was readily available to citizens and residents who lost income during protracted lockdowns. This resulted in a humanitarian crisis that worsened as the pandemic continued.⁵

This article examines Australia's instrumentalist and dehumanised approach to policies concerning migrant workers during COVID-19. It provides an overview of the government's exclusion of temporary migrant workers from income protection during the first lockdowns, against the backdrop of its longstanding acquiescence to widespread migrant worker exploitation. It then considers in detail the devastating human consequences of these policies, based on empirical data from a survey we conducted of over 6,100 temporary migrants in mid-2020.

Finally, it explores the apparent contradiction between excluding them from the same level of support as nationals and telling them to 'make their way home' and, at the same time, declaring many of the sectors in which migrants work as 'essential' and extracting as much labour from them as possible in these industries. Indeed, the government then greatly encouraged their return to Australia when borders reopened. These apparently contradictory attitudes

⁴ The conservative Coalition government established the Migrant Worker Taskforce in 2016 to identify proposals for improvements in law, law enforcement and investigation, and other measures to identify and rectify cases of migrant worker exploitation. The taskforce was a whole-of-government endeavour with the participation of more than ten government departments or agencies. It was established in response to a media scandal involving systemic wage theft among international students in 7-Eleven stores around Australia: A Ferguson, S Danckert, and K Toft, '7-Eleven: Investigation exposes shocking exploitation of convenience store workers', *Sydney Morning Herald*, 29 August 2015.

⁵ E Kinsella, 'International Students in Hardship Due to Coronavirus a "Looming Humanitarian Crisis"', *Advocates Say*, *ABC News*, 17 May 2020.

towards migrant workers are readily understandable, though, as a commodified approach which sought to minimise the fiscal cost of social protection while maximising the potential economic benefits of their labour. The article concludes with recent reflections by political leaders in Australia condemning the previous government's treatment of migrant workers at the onset of the pandemic and instead highlighting the need to move away from a commodified approach to migrant workers to one of social inclusion and shared humanity.

Migrant Worker Exploitation in Australia

Australia does not typically perceive itself as a country with large numbers of migrant workers.⁶ However, while it lacks a formal large-scale 'guestworker' programme, Australia has a de facto temporary migrant workforce comprised of hundreds of thousands of international students (with limited work rights during their studies), Temporary Graduate visa holders (who may work for several years after their studies), seasonal workers from the Pacific Islands and Timor Leste, employer-sponsored workers, Working Holiday Makers, refugees, and people seeking asylum.⁷ It is estimated that there are a further 100,000 undocumented workers (mostly having overstayed tourist visas).⁸ These temporary migrants undertake many of the low-waged jobs performed by migrant workers in other OECD countries. Prior to the pandemic, Australia was home to over a million of these temporary visa holders with work rights (excluding New Zealanders who have unlimited work rights as a result of the historically close relationship between the two countries).⁹ Many had been in the country for extended periods, and had integrated into the Australian community and workforce.

⁶ P Mares, *Not Quite Australian: How temporary migration is changing the nation*, Text Publishing, Melbourne, 2016, pp. 14–16.

⁷ For further information on work rights of different visa categories, see L Berg and B Farbenblum, *As If We Weren't Humans: The abandonment of temporary migrants in Australia during COVID-19*, Migrant Worker Justice Initiative, 2020.

⁸ S Howells, *Report of the 2010 Review of the Migration Amendment (Employer Sanctions) Act 2007*, Department of Immigration and Border Protection, 2011; E Archibald-Binge, 'Inside Horticulture's "Dark Underbelly": The unseen workers propping up the farm industry', *ABC News*, 14 December 2021.

⁹ Data Services Branch, *Australia's Migration Trends 2019–20 Highlights*, Department of Home Affairs, 2020.

Like elsewhere in the world,¹⁰ workplace exploitation of temporary migrants in Australia has been widespread and endemic.¹¹ Systemic wage theft in certain industries, including food services, commercial cleaning, hospitality, horticulture, and various franchises, has been documented for years by parliamentary inquiries, investigations by the Fair Work Ombudsman (Australia's national labour regulator), and academics.¹² In two surveys of more than 10,000 migrant workers we conducted between 2016 and 2019, three-quarters of respondents reported earning less than the legal minimum wage for a casual worker, and one-quarter reported earning less than half that amount.¹³ Exploitation was most severe for visa holders with precarious immigration status who are more vulnerable to mistreatment and less likely to report it.¹⁴ Many also lived in insecure housing situations characterised by overcrowding, exploitative treatment, and overcharging by unscrupulous head-tenants and landlords.¹⁵

The right-wing Coalition government, in office between 2013 and 2022, did little to address this exploitation. Although accepting in principle all 22 recommendations of the government's own cross-departmental Migrant Workers' Taskforce in 2019,¹⁶ it implemented virtually none.

¹⁰ International Labour Organization, *Addressing Governance Challenges in a Changing Labour Migration Landscape*, ILO, Geneva, 2017.

