

FRAGOMEN

GOVERNMENT RELATIONS PRACTICE

**IMMIGRATION AND
AUSTRALIA'S ROAD TO
RECOVERY POST-PANDEMIC**

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The COVID-19 pandemic has resulted in a variety of travel bans and restrictions, variations in how visas are processed and broader engagement by government on what the future of travel and policy will be.

Fragomen Australia recently surveyed our client base to further understand the concerns and issues of organisations operating in Australia and to aid policymakers in making positive decisions for an effective recovery following the COVID-19 pandemic. Fragomen's long-standing Government Relations practice will discuss the findings with government, along with other related organisations, to help support business.

Our worldwide team of professionals are frequently consulted by governments for expert advice on immigration policy and the formation of immigration laws, providing proactive policy advice. Our ability to detect, monitor and analyse trends early on empowers our clients to adapt to immigration processes quickly, and typically in advance of legislative, regulatory and rule-making changes. This distinct skillset is crucial, given how quickly immigration rules and policies shift in general, and especially in consideration of the rapid changes taking place during the current COVID-19 global health crisis.

We are appreciative of our clients who took part in the survey. Respondents varied across many corporate fields, industry sectors and locations in Australia, including regional areas, and represented a mix of corporates from multinational businesses to local businesses.

Most respondents are planning to relocate their employees as soon as possible after the pandemic, with border closures having the greatest impact on their global mobility programs. The majority of respondents agreed:

- ▶ Companies should bear quarantine costs for employees brought into Australia.
- ▶ That a separate visa for intra-company transfers would better recognize the prerequisite proprietary knowledge and skills brought by such staff.
- ▶ To increasing the ability of sponsors to benefit from SAF levy funding for the training of skilled roles.
- ▶ That restricting permanent migration growth would not be helpful in driving economic activity and would be counterproductive in tackling unemployment.

Respondents were also in favour of:

- ▶ Reviewing permanent resident pathways through the Temporary Resident Transition stream to recognise the benefit and reduced health risks of visa holders already in Australia
- ▶ A policy that provides more support for permanent migration to regional areas

The following summary highlights the practical impacts of immigration and border control policies during the pandemic and evaluates the actions businesses have taken with the movement of people, changing mobility and skills requirements, and adjustments to migration policy to assist in the recovery phase.

WHAT DOES GLOBAL MOBILITY AND TALENT ACQUISITION LOOK LIKE DURING THE PANDEMIC?



