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A Migration System for Australia's Future Review**

Submission: Intersectional Gender Equity and Australia's Migration System

Since 1992 all jurisdictions and many research and academic institutions have described the inequities in our skills system and structures including our skilled migration system.

It is time for systemic and structural change to address this issue once and for all.

At the time of this submission, the Australian Government has many review processes and investigations underway around and the systems that are influenced by it, and impact it. Including this review that is focused on how to address the challenges in our migration system to support Australia's skill needs we have:

- Federal Treasury – Employment White Paper Terms of Reference
- Quality Reforms – Draft revised RTO standards
- Australian Skills Guarantee
- Qualification Model Reform (closing March 2023)
- VET for Secondary Students Reforms (still ongoing)

And finally, the Industry Consultation and Advisory mechanisms are (as we prepare this submission) in the process of being finalised, which will result in a significant restructuring of the mechanism of industry leadership, transfer of knowledge and skills of the training package development process and, re-codifying of various characteristics of Skills Councils, Sector Skills Organisations and Skills Organisations that have been in use for more than a decade.

In addition to this the House of Representative Standing Committee on Employment, Education and Training has announced an inquiry into the "Perceptions and Status of Vocational Education and Training" due to be completed in March 2023.

**We know from past practice of not only this sector but from others (such as community services, disability services, etc) that multiple requests for input across many small parts of policy and practice, a) cause a significant burden to the skills and education sector as they have to provide responses often unfunded and through additional work hours - this is multiplied for the input on gender and equity - and, b) will result in poorer outcomes as the atomised approach does not address coherently the strategic issues at hand.**

This atomised approach to reform, will significantly impair the impact and potential benefit for Australia, our national productivity and the workers and stakeholders/clients of the national skills system.

**It is time to stop tinkering around the edges with the issue of inequity in Australia's skills system.**

If the Australian Government is serious about making transformational change to address skill shortages, our national productivity, and the barriers to participation in our labour market then, it must follow the evidence and address inequity in our Australian skills system including our skilled migration policy.

## A note on Skill

Women in Vocational and Adult Education is the only national organisation to generate debate, advocate for, and provide advice and evidence for the gendered reality of our national vocational and adult education system. Our work seeks to emancipate skills and labour of Australian workers and potential workers, by enabling our skills system to be intersectional and gender equitable.

Drawing upon the work of Anne Boucher from the University of Sydney we highlight that the definition is highly variable and culturally contextual. As Boucher demonstrates:

*...a validity check undertaken .. of .. occupational measure demonstrates that of a survey sample of twelve million immigrants in the United States, only 665,000 qualify as highly skilled on the basis of occupation alone, while ten million qualify as highly skilled when education is utilised as a proxy.. (demonstrating that) the way in which 'skill' is defined will have immediate implications for who is accepted and who is rejected under skilled immigration selection policies.*

Anna Katherine Boucher (2019): *How 'skill' definition affects the diversity of skilled immigration policies*, Journal of Ethnic and Migration Studies

In the case of Australia, we have an occupationally focused model, identified mainly through an Occupation List whose design process is at best described as opaque to many<sup>1</sup>. The trend towards employer-determined model reinforces the gendered drivers of inequity through our migrant system and perpetuates inequality.

*...evidence suggests that models such as these that select on the basis of employer-determined attributes contribute to different gender and ethnicity outcomes than when a government-administered general human capital points tested is applied. Generally, within the employer-sponsored visa categories, there is a much stronger preference for applicants from English-Speaking Background countries than for the permanent points-tested visas that is principally administered by government ..*

Anna Katherine Boucher (2019): *How 'skill' definition affects the diversity of skilled immigration policies*, Journal of Ethnic and Migration Studies

## A note on Family Violence

WAVE notes the discussion papers call for a strategy for a migration system for Australia that "take social licence into account". WAVE argues that one of the key aspects that will impact the trust and confidence that the community has in its migration system is its capacity to address risks to the perpetration of family violence.

In March 2020, the Multicultural Centre against Family Violence (InTouch) released a position paper that called out the reality of women who are in Australia on a variety of visas including spousal/partner visas, skilled workers, or dependents of those on skilled worker visas, student visas or dependents of those on student visas and tourist/visitor visas. Through their long and in depth experience and backed up by evidence, InTouch reports that<sup>2</sup>:

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<sup>1</sup> Anna Katherine Boucher (2019): *How 'skill' definition affects the diversity of skilled immigration policies*, Journal of Ethnic and Migration Studies "Approaches to 'skills' definition are rarely purely scientific and instead constructed through a variety of economic and social factors"

<sup>2</sup> Taken from InTouch Multicultural Centre Against Family Violence *Women on Temporary Visas Experience Family Violence* Position Paper March 2020



