

Mapping of Visa Pathways for Mode 4 and Semi-Skilled/Skilled Labour Mobility to Australia and New Zealand

Pacific Agreement on Closer Economic Relations Plus Implementation Unit (Pacer Plus)

Regional movement of natural persons & labour mobility workshop

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1. Introduction and overview

Project objectives

The key objectives of the study was to:

1. Identify the existing visa pathways that can facilitate Mode 4 movements as well as semi-skilled and skilled labour mobility to Australia and NZ.
2. Capture information on eligibility conditions and other criteria for successful visa applications.
3. Verify the potential opportunities presented under these visa pathways for Mode 4, semi-skilled, and skilled labour mobility.
4. Understand the constraints to increasing utilisation of these visa pathways by Pacific workers and businesses and possible solutions to address these constraints.

Methodology

Five key lines of enquiry (KLEs) underpinned the study. The KLEs were:

1. What are the existing visa pathways that can facilitate Mode 4 movements as well as semi-skilled and skilled labour mobility to Australia and NZ?
2. Which Australian and NZ industries make the most use of the pathways identified in KLE1?
3. To what extent are workers from Pacific countries using the pathways identified in KLE1?
4. What factors constrain the use of these visa pathways by Pacific workers?
5. How could the demand side constraints identified in KLE4 be addressed?

Approach

A mixed methods approach was used, with emphasis on qualitative data. The approach was premised on participatory dialogue and inclusiveness, guided by adherence to *Talanoa*.

A comprehensive desk assessment was undertaken to identify existing visa pathways, eligibility conditions, levels of uptake, potential constraints, and informed the stakeholder interview questions.

Online scoping and Key Informant Interviews (KIIs) were undertaken with a range of government and industry stakeholders from both Australia and NZ.

Scope

The following areas are not covered by this project:

- pathways to permanent residency in Australia and NZ
- visa pathways associated with existing Pacific labour mobility schemes
- visa pathways that permit employment, but do not have employment as their primary focus (e.g. partner visas, student visas).

Limitations

There are several limitations to the findings presented:

- data availability
- the upcoming Australian migration system overhaul
- scope of stakeholder consultations
- visas granted versus visa holders or visa entries

2. Existing temporary employment and business visas

Australia Temporary Employment Visas

Visa	Streams
Business Innovation and Investment (Subclass 188)	Business Innovation
	Investor
	Significant Investor
	Entrepreneur
Temporary Work (Short Stay Specialist) (Subclass 400)	Highly Specialised Work
Temporary Activity (Subclass 408)	Special Program
	Religious Work
	Research Activities
	Invited for other social and cultural activity (Invited Participant)
	Sporting Activities
	Entertainment Activities
	Exchange Arrangements
	Domestic Work for Executives
Temporary Skill Shortage (Subclass 482)	Short-term
	Medium-term
	Labour Agreement
Temporary Graduate (Subclass 485)	Graduate Work
	Post-Study Work
Skilled Work Regional (Provisional) (Subclass 491)	Main Applicant
Skilled Employer Sponsored Regional (Provisional) (Subclass 494)	Employer Sponsored
	Labour Agreement

Basic conditions of Australian visa eligibility:

- applicants must meet the minimum health requirements
- applicants must meet the set character requirements.
- applicants must have adequate health insurance
- applicants and any family members (including those who do not apply for a visa with the applicant) must not owe any money to the Australian government
- applicants must not have had a visa cancelled or a previous application refused
- applicants must sign the Australian values statement that confirms that they will respect the Australian way of life and obey Australian laws

Australia business visitor visa

Only one business visitor visa available for passport holders from the Pacific to travel to Australia - Business Visitor (subclass 600) visa.

Allows temporary entrance to Australia for up to 3 months.

Visa holders are allowed to make general business or employment enquiries, investigate, negotiate, enter into, or review a business contract, conduct activities as part of an official government visit, take part in a conference, trade fair, or seminar, and undertake tourist activities.

Does not allow visa holder to work for or provide services to a business or organisation based in Australia or sell goods or services directly to the public.

Australia business visitor visa eligibility

The eligibility criteria includes:

- applicants must meet the minimum health requirements
- applicants must meet the set character requirements
- applicants must not owe any money to the Australian government
- applicants must have enough money to support themselves while in Australia.