Most assignments have been postponed or staff are now working remotely

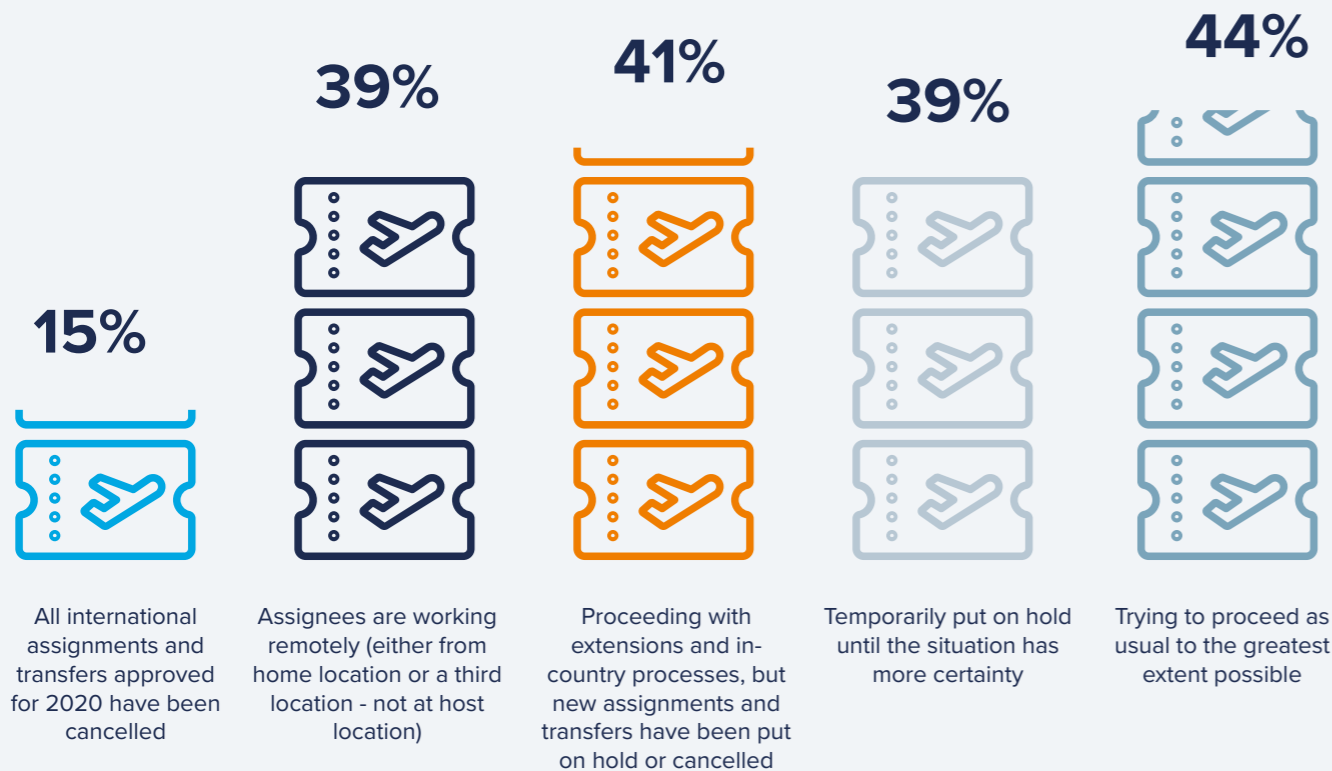


Two thirds of respondents have had to recruit during the pandemic period

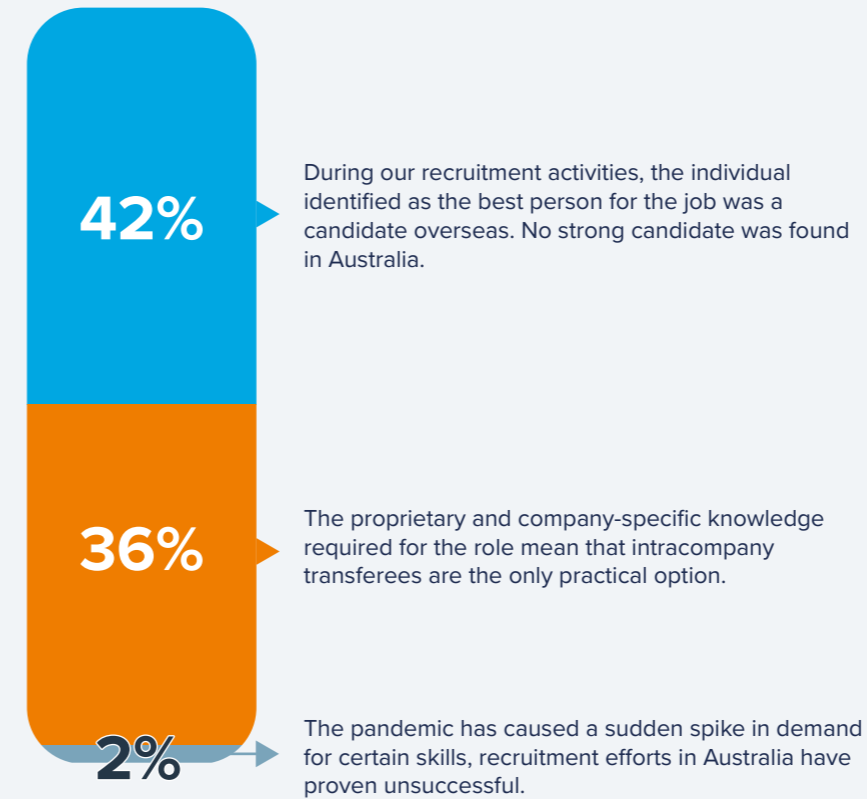


Despite increased unemployment of Australians, many respondents consider the skills and experience available in the labour market of Australia insufficient for their business needs

HOW HAS YOUR ORGANISATION MANAGED INTERNATIONAL ASSIGNMENTS OR TRANSFERS THAT WERE APPROVED AND/OR IN PROGRESS IN 2020 BEFORE THE GLOBAL PANDEMIC?