- Migration status creates additional leverage for violence and control alongside the acknowledged levers of financial, emotional, technological, physical, and sexual abuse that occur across situations of family violence.
- Many women who are on temporary visas that are experiencing family violence are restricted to what support services they can access. The women's precarious financial situation and restricted access to support services is a major barrier to leaving an abusive relationship.
- Research shows that women who are living in regional and rural areas are more likely to experience family violence than women who live in urban areas.<sup>9</sup> Furthermore, women who live in regional and rural areas experience additional barriers when disclosing family violence and seeking support. These barriers include social isolation, existing interpersonal relationships within small communities (eg. people knowing one another), and lack of cultural and language support.
- Many women on partner visas who have experienced family violence do not have the option to return to their home country due to the stigma of having had her relationship break down. In many communities, this stigma can put the woman in further danger – she may be ostracised by her own community, there may be conflict regarding the dowry, and there may be threats of retaliation towards her and her family from the perpetrator and his family. While there are provisions in Australian legislation for women to leave abusive relationships, these provisions cannot be accessed by most of women. As the provisions are only available to particular partner visa holders, it means that many women who are on other forms of temporary visas do not have the same pathway to safety.
- Lack of knowledge of Australian systems makes women more vulnerable to having negative experiences with support services and migration and legal systems. For example, women are often misidentified as the perpetrator or primary aggressor in situations of family violence.

### Recommendations for Australia's Migration Strategy

For this reason, Australia's skilled migration program needs to:

- Be based on a strategy that is gender equitable and, which is in line with the Australian Government's planned for Gender Equity Strategy and its commitments to the United Nations Sustainable Development Goals.
- Understand that Australia's skilled migration schemes "frequently" forgets female skills and "disadvantage(s) female applicants substantively". This is exacerbated by the definition of "primary and secondary applicants and a construction of skill based on labour market experience (which) reinforce(s) gendered roles between male and female skilled migration applicants"<sup>3</sup> This is a very real challenge for the Australian Government with its vision for a Gender Equal future – and particularly the case when we know that "a disproportionate number of primary skilled applicants are men"<sup>4</sup>
- Recognise that "race and ethnicity play an important role in the underutilisation of skilled women secondary migrants"<sup>5</sup> moreover evidence tells us that migrant mothers often face gendered decisions based upon their caring roles which significantly impacts their ability to

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<sup>3</sup> Boucher, Anna *Skill, Migration and Gender in Australia and Canada: The case of gender based analysis* *Australian Journal of Political Science* Vol 42 No 3 September pp 383-401

<sup>4</sup> *ibid*

<sup>5</sup> Webb, Sue *The feminisation of migration and the migrants VET policy neglects: the case of skilled women secondary migrants in Australia* *Journal of Vocational Education and Training* Vo 67, No 1 pp 26/46 2015

enter the workforce.<sup>6</sup> Further, ensure that the allocation of skilled migrants across Australia does not reinforce gendered bias and entrench inequality.

- Recognise the skills qualifications and work experience gained in non-western countries to address underemployment/unemployment of skilled labour particularly for those migrants who come to Australia without a job
- Recognise that for “immigration policy the value of one’s labour is equated with the price of it”<sup>7</sup> and that not all skills are valued the same – those skills that globally are undertaken by women such as care work.
- Value and respond to the lived experience of many migrant women in Australia who, through the limitations placed upon them through the migration system have additional barriers put in front of them when seeking to address and flee from family violence

We **recommend** that the Committee of Eminent Persons:

1. Create a definition of skill that can be effectively measured and evaluated across skilled migration policy to contribute to reducing the risks of intersectional gender inequity. Build a policy that does not include as its basis the assumption that highly skilled migrants have tertiary education,- “approaches to skills definition that focus upon tertiary education as the central measure of skill may underestimate the ethnic original bias that operates in skilled immigration policies”<sup>8</sup>
2. Ensure that a intersectional gender impact assessment is applied to the settings and components of Australia’s future skilled migration schemes. Invest in and build the capacity of Australia’s migration policy and system to develop access and use feminist policy tools to analyse the impact of policy.<sup>9</sup>
3. Address and counter the reality that systemic inequalities lie in the skilled migration selection which preferences male dominated skills and by virtue of the national of “global gender and racial inequalities” reinforces gender inequality globally.
4. Develop a strategy that is aligned with the goals and outcomes of Australia’s National Plan to End Violence against Women and Children and is in keeping with the Australian Government’s Goal for a Gender Equitable Australia.

We thank you for the opportunity of putting forward this submission.