New Zealand Temporary Employment Visas

- Accredited Employer Work Visa
- Entertainers Work Visa
- Fishing Crew Visa
- Domestic Staff of a Diplomat Work Visa
- Work Exchange Scheme Work Visa
- Religious Worker Work Visa
- Talent (Arts, Culture, Sports) Work Visa
- Specific Purpose Work Visa
- Entrepreneur Work Visa
- Post Study Work Visa
- Student and Trainee Work Visa

Basic conditions of NZ visa eligibility

The basic application criteria that are required for all identified NZ visas include:

- providing proof of identity through a passport or certificate of identity and one or two acceptable photos.
- providing evidence of good health
- providing proof of good character through providing police certificates
- demonstrating genuine intentions to meet the conditions of the specific visa.

Visas for business visits to NZ

NZ has a number of different visitor visas that Pacific businesspeople can use to visit the country. These include:

- Business Visitor Visa
- Arts and Music Festival Visitor Visa
- Short-term Entertainment Act Visitor Visa
- Sports Event Visitor Visa
- Academic Visitor Visa
- Visiting Media Visitor Visa

Eligibility for NZ business visitor visas

The basic application criteria for business visitors to NZ is the same as those required to apply for a temporary employment visa. They are:

- providing proof of identity through a passport or certificate of identity and one or two acceptable photos.
- providing evidence of good health
- providing proof of good character through providing police certificates
- demonstrating genuine intentions to meet the conditions of the specific visa.

3. Utilisation of visas by Pacific Countries

Australia

Temporary Skills Shortage (TSS) Visa (subclass 482)

Considered the leading visa for temporary workers to enter Australia
For the period of 2011-12 to 2021-22, only 1,848 TSS workers came from the Pacific, which is exceptionally low in comparison with the top countries for the TSS.

The vast majority of the Pacific workers entering Australia on the TSS visa have been from Fiji and PNG, with over 800 visas granted to workers from each country over the period.

Australia

Temporary Skills Shortage Visa (subclass 482) (cont.)

In the same period, the top sponsoring industries for Pacific workers on the TSS and its predecessor were: 'Mining', 'Other Services', 'Professional, Scientific and Technical', 'Health Care and Social Assistance', 'Manufacturing', and 'Retail Trade'.

All other industries sponsored less than 100 visas across the period.

The most common occupations differed across countries.

Australia

Temporary Skills Shortage Visa (subclass 482) (cont.)

The most common age group for workers from the Pacific was 30-34 years old. This group was followed by 25-29 years old and 35-39 years old. This trend typically held for countries across the decade, except for some cases where sample sizes were small.

On average across the decade, 81.1% of Pacific workers were male, and this typically held across countries except where sample sizes were small.