IF YOU HAVE BEEN UNABLE TO RELY ON THE AUSTRALIAN LABOUR MARKET TO FILL CRITICAL ROLES, WHAT FACTORS DO YOU PUT THIS DOWN TO?



Fragomen Comments

Whilst global assignments have reduced dramatically during the pandemic period, the need to recruit for specialist knowledge and expertise has continued. This includes technical and management specialists to drive the recovery effort.

Most organisations are proceeding with business as usual to the greatest extent possible, via extensions and in-country processing. Whilst some assignees could work remotely from home or a third location, some assignments have been temporarily put on hold or cancelled.

Despite border closures, the need for international mobilization remains important. HR and mobility teams have a continued focus on recruiting and deploying the best talent globally, with an increasing need to seek exemptions to the existing travel ban for business-critical talent.

“We are proceeding with bringing a handful of people from overseas.”

“We are limiting the number of moves but not avoiding completely.”

“The proprietary and company-specific knowledge required for the role mean that intracompany transferees are the only practical option.”

“The pandemic has caused a sudden spike in demand for certain skills and recruitment efforts in Australia have proven unsuccessful.”

IMPACT OF IMMIGRATION AND BORDER CONTROL POLICIES



Border closures, international and internal, were identified as the greatest barrier to mobility

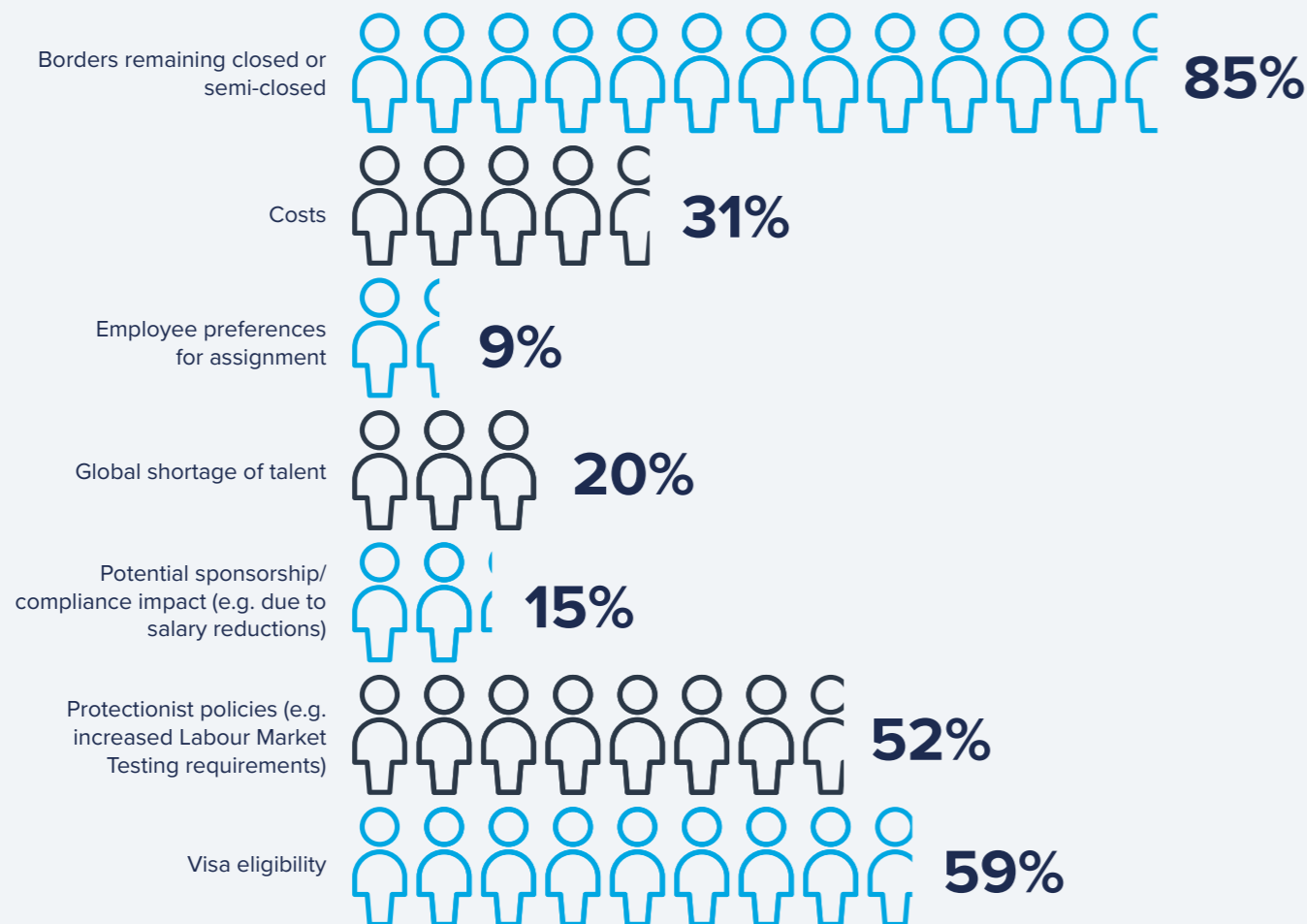


Cost of the process is not considered to be a major obstacle, with the majority of respondents supporting mandatory testing of international arrivals and quarantine



Businesses are preparing to hire broadly and re-mobilise – some rapidly – and see ongoing travel restrictions as obstructing their economic recovery

WHAT DO YOU THINK WILL BE YOUR GREATEST CHALLENGE IN REMOBILISING YOUR WORKFORCE?



HOW LONG CAN YOUR ORGANISATION MANAGE SERVICES/PROJECTS WITHOUT RELIANCE ON NEW SKILLED VISA HOLDERS?



- 60% of businesses say their global mobility activity will increase following the reopening of the borders due to projects and assignments being placed on hold during the pandemic.