¹¹ Migrant Workers' Taskforce, *Report of the Migrant Workers' Taskforce*, Department of Employment and Workplace Relations, 2019, p. 37.

¹² Senate Education and Employment References Committee, *A National Disgrace: The exploitation of temporary work visa holders*, Parliament of Australia, Canberra, 2016, chapter 8; I Campbell, M Boese, and J-C Tham, 'Inhospitable Workplaces? International students and paid work in food services', *The Australian Journal of Social Issues*, vol. 51, issue 3, 2016, pp. 279–298, <https://doi.org/10.1002/j.1839-4655.2016.tb01232.x>; Senate Education and Employment References Committee, *Corporate Avoidance of the Fair Work Act 2009*, Parliament of Australia, Canberra, 2017, p. 59; J Howe *et al.*, *Towards a Durable Future: Tackling labour challenges in the Australian horticulture industry*, University of Adelaide, 2019.

¹³ L Berg and B Farbenblum, *Wage Theft in Australia: Findings of the National Temporary Migrant Work Survey*, Migrant Worker Justice Initiative, 2017; B Farbenblum and L Berg, *International Students and Wage Theft in Australia*, Migrant Worker Justice Initiative, 2020.

¹⁴ B Farbenblum and L Berg, *Wage Theft in Silence: Why migrant workers do not recover their unpaid wages in Australia*, Migrant Worker Justice Initiative, 2018.

¹⁵ A Morris *et al.*, 'International Students Struggling in the Private Rental Sector in Australia Prior to and During the Pandemic', *Housing Studies*, 2021, <https://doi.org/10.1080/02673037.2021.1961695>; L Berg and B Farbenblum, *Living Precariously: Understanding international students' housing experiences in Australia*, Migrant Worker Justice Initiative, 2019.

¹⁶ Workplace Relations Stream, *Government Response to the Migrant Workers' Taskforce Report*, Department of Employment and Workplace Relations, 2019.

Government Policies in the First Months of COVID-19

Border Closures and Instructions to Temporary Migrants

With a strong undercurrent of nationalism, the measures introduced by the Australian government to curtail the spread of COVID-19 were among the most restrictive in the world. On 19 March 2020, Australia instituted a near-absolute border closure, excluding from entry almost everyone who was not a citizen or resident, to create what the government proudly described as ‘Fortress Australia’.¹⁷ The few citizens, residents, and (even fewer) temporary visa holders who entered Australia were required to isolate on arrival in centralised quarantine facilities for two weeks, at their own expense.¹⁸ On 22 March, the federal and state governments instituted nationwide lockdowns, restricting the movement of all non-essential workers, that were to last almost seven weeks in the most populous states.¹⁹

In early April 2020, Prime Minister Scott Morrison advised anyone who was not a permanent resident or citizen that, if they were no longer able to financially support themselves, it was time ‘to make your way home’.²⁰ This was the case regardless of the number of years they had lived in Australia or the depth of their connections in the community.

A significant number of Working Holiday Makers and other temporary visa holders left in the months that followed. However, many migrant workers remained. Large numbers were unable to leave because borders in their home countries were closed. Many others had become part of the Australian community and could not abandon the investment they had made in their lives, work, and study in Australia, given it was not clear when they might return. In fact, the national border did not reopen for most temporary visa holders until 15 December 2021.²¹ This meant that temporary visa holders who left Australia during COVID-19 were

¹⁷ The Hon. Scott Morrison MP Prime Minister, Senator The Hon. Marise Payne, The Hon. Peter Dutton MP, ‘Border Restrictions’, Joint Media Release, 19 March 2020; See also ‘Fortress Australia Scenario’ in National Skills Commission, *The Shape of Australia’s Post COVID-19 Workforce*, 2020, p. 58.

¹⁸ P Karp and K Murphy, ‘Overseas Arrivals to Australia to Be Quarantined in Hotels for Two Weeks over Coronavirus’, *The Guardian*, 27 March 2020; T Thiessen, ‘Australia Hotel Quarantine: You will pay \$3000-\$5000 returning home, here are state details’, *Forbes*, 13 July 2020.

¹⁹ The Hon. Scott Morrison MP Prime Minister, ‘Update on Coronavirus Measures’, Media Release, 22 March 2020.

²⁰ Prime Minister Scott Morrison, ‘Transcript of Press Conference’, Parliament House, 3 April 2020.

²¹ M McGowan, ‘How Have Australia’s International Travel Rules Changed in Response to Omicron?’, *The Guardian*, 29 November 2021.

not readmitted until this time. Those who had been overseas when the national border was first closed could not return, and new temporary visa-holders could not gain entry.

Financial Social Support Measures

When lockdown measures were introduced in March 2020, the government introduced social support measures for workers, businesses, and the broader community who suffered loss of income as a result.²² The fortnightly unemployment benefit allowance was doubled and available to citizens and residents whose employment was terminated, and new generous payments were made available to citizens and residents who were furloughed during lockdowns.