**Submitted for and on behalf of WAVE**

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<sup>6</sup> Ibid 2022

<sup>7</sup> A. Christou, E. Kofman, Gender and Migration, IMISCOE Research Series 2022

<sup>8</sup> Boucher, Anna Katherine (2019) p 12

<sup>9</sup> Boucher, Anna p 398



## Who is WAVE?

WAVE is a national network of women involved in Vocational Education and Training (VET) and adult education. WAVE provides research, policy advice and advocacy to Australian and State/ Territory Governments on gender equity in skills and adult education policy, and provides input into VET and adult education internationally. We are supported within each state by local representatives who, in turn, contribute collaboratively to national events and governance. Formed in 1985 WAVE is the first and only national independent, non-government organisation for Australian women and girls in the adult, community and vocational education and training sector/s.

Our mission is to advocate so that Australia's vocational education and training and adult education systems are equitable for all women and girls. Our vision is for a future where women and girls can participate fully in all aspects of work and democratic society, through equitable and transformative vocational and adult education.

### **Our Way of Working**

WAVE undertakes its work within a feminist framework recognising that intersecting forms of discrimination and marginalisation can impact a person's capacity to access and benefit from Australia's vocational and adult education system/s. As such, WAVE is keenly aware of the importance of centring lived experience in our work. We advocate for the vocational and adult education system to enhance its inclusivity, relevance and affordability for those who may be left behind to provide a coherent voice for under-represented, vulnerable and marginalised groups.

The transformative power of inclusive education, training and lifelong learning that centre gender equity is at the core of WAVE's values.

As leaders in the areas of gender equity and vocational and adult education, WAVE is uniquely placed to provide expert advice to Australian and State/Territory Governments on ways that these systems can be equitable for all Australians. We can provide partners, members and stakeholders with a deep understanding of the last 40 years of evidence in VET and adult education and gender equity from Theory of Change to Theory of Action and monitoring and evaluation of results.

We work in collaboration and in partnership with organisations, leaders and communities that share an appreciation of the breadth of challenges associated with gender inequity, especially as they relate to Australia's national adult education and skills system/s.

WAVE's mission is to partner with organisations and individuals with a shared commitment to social justice in the co-production of sound research and advocacy.

### **A note on international frameworks and agreements**

We draw from the evidence of such organisations as the United Nations, UN Women, UNESCO, UNESCO-UNEVOC, the World Bank, major consultancy firms such as KPMG and PwC, and significant research institutions internationally including our own Group of 8.

WAVE supports Australia's commitment to the UN's *2030 Agenda for Sustainable Development* (Agenda 2030) and the Sustainable Development Goals (SDGs) along with its central tenet of 'leave no one behind'. Our work is informed especially by SDGs 5 (Achieve gender equality and empower all women & girls); 4 (Ensure inclusive and equitable quality education and lifelong learning



opportunities for all<sup>10</sup>), and 8 (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all).

Similarly, we acknowledge Australia's support of the *Marrakech Framework for Action: harnessing the transformational power of adult learning and education* (MFA) agreed at CONFINTEA VII and, in line with UNESCO's global initiative *Futures of Education* and calls for a new social contract for education<sup>11</sup>, the commitments made in Australia's submission at the Transforming Education Summit (TES) convened in September 2022 in response to a global crisis in education. The *National Statement of Commitment*<sup>12</sup> states (in part):

Australia recognises the power of education to transform lives and, through targeted actions and continuous improvement, is committed to meeting Sustainable Development Goal (SDG)<sup>4</sup> as a global benchmark for ensuring inclusive and equitable access to quality education and promoting lifelong learning. ...

To respond to current and emerging skills needs, Australia recognises the need to support equitable access to lifelong learning, including formal learning such as higher education and vocational education and training, as well as informal and non-formal learning. Lifelong learning has an important role in helping disadvantaged community members, for example, through improving adult literacy and numeracy, and developing digital literacy (pp. 1,2).

We also endorse the range of advice and advocacy from gender equity colleagues internationally, reflected in major policy frameworks in the European Union and in countries such as Canada, Germany and the United States all of which have a nation-wide gender equity framework, policy and impact/measurements system resourced to drive accountability, build capability and enable transformational change. Noting the scope of our role, we will contain our feedback to that relating to the national vocational education and training and adult education system.

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<sup>10</sup> SDG4 is supported by 10 targets & 11 indicators. Those that are relevant to VET and adult education are targets 4.3 - 4.7.

<sup>11</sup> See: UNESCO *Futures of education* for detail & associated publications  
<https://en.unesco.org/futuresofeducation/>

<sup>12</sup> Australian Government (2022) *National Statement of Commitment to Transform Education*. 14<sup>th</sup> October 2022

<https://transformingeducationsummit.sdg4education2030.org/AustraliaNationalStatement>