- 91% of respondents indicated more clarity and transparency was required in the travel exemption process, including the need to more clearly articulate the exemption criteria for assessment.
- Over 80% of respondents agreed with the principle that businesses should cover the costs for quarantine arrangements for their workers. The large majority of participants strongly agreed travelers should undergo a mandatory health test upon arrival in addition to quarantine requirements.

Fragomen Comments

Border closures continue to have the greatest impact on business. Other factors such as the inability to apply for visas, delays in processing times for visa applications, and quarantine requirements are also impacting on mobility efforts.

The majority of employers will be looking to relocate their employees as soon as possible after the pandemic, so it is vital to have a “travel ready” workforce. Respondents commented that given the time zone difference remote working is not sustainable. The work cannot be effectively performed from abroad.

The Australian Government should consider a dedicated, streamlined path for intra-company transfers (ICT) of employees to Australia, with many employers supportive of this initiative. Whilst the borders remain closed, consideration should have been given to provide for broader ICT based travel exemptions, providing expedited entry for overseas employees with critical proprietary and company specific knowledge which cannot be accommodated from within the Australian domestic labour market.

“We are a large global business who can realistically manage until visas can be obtained; however, our efficiency as a business will definitely be affected.”

“...we have assignees waiting to go and are reviewing options to seek exemptions.”

“We need to be able to get our global trainers out here to train our staff ASAP... knowledge transfer with short term assignments is critical to our ability to grow into new markets.”

“...will need to recruit international candidates for more specific roles, e.g., intracompany transfers.”