Despite Australia's relative affluence, temporary visa holders who lost their jobs or were furloughed were explicitly excluded from these public unemployment benefits or wage subsidies (other than New Zealanders who hold special visa status).²³ The prime minister justified this decision by suggesting that inclusion of temporary migrants in support measures would result in fewer resources for residents and citizens.²⁴

Australia's approach was at odds with responses of many other countries that extended wage subsidies and other forms of support to temporary migrants who had been working in their country. For example, in the United Kingdom,

²² See announcement made on 22 March 2020: 'Coronavirus (COVID-19) Information and Support', *Department of Social Services (Cth)*, accessed September 2020 (since withdrawn), <https://www.dss.gov.au/about-the-department/coronavirus-covid-19-information-and-support>; Australian Taxation Office, 'Support for Businesses and Employers', 2022, <https://www.ato.gov.au/general/covid-19/support-for-businesses-and-employers>.

²³ 'Who Can Get JobSeeker Payment', *Services Australia, Australian Government*, 2022, <https://www.servicesaustralia.gov.au/who-can-get-jobseeker-payment?context=51411>; 'Your Eligible Employees', *Australian Taxation Office*, 23 July 2020, accessed September 2020 (since withdrawn). The definition of 'Australian resident' extended to a very small number of temporary visa holders under two small regional work schemes: Skilled Work Regional (Provisional) and Skilled Employer Sponsored Regional (Provisional) visa holders. See 'Residence Rules for JobSeeker Payment', *Services Australia, Australian Government*, 2022, <https://www.servicesaustralia.gov.au/residence-rules-for-jobseeker-payment?context=51411>. See also J-C Tham, 'Why Temporary Migrants Need JobKeeper', *The Conversation*, 7 April 2020. These temporary visa holders worked in industries including food services, hospitality, retail.

²⁴ Prime Minister Scott Morrison, 'Transcript of Press Conference', Parliament House, 3 April 2020.

temporary migrants were eligible for unemployment payments.²⁵ In Canada, temporary migrants with a valid social insurance number could receive CAD 2,000 for a four-week period for up to 16 weeks if they had stopped working for reasons related to COVID-19.²⁶ In Ireland, temporary migrants were eligible to receive up to EUR 350 per week if they became unemployed due to COVID-19.²⁷ In New Zealand, temporary migrants could access the federal ‘Wage Subsidy Scheme’ so long as their employer applied to the scheme, allowing recipients to be paid a flat rate of NZD 585.40 per week for people previously working 20 hours or more per week, or NZD 350 per week for those working less than 20 hours.²⁸ The wage subsidy schemes introduced by the United Kingdom, Ireland, and Canada allowed temporary migrants to receive between 75% and 85% of their weekly average pay if their employers applied to the scheme.

In contrast, Australia entirely excluded temporary migrants from JobSeeker unemployment benefits for those who lost work as a result of COVID-19 and JobKeeper wage subsidies for workers furloughed during lockdowns. One of the only forms of support offered to temporary migrants was the ability, from April, to access the compulsory pension contributions (superannuation) their employers had made while migrants had been working in Australia, which they would otherwise have been able to access upon their final departure.²⁹ In other words, migrants were permitted to access funds they had earned. However, even this measure did not assist the many migrant workers (especially international

²⁵ ‘Guidance: Check which employees you can put on furlough to use the Coronavirus Job Retention Scheme’, *Government of the United Kingdom*, 14 May 2020 (withdrawn 29 October 2021 since the scheme ended on 30 September 2021), <https://www.gov.uk/guidance/check-which-employees-you-can-put-on-furlough-to-use-the-coronavirus-job-retention-scheme>.

²⁶ ‘Frequently Asked Questions: Canada Emergency Wage Subsidy (CEWS)’, *Service Canada, Government of Canada*, 2020, <https://www.canada.ca/en/revenue-agency/services/wage-rent-subsidies/cews-frequently-asked-questions.html>; ‘Canada Emergency Response Benefit (CERB)’, *Service Canada, Government of Canada*, 2020, <https://www.canada.ca/en/services/benefits/ei/cerb-application.html>.

²⁷ ‘Temporary COVID-19 Wage Subsidy Scheme’, *Citizens Information*, https://www.citizensinformation.ie/en/employment/unemployment_and_redundancy/covid19_temporary_wage_subsidy_scheme.html#lb1830; ‘COVID-19 Pandemic Unemployment Payment’, 16 June 2020, <https://www.gov.ie/en/service/be74d3-covid-19-pandemic-unemployment-payment/#how-to-qualify>.

²⁸ ‘Who Can Get a COVID-19 Wage Subsidy August 2021 Payment’, *Work & Income, New Zealand Government*, n.d. retrieved 18 October 2022 (since withdrawn), <https://workandincome.govt.nz/covid-19/wage-subsidy/who-can-get-it.html#null>.