Australia

Other visas

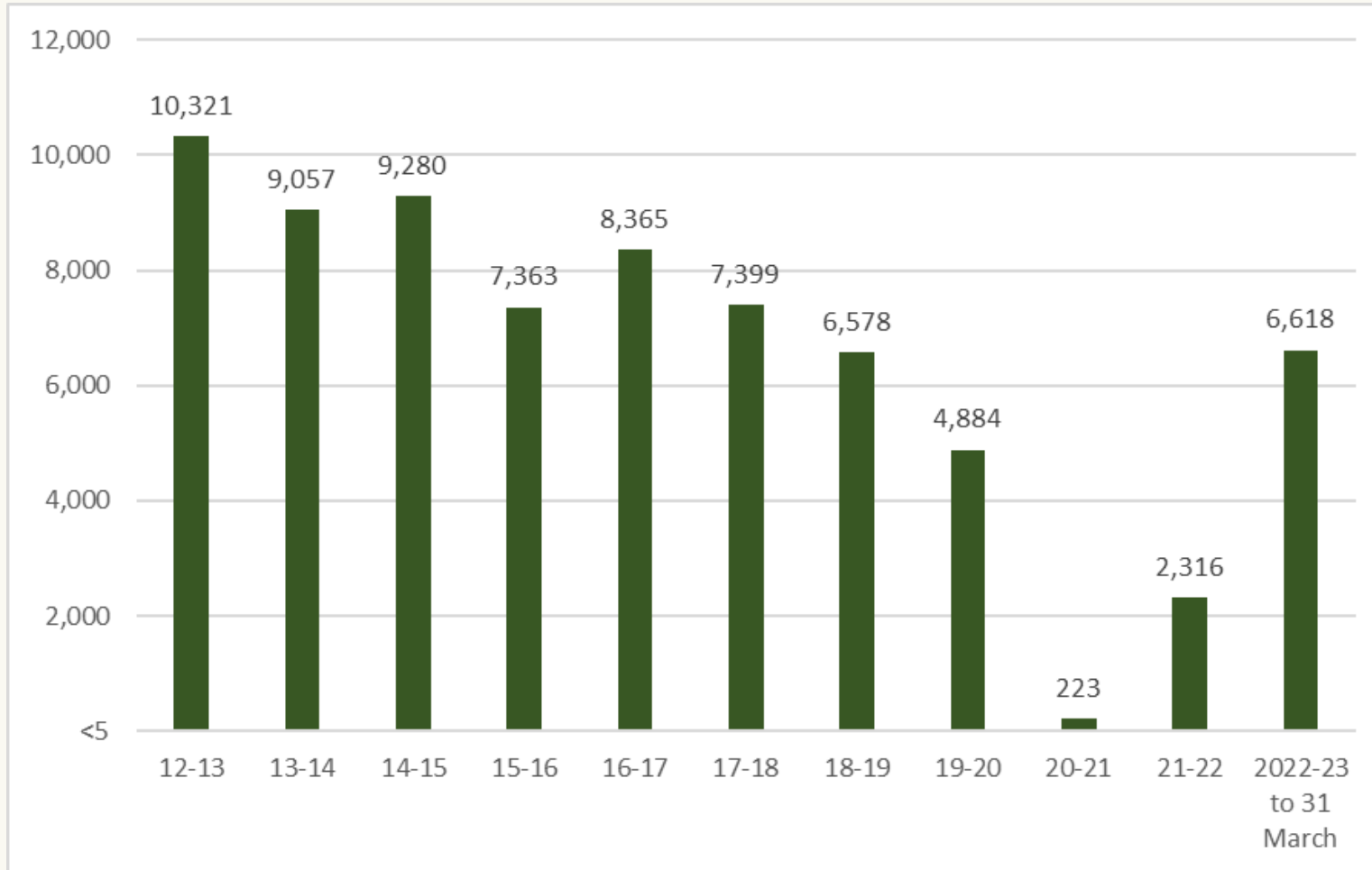
Aside from the TSS visa, significantly fewer people from Pacific countries used the remaining visa pathways.

Of these, Temporary Work (Short Stay Activity) visas were most common, followed by Temporary Activity visas.

Within the Temporary Activity visas, people from Pacific countries have mainly used the 'Invited for Other Social and Cultural Activity (Invited Participant)' and 'Religious Work' streams.

Australia

Business Visitor visa



Australia granted 72,404 business visitor visas to people from 16 Pacific countries for the period 2012-13 to 31 March 2022-23

Australia

Business Visitor visa (cont.)

Of the 72,404 business visitor visas granted over the period, businesspeople from PNG and Fiji are making the most use of this visa, with 28,474 and 18,352 visits respectively.

The next most common countries using this visa are Solomon Islands, Vanuatu, Tonga, Samoa, Kiribati, and Nauru.

New Zealand

Accredited Employer Work Visa (AEWV)

The primary temporary worker visa for NZ is the Accredited Employer Worker Visa (AEWV) and its predecessor visas.

From 2013 to 2022, 22,803 workers from Pacific countries were granted an AEWV or one of its predecessor visas.

This usage is exceptionally higher than the usage of the Australian TSS visa by Pacific workers and has increased over time.

The difference is driven by the use of AEWV by Fijian citizens, who make up 83.9% of these visas. There is a significant gap before reaching the next highest usages overall, which is Tonga and then Samoa.

New Zealand

Accredited Employer Work Visa (AEWV) (cont.)

Unlike the Australian TSS visa, the AEWV is not tied to specific occupation lists.

Between 2013 and 2022, the most common occupations for Pacific workers on the AEWV and its predecessors, aside from the generic category of Other, were ‘Road and Rail Drivers’, ‘Automotive and Engineering Trades Workers’, ‘Farm, Forestry and Garden Workers’, ‘Construction Trades Workers’, and ‘Carers and Aides’.

The most common occupations differed across countries. For Fiji, the most common Sub-Major Group was ‘Road and Rail Drivers’ and for Tonga and Samoa it was ‘Factory Process Workers’.

New Zealand

Accredited Employer Work Visa (AEWV) (cont.)

From 2013 to 2022, the most common age group for workers from the Pacific was 30-39 years old, with 20-29 years old and then 40-49 years old being the next most common age groups. This was consistent across all years and this trend typically held for all countries.