INDUSTRY RECOMMENDATIONS ON POLICY SETTINGS TO SUPPORT ECONOMIC RECOVERY



There is a growing need to rely on internal corporate skills with support for a distinct and separate ICT pathway in recognition of the expert proprietary knowledge and skills brought by such employees



Employers are seeking a greater link between temporary skilled work in Australia and permanent residence, as well as an increased focus on employer-sponsored permanent residence programs



Greater flexibility in the short term highly specialised temporary work program (subclass 400) was strongly called for

WHAT IMPACT DO YOU THINK LOWERING THE NUMBER OF PLACES IN AUSTRALIA'S ANNUAL PERMANENT MIGRATION PROGRAM WILL HAVE ON THE GROWTH OF YOUR BUSINESS?

22%

Restricting population growth would be helpful in tackling unemployment

78%

Restricting population growth would not be helpful in driving economic activity and be counterproductive in tackling unemployment

Intra-Company Transfers (ICTs)

85% of respondents identified an "ICT visa" as an important priority for the Australian immigration framework.

The majority of respondents strongly agreed that:

- ▶ Having a separate visa for ICTs would better recognise the prerequisite proprietary knowledge and skills brought by such staff
- ▶ International assignments for ICTs are part of a career development strategy with reciprocal benefits to Australians
- ▶ ICTs should be accorded priority processing under existing arrangements
- ▶ To a policy that provides companies with the ability to access highly skilled people in their internal workforce through the relaxation of requirements for ICTs.

"Relaxation of the age requirement for PR."

"...a shortage of talent will mean highly skilled employees will become more expensive."

"ANZSCO should represent actual jobs performed in this decade, it's so outdated"

The majority of participants agreed:

- ▶ That skills gaps can be effectively identified by the employers themselves. Therefore, policymakers should consider working with employers closely, while also considering information from recruitment companies and global indicators of shortages to identify skills gaps in Australia.
- ▶ The ANZSCO classification framework needs to be reviewed and updated.

Fragomen Comments

Policymakers can support an effective recovery and consider:

1. A new 'intermediate' length visa for short term assignments of a duration of up to 1 year and which are not adequately catered for under the current Temporary Skill Shortage visa program
2. Introducing a formal priority processing arrangements for Temporary Work (Short Stay Specialist) visa for 'low risk' proposers (for example, Accredited Sponsors)
3. Communicating with transparency the methodology and labour market data used to decide what occupations are included on skilled occupation lists.
4. An urgent review of the outdated ANZSCO occupation classification system to better support the migration framework
5. Increasing employers' ability to seek refunds of Skilling Australian Fund payments. A recent report by the Committee for Economic Development of Australia (CEDA) also recommended 'Aligning the use of the Skilling Australia Fund Levy to training initiatives that alleviate the skill shortages driving skilled migration' [[recommendation 3.4](#)].

When the world becomes more certain and business needs to remobilise quickly, Fragomen can assist with strategic support including assessment reviews to support moves in an environment of increased attention to compliance, protectionists policies and new working behaviours.

As a provider solely dedicated to immigration law, our clients benefit from our technical expertise, experience and agility, government policy engagement, and importantly, our ability to continue to move ahead in a seamless way.

GOVERNMENT RELATIONS PRACTICE

Fragomen's Government Relations team has a long history of working closely with a range of government departments to represent our clients' interests and bridge the public/private divide.