²⁹ The Hon. David Coleman MP, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, ‘Coronavirus and Temporary Visa Holders’, Media Release, 4 April 2020, <https://minister.homeaffairs.gov.au/davidcoleman/Pages/Coronavirus-and-Temporary-Visa-holders.aspx>.

students, backpackers, and undocumented workers) who are paid in cash and whose employers would not have made retirement contributions.³⁰ Indeed, some temporary migrants who had been paid through electronic systems discovered that their employers had never paid these mandatory contributions.³¹

As advocates' outcry increased, at the end of April, one month after the national lockdown began, the Australian government allocated AUD 7 million over a six-month period to the Australian Red Cross to deliver an emergency relief payment to help the most vulnerable temporary migrants meet urgent needs like food, medicine, and crisis accommodation.³² The Australian Red Cross itself acknowledged these one-off payments were likely insufficient to meet the needs of this vulnerable group.³³

Despite growing calls from community groups and public policy experts to address the humanitarian crisis being caused by the denial of support to temporary migrants,³⁴ the federal government steadfastly stood by its policy. Temporary residents continued to be excluded from financial support even after it became clear that the allocation for residents' wage subsidies was substantially underspent.³⁵ Government rhetoric at the time tended to suggest that migrants were to blame for their situation because they had been advised to leave, and Australian taxpayers therefore bore no responsibility for their plight.³⁶

³⁰ Berg and Farbenblum, *Wage Theft in Australia*.

³¹ C Florez, 'International Student Andres Tried to Access His Super but Realised It Had Never Been Paid', *SBS News*, 29 June 2020.

³² See 'Emergency Relief National Coordination Plan', *Department of Social Services, Australian Government*, 2022, <https://www.dss.gov.au/communities-and-vulnerable-people-programs-services-emergency-relief/emergency-relief-national-coordination-plan>.

³³ 'Emergency Relief Support for People on Temporary Visas', *Australian Red Cross*, 30 April 2020, accessed September 2020 (since withdrawn), <https://www.redcross.org.au/get-help/help-for-migrants-in-transition/help-for-migrants-in-transition>.

³⁴ P Whiteford, 'Open Letter to the Prime Minister: Extend coronavirus support to temporary workers', *The Conversation*, 7 April 2020.

³⁵ P Karp, 'Frydenberg Rules out "Wholesale Changes" to Jobkeeper Despite \$60bn Underspend', *The Guardian*, 25 May 2020; J Irvine, 'The \$60 Billion Question: Why did JobKeeper cost so much less than expected?', *The Sydney Morning Herald*, 26 May 2020.

³⁶ Acting Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs Alan Tudge stated on national television news: 'Well, we're giving pretty strong advice, and we're giving pretty firm expectations that the Australian taxpayer, through their government, will support Australians first and permanent residents first. The expectation is that temporary visitors can look after themselves [...] they need to examine their circumstances, their savings, how much super they might have, and make those decisions accordingly'. Interview with Patricia Karvelas, *ABC News 24*, 6 April 2020.

Impact on Migrant Workers

The government made limited efforts to assess the humanitarian impact of the lack of financial support for the hundreds of thousands of temporary migrants who remained in Australia. In June and July 2020, we conducted a survey among temporary visa holders in order to establish large-scale, first-hand empirical data to document and evaluate this impact and to inform government decision-making (the ‘COVID-19 Survey’).

Research Methodology

The survey contained 83 multiple choice questions (participants received subsets of these depending on their responses) and a small number of questions that allowed open answers. The survey was available online in English and Simplified Chinese.

Participants were asked about their experiences during and after COVID-19-related restrictions were introduced. Social distancing restrictions were first imposed on 20 March. In order to be able to compare participants’ experiences during COVID-19 to participants’ lives in Australia before social distancing restrictions were imposed, a number of questions asked participants about their experiences or circumstances on 1 March or after that date.

Almost half (45%) of respondents were notified about the survey by their education provider. Close to a third (29%) heard about the survey from an organisation, by email, newsletter, or in person, and a further 22% found out about it through a community group or organisation on social media. Twelve per cent heard about the survey through family and friends, including 9% through social media.

8,077 individuals entered responses to the survey. Of these, 1,432 responses were removed for a number of reasons,³⁷ leaving 6,105 valid responses. Respondents included 5,047 international students, 251 Working Holiday Makers, 212 Temporary Graduate visa holders, 187 Temporary Skill Shortage (‘TSS’) visa holders, and 44 refugees and people seeking asylum, among others. The survey was anonymous, online, and disseminated via social media, education providers, service providers, and community networks.³⁸ Respondents were nationals of 120 countries, and more than half (54%) were women, with 11 non-binary participants.

³⁷ These were respondents who were not temporary migrants; were under 17 years old; had completed less than 14% of the survey; or were flagged by Qualtrics as multiple entries of the same person (using a Cookies approach).

³⁸ Due to the anonymity of the survey and the impossibility of obtaining a representative sample, there are a number of methodological limitations: see Berg and Farberblum, *As If We Weren’t Humans*.

