

Dutton's negligence haunts 2022-23 Migration Program

By *Abul Rizvi*

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(Cartoon by Mark David / @MDavidCartoons)

The allocation for partner (and other) visas may have been increased to clear Peter Dutton's illegally engineered backlog, but the tens of thousands of affected Australians may be waiting a long time for him to apologise, writes Dr [Abul Rizvi](#).

AS [FORECAST](#) in Independent Australia, the Department of Home Affairs (DHA) has announced the [2022-23 Migration Program](#) of 160,000 will increase the skill stream by 30,000 while reducing the family stream by the same amount.

It is able to do this because, over the last two years, it massively increased the allocation for partner visas in order to clear an [illegally engineered backlog](#) under former Home Affairs Minister [Peter Dutton](#). The [Migration Act](#) requires partner visas to be managed on a demand-driven basis.

Without a hint of embarrassment, DHA now [states](#) that the partner visa planning level for 2022-23 is 'demand-driven: estimate not subject to a ceiling'.

It would appear DHA has, at last, made the effort to understand the legislation it administers.

The tens of thousands of Australians and their overseas partners affected by Dutton's decision may be waiting a long time for him to apologise for illegally messing about their lives.

Composition of larger skill stream

DHA says the skill stream will increase from a planning level of 79,600 in 2021-22 to 109,900 in 2022-23.

Within this, the allocation of places for the permanent residence Employer Nomination Scheme ([ENS](#)) will rise from 22,000 to 30,000.

That, in my view, represents good policy as it means [employers are selecting the skills they need](#).

But can such an increase be delivered?

New application lodgements in this category have been steadily falling from 34,966 in 2017-18, when Dutton significantly tightened criteria for employer-sponsored visas, to 24,997 at the end of 2020-21.

On-hand applications fell from 29,844 on 30 June 2018 to 14,379 on 30 June 2021.

Unless there is a very significant increase in employer-sponsored applications during the rest of

2022 and a very substantial speeding up of processing times, it will not be possible to deliver the planning level of 30,000.

That would be a poor policy outcome given the current skill shortages. Some suggested steps the new Government could take to [achieve a larger employer-sponsored outcome](#) are here.

The allocation for the [Skilled Independent](#) category is to be increased from 6,500 to 16,652. While the labour market is strong, this too represents good policy.

The increase can readily be delivered by reducing the currently very high pass mark for this category and increasing the number of people who are invited to make formal applications having already lodged an expression of interest.

But there are risks in pushing this category too far, especially if there is a downturn in the labour market. These migrants will often be the first to lose their jobs and face a four-year wait to access social support.

The allocation for the [Regional](#) category increases from 11,200 in 2020-21 to 25,000 in 2022-23.

This category is comprised of two parts. Firstly, there is an employer-sponsored part which shrunk dramatically when Scott Morrison announced the abolition of the former Regional Sponsored Migration Scheme ([RSMS](#)) with this new more restrictive employer-sponsored category.

In 2017-18, there were 17,003 applications for the former RSMS. By 2020-21, this had fallen to just 3,032 under the new scheme. The number of applications on hand had fallen from 24,362 in June 2018 to 3,144 in June 2021.

Without very substantial reform, very few of the 25,000 places allocated to the Regional category will be through an employer sponsorship — possibly no more than 3,000 visas. That represents a poor policy outcome. This category should be reviewed by the new Albanese Government.

The second part of the Regional category is the [Skilled Work Regional](#) sub-category. This visa requires the applicant to be sponsored by an eligible relative in regional Australia.

In 2020-21, 10,675 visas were granted in this category and there were 18,070 applications on-hand. The planning level in 2022-23 is likely to be close to 22,000.

It is thus quite likely 22,000 visas can be delivered. But that is also high risk if there is a downturn in the labour market, as these migrants also face a four-year wait for social support.

While these migrants may have some support from relatives in Australia, compared to the Skilled Independent category, these migrants are also likely to be older, less likely to have an occupation in demand and have weaker English language skills.

The allocation for the state/territory nominated category is to increase from 11,200 in 2021-22 to 20,000.

This is also good policy as states/territories have a better understanding of the skills needed in their jurisdiction than the Commonwealth. There is more than sufficient demand to fill the additional places allocated to state/territory governments.

In recent years, most state/territory governments have required that the people they nominate either already hold a job in their jurisdiction and/or have a lengthy job contract, often of 12 months.

This approach ensures a positive outcome but also means they tend to nominate from temporary entrants already in Australia, mostly former students. The key is to better guide overseas students into courses linked to long-term demand in Australia. This is another area of policy the new Government should review, including the abolition of the [Genuine Temporary Entrant](#) requirement.

In 2022-23, state/territory governments will start to nominate more migrants from offshore who have a job contract in the relevant jurisdiction.

But if there is a downturn in the labour market, state/territory governments will pull back on the number of migrants they nominate.

For the Business Innovation and Investment Program ([BIIP](#)), the allocation has been reduced from 13,500 in 2021-22 to 9,500 in 2022-23.

The rationale for the reduced allocation has not been made public given that the backlog of BIIP applications has increased from 18,672 in June 2018 to 31,813 in June 2021. This is another example of Dutton's negligence.

The new Labor Government will need to consider long-term policy for the BIIP. As I [wrote back in 2018](#), this visa should focus on encouraging the establishment and/or running of actual businesses, not passive investment. The latter just becomes a buy a visa scheme which is substantially open to rorting.

The allocation for the [Global Talent Independent](#) visa has been reduced from 15,000 in 2021-22 (an allocation that is highly unlikely to be delivered due to the extent the legal criteria would need to be watered down) to 8,448 in 2022-23.

This is a [very high-risk visa](#) and represents poor policy.

There would be merit in the new Federal Government scaling this visa back even further and ensuring there are strong safeguards against the risk of corruption arising due to the highly subjective nature of the requirements.

Other visa allocation issues

Three issues not addressed in the 2022-23 planning levels are:

1. Parent Visas

Whether the new Government will seek to further increase places for permanent parent visas given the backlog, including the onshore backlog. It is more likely the Government will look to developing [better temporary parent visa policies](#) rather than

increase the allocation of places for permanent parent visas (although the pressure to increase permanent parent visa places will be intense).

2. Visas for Pacific Island workers

Places for the [3,000 permanent visas for Pacific Island workers](#). It may take time to develop detailed policies on this proposal and hence no need for places in 2022-23.

3. Temporary Protection Visas

Places for the almost 20,000 people in Australia on temporary protection visas. The new Government has committed to providing this group with a pathway to permanent residence. It is not clear if this pathway will be via the migration program or the humanitarian program. There is then of course the issue of the other legacy boat arrivals who have been refused a visa (around 10,000, including the [Biloela family](#)) and another [100,000 asylum seekers](#) in Australia who arrived since 2015. There have been no policy announcements for this group from any of the major parties.

These and related issues may be addressed when the Albanese Government announces the October 2022 Budget.

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