Our clients benefit from active representation of their business concerns, and our deep knowledge and ability to advise on the impact of policy developments relevant to their businesses to identify and recommend:

- ▶ Improvements to visa programs
- ▶ Areas in need of law reform
- ▶ Clarification of government policy on issues

We advocate for business in the global mobility and immigration debate, by:

- ▶ Providing submissions to the Australian government and Parliament regarding proposed legal reforms
- ▶ Advising on mobility aspects of free trade agreement negotiations
- ▶ Appearing before Parliamentary Committee hearings and government-convened review panels investigating aspects of the migration program

Get in touch to learn how our Government Relations team can help your business

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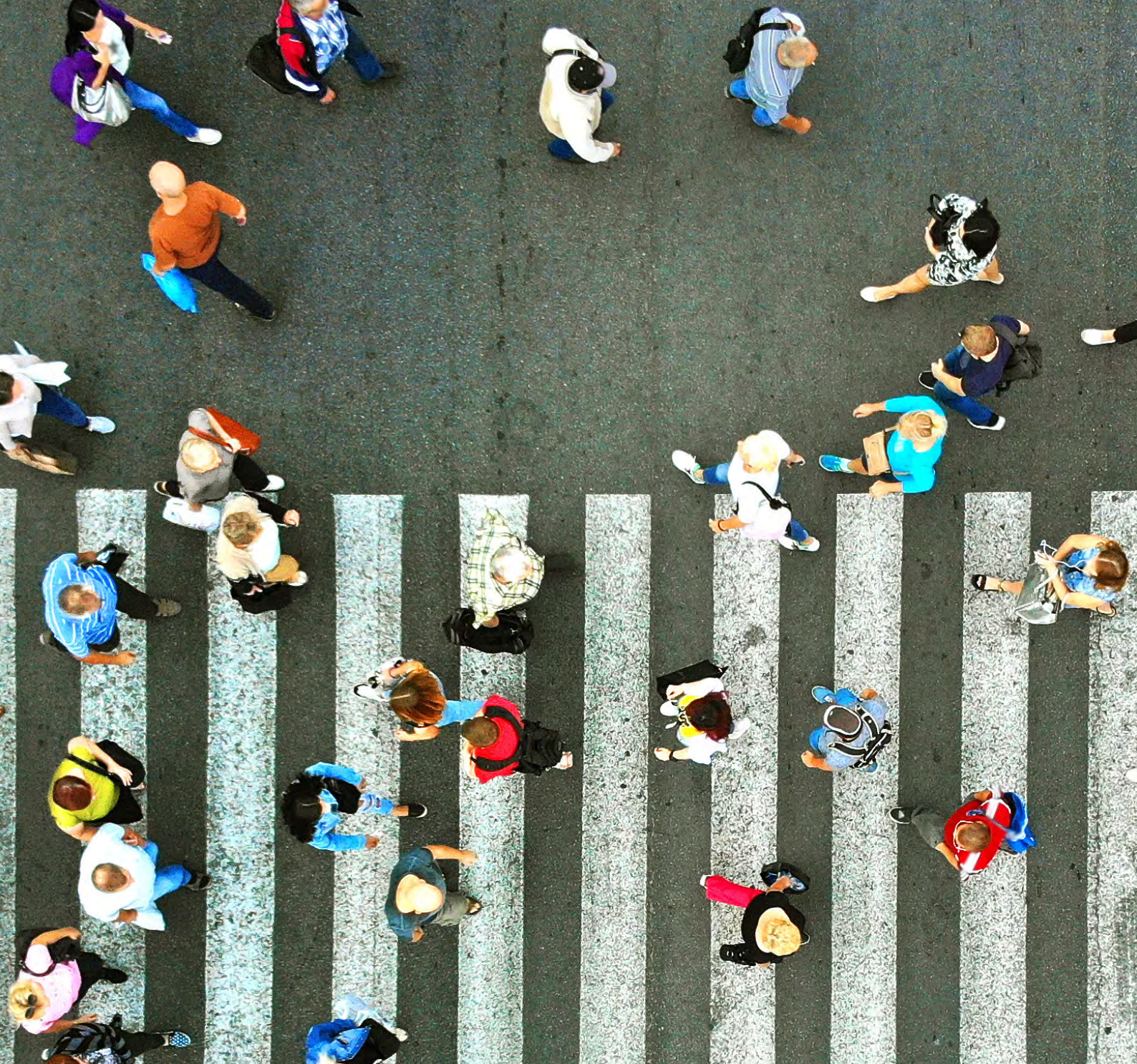


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