Why Migrant Workers Stayed

The survey was open to anyone who had been on a temporary visa on 1 March 2020, and 92% of respondents were still in Australia at the time of the survey. The findings revealed that in fact many could not leave Australia: two in five (39%) indicated they could not return home because their country's border was closed or there were no flights to their home country. A quarter (26%) could not return because of high flight costs. Many (56%) reported they stayed because they did not want to risk losing their investment in their stay or studies in Australia or were afraid they may not be able to return (50%). (Respondents could choose multiple reasons for staying.)

As a 28-year-old woman Master's student from Ecuador observed, 'If you are suffering in this country, go home, go home even if the borders are closed, go home we don't care about your visa and how hard you were studying, we just care how much money you can give to the country. I sincerely got amazed about this.'

Impact on Work

On 1 March 2020, 50% of respondents were working in Australia. Over a quarter (28%) of these were working in hospitality, and others were working in administrative or professional roles, retail, commercial cleaning, healthcare and aged care, and as delivery riders; a small number were working in horticulture.

The institution of the lockdown resulted in swift loss of work and extreme loss of income: seventy per cent of respondents either lost their job or most of their hours or shifts. Among those working in hospitality, 85% lost their job. By contrast, migrant workers who were members of a union fared strikingly better in relation to loss of work.³⁹ Loss of work was especially severe among temporary migrants from certain countries. Overall, including those who were not working on 1 March to begin with, 33% of all respondents either lost their job or most of their hours after 1 March. By contrast, 75% of all Nepalese respondents and 52% of all Indian respondents either lost their job or most of their hours. This is explained in part by the fact that these nationalities included larger proportions of respondents who were working on 1 March, and in part by the jobs they held.

For those who continued working, 21% had a reduced wage and 11% did unpaid work. Many reported dangerous and unsafe workplace practices, including inability to socially distance (24%), lack of proper protective equipment (37%), and no access to paid leave if they needed to isolate (86%).

³⁹ Only 38% of these lost their job, and a further 23% reported losing most of their hours, while 24% reported that they kept their job and did not lose any hours.

Impact on Housing and Basic Living Needs

Most respondents (74%) indicated that they needed to work in Australia to support their basic living needs, and many quickly fell into severe financial distress when they lost work or received more limited family financial support as a result of the pandemic. Almost two-thirds (63%) reported that between March and July 2020 they had been unable to pay for at least one essential need. This included rent (48%), food (28%), phone credit/internet (25%), heating/electricity (18%), doctor visits (15%), or essential medicine (10%). This accorded with news reports which documented that ‘some students had been eating once a day and were just trying to survive’.⁴⁰

Many experienced extreme precarity in their living situation. Close to half (42%) reported that for some period between March and July 2020 they had feared homelessness, and 14% of international students reported they had in fact been homeless during that period.

Ninety respondents indicated that they had experienced physical abuse or violence in their home, with 88% of these reporting that abuse started or worsened during COVID-19. A separate survey conducted by Domestic Violence NSW found that 45% of staff providing support to women on temporary visas reported their clients had experienced more violence in the early months of the pandemic.⁴¹ 438 respondents (9%) stated that they had experienced verbal abuse or harassment in their home. Among these respondents, 88% reported that this abuse started or got worse during COVID-19 (52% and 36%, respectively).

Access to Emergency Support

Though the Australian Red Cross and other non-profits provided various limited forms of emergency support, 67% of respondents indicated they had not sought support despite the high levels of need. Among these, close to a third (29%) reported this was because they were worried that their visa might be affected if they indicated they needed this kind of emergency help. This debilitating sense of precarity associated with temporary migration status is consistent with findings in other large-scale surveys we have conducted, which confirmed that visa fears keep migrant workers silent in relation to workplace exploitation, and even tenancy issues and abuse by landlords.⁴²

⁴⁰ L Henriques-Gomes, ‘International Students Turn to Foodbanks as Casual Work Dries up in Second Melbourne Lockdown’, *The Guardian*, 15 July 2020.

⁴¹ ‘Women on Temporary Visas in Crisis Within a Crisis’, Domestic Violence NSW, 2022, <https://www.thirdsector.com.au/amp/women-on-temporary-visas-in-crisis-within-a-crisis>.

⁴² Farbenblum and Berg, *Wage Theft in Silence*; Berg and Farbenblum, *Living Precariously*.

Ongoing Financial Insecurity

Most respondents reported that they believed their financial precarity would likely continue to deteriorate beyond July 2020 as the pandemic continued. One in two survey participants (51%) pointed out they had debt they could not repay, including loans and credit card debt. This included many respondents who indicated they had taken on debt to cover basic costs, and others who found themselves unable to repay pre-existing debts.

Respondents were all asked about their financial outlook for the second half of 2020, and the majority (57%) expected their situation to be somewhat or much worse. This included 56% of refugees and asylum seekers and 58% of international students. Perceptions of financial outlook varied somewhat between nationality groups, and was particularly bleak for some. For example, the proportion of international students who believed their financial situation would be worse in six months rose to three-quarters of Chinese students (74%), Korean students (76%), and Taiwanese students (74%), and two-thirds of Nepalese students (66%). Of all respondents who believed their situation would be worse or much worse, 59% believed that by the end of 2020, they would completely run out of funds (including wages, savings, and family support) to pay for rent, food, and other essential items.

The government of the state of Victoria instituted a second lockdown between June and October 2020. In the following year, Victoria and other states experienced further lockdowns for several months at a time. In each of these, migrant workers either experienced further periods of unemployment, for example, those working in the hospitality sector, or were able to continue to work as ‘essential workers’ in the health and aged care sectors, in supermarkets, and as delivery riders. These different labour market implications for migrant workers led to apparently contradictory attitudes held by the federal government towards temporary migrants in Australia and to inconsistent policies evolving over time.

Evolving Government Policies Throughout COVID-19 and When Borders Reopened

At the same time as the government was excluding temporary migrants from financial support during periods of reduced hours or unemployment during lockdowns, it sought to extract as much labour from them as possible as workers in essential industries which were expanded due to the pandemic and lockdowns. This included sectors and jobs which were unattractive to Australian workers, due to fears of contracting COVID-19. This contradiction was reflected in several changes to visa settings and financial support measures between 2020 and 2022,

as well as a reversal of the previous policy of excluding temporary migrants from financial support packages in 2021.

Early Changes to Visa Rules to Meet Labour Shortages in Essential Industries

In early April 2020, in the context of travel restrictions which prevented migrants from crossing internal Australian state borders as well as border closures in migrants' countries of origin, the government introduced a new COVID-19 visa as a visa of last resort for migrants who were unable to leave Australia upon expiration of their visas. For migrants working in seven 'critical sectors', including agriculture, aged care, and hospitality, and who had evidence of employment, visa holders were given work rights and permitted to remain for up to 12 months.⁴³

Highlighting the value of international student labour to certain essential industries, the 40 hour per fortnight limitation on student visas was progressively relaxed as the pandemic continued. In March 2020, it was relaxed for students working in 'essential services', which included aged care and supermarkets.⁴⁴ From April, this was expanded to students working in healthcare and disability care.⁴⁵ In January 2021, students were permitted to work unlimited hours in agriculture. Advocates had long sought the removal of the work limit for international students because it had resulted in increased vulnerability to exploitation when they breached this visa condition, leaving them at risk of visa cancellation if their employer reported them to Immigration. The government had previously doggedly refused to lift this limit, despite its clear contribution to exploitation, on the basis that it would interfere with students' studies.

Quiet Reversal of Financial Support Exclusion in 2021

In the second year of the pandemic, the government replaced its former COVID-19 support payment scheme for individuals who had lost work during a lockdown ('JobKeeper' payments) with a new national support scheme, the

⁴³ Migration (COVID-19 Pandemic event for Temporary Activity (Subclass 408) visa) Instrument (LIN 22/046) 2022.

⁴⁴ The Hon. David Coleman MP, 'Joint Media Release with Senator the Hon. Richard Colbeck: International students ready to fill critical staff shortages in aged care', *Australian Government*, 2020, retrieved 6 October 2022, <https://minister.homeaffairs.gov.au/davidcoleman/Pages/international-students-ready-to-fill-critical-staff-shortages-in-aged-care.aspx>.

⁴⁵ The Hon. Stuart Robert MP, 'Joint Media Release with The Hon. Alan Tudge MP, The Hon. Greg Hunt MP, and The Hon. Stuart Robert MP, Boosting health and disability worker numbers during the coronavirus', *Former Ministers and Parliamentary Secretaries, Australian Government*; The Hon. David Coleman MP, 'Coronavirus and Temporary Visa Holders', *Australian Government*, 2020.

‘COVID-19 Disaster Payment’ from June 2021. Unlike the JobKeeper scheme, the government extended this new scheme beyond citizens and permanent residents to temporary visa holders with work rights.⁴⁶ This change in approach was implemented quietly and never publicly announced. It occurred against the backdrop of many months of a persistent, highly coordinated national campaign by tens of civil society organisations, unions, churches, and others based on the severe deprivation caused by the government’s exclusion of temporary migrants from the JobKeeper scheme.⁴⁷

However, this change in policy may also have been based on a utilitarian calculation. At that point in the pandemic, the government needed the migrant workers who had remained, and the cost of including them in the scheme was now substantially lower, given hundreds of thousands of migrant workers had already left Australia. Besides, far fewer workers across the country were affected by lockdowns during the second year of the pandemic.

Enticing Migrant Workers to Return When Borders Reopened in 2022

The national border reopened for many ‘fully vaccinated’ temporary visa holders on 15 December 2021.⁴⁸ However, migrant workers were slow to return, contributing to widespread labour shortages in key industries. During 2022, businesses and the Australian public spoke out about the impact of acute labour shortages in horticulture with inadequate number of workers to pick and pack fresh produce,⁴⁹ reduced opening hours in cafes and restaurants across the country that are unable to find staff,⁵⁰ crises in health and care sectors with

⁴⁶ M Kapdor and A Lotric, ‘Australian Government COVID-19 Disaster Payments: A quick guide’, Research Paper Series, 2021–22, 21 January 2022.

⁴⁷ M Riboldi, L Fennis, and M Stears, ‘Strengthening Australian Civil Society: For-purpose sector resilience and capability in crisis and beyond’, University of Sydney, 2022, <https://www.sydney.edu.au/sydney-policy-lab/our-research/strengthening-australian-civil-society.html>.

⁴⁸ This included fully vaccinated skilled sponsored temporary visa holders and international students: M McGowan, ‘How Have Australia’s International Travel Rules Changed in Response to Omicron?’, *The Guardian*, 29 November 2021.

⁴⁹ B Smece, ‘Harvests Could Be Lost If Coronavirus Travel Restrictions Lead to Labour Shortages on Australian Farms’, *The Guardian*, 16 March 2020; N May, ‘Labour Shortages May Cause Farmers to Lose Crops and Consumers to Face Food Price Hikes’, *The Guardian*, 20 October 2021; K Burke, ‘How the Covid Pandemic Exposed Deep Cracks in the Australian Farm Labour Model’, *The Guardian*, 20 November 2021.

⁵⁰ P Karp, ‘As Australian Job Vacancies Double, Which Sectors Are Facing the Biggest Labour Shortages?’, *The Guardian*, 19 July 2022; B Schneiders and B Eder, ‘Why Sydney’s Hospitality Industry Still Struggles for Staff’, *The Sydney Morning Herald*, 28 August 2022.

severe understaffing,⁵¹ and delays in many other service industries accompanied by increased cost of goods and services.

Reflecting on these labour shortages, and the impact of reduced international student numbers on the international education market, New South Wales Premier Dominic Perrottet, then leader of the state Coalition government, observed that it had been a mistake to tell international students to leave Australia during the pandemic.⁵²

Anticipating these labour shortages and a change of public sentiment, as international borders reopened in early 2022, the Coalition government sent an entirely different message to prospective migrants, enticing them to ‘come on down’ and ‘join our workforce and help us in our agricultural sector, in our hospitality sector, and so many of the other parts of the economy that rely on that labour’.⁵³ Continuing to treat migrant workers as a labour commodity, the prime minister qualified that migrant workers were not being invited to join the Australian community, but rather ‘we still need people working in those regional areas. We don’t want them coming off the farm and coming into the city.’

The government then introduced an increasing range of concessions to entice migrant workers to return and fill labour shortages. This included, in January 2022, an expansion of the relaxation of limits on international student work hours to all industries.⁵⁴ This permitted international students to work unlimited hours in hospitality or any other industry suffering labour shortages, and to entice new students to Australia.

Implications of the Government’s Commodified Approach to Migrant Workers

New temporary visa holders were slow to return to Australia once international borders progressively reopened. New temporary migrants did not immediately respond to the incentives that had been introduced to encourage them to come to Australia, just as most international students and skilled workers had not

⁵¹ Treasury, Australian Government, *Jobs and Skills Summit Issues Paper*, 2022.

⁵² A Nilsson, ‘NSW Premier Dominic Perrottet Says It Was a “Mistake” to Tell International Students to Leave Australia During Pandemic’, *News.com.au*, 2 September 2022.

⁵³ Prime Minister Scott Morrison, ‘Transcript 43749 | Press Conference - Canberra, ACT’, 19 January 2022.

⁵⁴ ‘Temporary Changes to Visa Work Conditions for Students and Working Holiday Makers’, *Department of Home Affairs, Australian Government*, 2022, retrieved 6 October 2022, <https://immi.homeaffairs.gov.au/news-media/archive/article?itemId=813>.

immediately taken up the prime minister's suggestion that it was time to 'make your way home' when COVID restrictions began.

Data from our survey indicates that respondents acutely experienced social exclusion and racism as a result of the government's early instrumentalist efforts to turn off 'the tap' of migrant labour.

Experiences of Racism and Social Exclusion

Respondents were asked whether they had experienced racism or discrimination in Australia between March and June/July 2020, and were given an opportunity to provide details of their experiences. Over half of Chinese respondents (52%) and over 40% of nationals of other East Asian and Southeast Asian countries reported that during this time, they had experienced racist verbal abuse or people avoiding them because of their appearance.

Over 1,600 survey respondents took the time to provide open responses sharing personal experiences of verbal harassment, physical abuse, or of being shunned in public spaces, workplaces, and housing from the onset of COVID-19. They described being punched, kicked, shoved, deliberately spat at or coughed on by passers-by, and having eggs, food, rocks, cans, or bottles thrown at them. Many respondents had been subjected to derogatory and xenophobic slurs, including being told they were 'coronavirus', 'fking corona', 'Chinese virus', 'Asian virus', 'Chink virus', 'virus', or 'Wuhan' when walking on the street, commuting on public transport, shopping for groceries, driving, or at work. One Filipina visa holder observed, 'Some Australian citizens made fun of me because I'm Asian. They call me Corona (COVID) virus and even told to go back home'. A 22-year-old Vietnamese student reported that a 'middle-aged man told me to go back to my country. He also coughed near my face on purpose'.

Non-Asian respondents also reported experiences of racism, such as a Cameroonian woman in Victoria who recalled being told 'Africans caused the second wave' in that state. Indeed, respondents of numerous nationalities reported being told to 'get out of Australia'. One German student observed: 'I've been told several times that I should go back where I'm from instead of trying to "milk the Australian economy"'.

Feelings towards Australia in Light of Treatment during COVID-19

The final question of the survey asked participants: *'How do you feel about your treatment by the Australian government during COVID?'* Over 3,000 respondents chose to provide an optional open response, and hundreds specifically referred to the prime minister's speech telling temporary migrants to go home. Many respondents expressed deep distress and anger, and used dehumanising language to describe how Australia had treated them and other temporary migrants. They

shared feelings of worthlessness and abandonment, stating they were treated like ‘we don’t exist’; ‘I didn’t matter’; ‘aliens who don’t belong here’; ‘inanimate objects’; ‘discarded, unimportant, and expendable’; ‘trash’; ‘garbage’; and ‘dirt’.

A large number of respondents felt Australia only valued them as a revenue stream, and many felt used for their cheap labour. An Indian graduate shared that she felt ‘extremely disappointed that we are looked onto as cash cows. [...] Feels like a slap on the face that I wasted my childhood in a place that does not appreciate all the work I have put in for the community/country’. A 27-year-old female student from Uzbekistan observed, ‘Australia welcomes money, not people. When immigrants cannot support themselves because of [the] pandemic, [the] Australian government makes them feel most unwelcome!’

Many respondents indicated that their feelings about Australia changed in light of the discrimination, exclusion, and inequality they had experienced during COVID-19. Well over half (59%) of international students, graduates, and Working Holiday Makers reported they were now less likely to recommend Australia as a place to study or have a working holiday. Among those who personally experienced racism, 71% were less likely to recommend Australia (including 37% who were much less likely to do so, compared with 18% of those who did not report experiencing racism).

Conclusion

The Coalition government did not appear to have learnt any lessons from the human suffering caused by its policies on migrant workers during the pandemic. It also did not acknowledge its hubris in telling migrant workers that they are not part of the Australian community and ‘in times like these’ should go home, assuming they or others would all rush back as soon as Australia needed their labour. Rather, when borders reopened, the government adopted the same instrumentalist approach in enticing new migrants to ‘come on down’, including offering financial incentives such as visa fee waivers, new visa extensions, and unlimited work rights on some visas.

This Coalition government’s dehumanising approach to migrant workers was not inevitable. In May 2022, after nine years in office, it was replaced by a new centrist Labor government. The incoming immigration minister condemned the previous government’s approach to labour migration as ‘a switch to be flipped on and off’.⁵⁵ He observed that an alternative approach was not only possible, but

⁵⁵ The Hon. Andrew Giles MP, ‘Speech at Sydney Policy Lab – The administration of Australian immigration’, *Australian Government*, 25 August 2022, <https://minister.homeaffairs.gov.au/AndrewGiles/Pages/speech-sydney-policy-lab-20220825.aspx>.

in Australia's best interests. He explicitly rejected the suggestion that Australia benefits from 'a contractual, or even mercantile, approach to temporary migration' and the government has committed to addressing 'the exploitation of migrants on an industrial scale'. Neither of these commitments have been met with public opposition. In fact, against the backdrop of this signalling from government, many organisations across the country have jointly called for new visa protections for migrant workers who report exploitative employers.⁵⁶

The dehumanisation and suffering of migrant workers during COVID-19 can be traced to the government's commodified approach to labour migration which treated migrant workers first and foremost as an exploitable resource on tap for the Australian labour market (and in the case of international students, a market for its international education exports). As the large-scale data in this article demonstrates, the pandemic laid bare the government's denial of the humanity of migrant workers as members of the Australian community, and its concomitant disregard for its moral and legal responsibilities to safeguard their basic human rights—approaches that also explain its failure to take any meaningful steps to address systemic migrant exploitation over the past decade.

Laurie Berg is Associate Professor in the Law Faculty at the University of Technology Sydney, and co-Executive Director of the Migrant Justice Institute. Email: Laurie.Berg@uts.edu.au

Bassina Farbenblum is Associate Professor in the Faculty of Law & Justice at UNSW Sydney, and co-Executive Director of the Migrant Justice Institute. Email: b.farbenblum@unsw.edu.au

⁵⁶ L Berg, B Farbenblum, and S Verma, *Breaking the Silence: A proposal for whistleblower protections to enable migrant workers to take action against exploitation*, Migrant Justice Institute Research and Policy Guide Series, 2023.