On average across the decade, 81.6% of Pacific workers were male. However, there were two countries with higher proportions of women: 47.7% of workers from Kiribati were female, while the corresponding figure for Tuvalu was 33.3%.

New Zealand

Other visas

Between 2013 and 2022 the overall Pacific use of other NZ temporary worker visas (prior to the onset of the COVID-19 pandemic) has ranged between 600 and 800 visas a year, with small fluctuations in each visa category.

The most highly represented countries across the available other visas were Fiji, Tonga, and Samoa.

Of the other visas, the most common were Specific Purpose Work Visas, Post-Study Work Visas, and Religious Worker Work Visas. However, workers from Kiribati were considerably more likely to obtain visas for Fishing Crews

New Zealand

Visitor visas

Although NZ has a range of different visitor visas, the publicly available data only contains information on the Business Visitor visa.

Overall, Pacific businesspeople have visited NZ on this visa 18,378 times between 2013 and 2022.

Most of the business visitors came from Fiji and PNG, although the overall visitor numbers to NZ are significantly lower than those visiting Australia.

4. Industry utilisation of temporary employment

Industry utilisation of temporary employment

The most prominent temporary employment visas available to Pacific citizens, the TSS visa and AEWV, have had limited use by Pacific citizens.

It is crucial to consider that these two visas are both driven by the demand from employers within specific industries.

Pacific citizens are not able to apply for these visas independently, they need a job offer from a business in Australia or NZ.

Industry utilisation of temporary employment (cont.)

Overall, in 2021-22, the Australian Government granted 32,062 temporary worker visas (TSS and predecessor visa) to workers from all over the world, but only 207 of these workers came from Pacific countries.

The top five sponsor industries for all temporary workers in 2021-22 were 'Professional, Scientific, and Technical', 'Information Media and Telecommunications', 'Health Care and Social Assistance', 'Other Services', and 'Accommodation and Food Services'.

This differs slightly from the most common industries for Pacific workers on the TSS visa, which were 'Mining', 'Other Services', 'Professional, Scientific and Technical', 'Health Care and Social Assistance', and 'Manufacturing'.

Industry utilisation of temporary employment (cont.)

In 2022, of the 62,643 relevant temporary visas the NZ government granted, Pacific workers made up 3,264 of these.

The top five occupations in the AEWV and predecessor visas were ‘Construction Trades Workers’, ‘Food Trades Workers’, ‘Health Professionals’, ‘Automotive and Engineering Trades Workers’, and ‘Hospitality, Retail and Service Managers’.

The main nominated occupations have changed over time, with the share of ‘Automotive and Engineering Trades Workers’ and ‘Construction Trades Workers’ increasing. These industries were the second and fourth most common industries for Pacific workers.

The other occupations which were common for Pacific workers do not currently rank very high among workers from all over the world.

5. Constraints

Systemic constraints

Demand side constraints:

- low knowledge of potential Pacific workers
- the structure of recruiting industries
- the investment costs for businesses
- administrative factors relating to processing times and general visa requirements.

Systemic constraints (cont.)

Supply side constraints:

- concerns over skills departure ('brain drain')
- obtaining sufficient skills and experience
- administrative factors
- a lack of associated support services.

Systemic constraints (cont.)

Specific visa constraints:

- Needing an invitation to apply
- Requiring a high bar of specialised skills and/or a specific skills assessment as part of application
- Restricted to specific skills and occupations
- Requires a recent market testing prior to recruiting migrant labour
- Requires a substantial capital investment

6. Recommendations

Addressing constraints

For Pacific workers to temporarily fill the demand for international workers in Australia and NZ, the identified constraints need to be addressed at multiple levels:

- Addressing awareness
- Changes to systems
- Roles for industries and support services

Next steps

The report identified seven priority actions that the PACER Plus Implementation Unit could take to help address the identified constraints.

1. Engage closely with the Australian Government during the migration strategy consultation process.
2. Put in place a plan for the promotion of Australian temporary work visas in the aftermath of the migration system overhaul.
3. Work with sector peak bodies to build awareness of opportunities for recruiting temporary Pacific workers.
4. Explore the potential for expanding the remit of Labour Sending Units to provide advice regarding visa pathways outside PALM and the RSE.

Next steps (cont.)

5. Continue engaging with Pacific governments regarding concerns about brain / skills drain.
6. Advocate for further exploration of the DFAT Working Group's recommendations regarding an expanded role for the Australia Pacific Training Coalition and engagement with other regional training providers.
7. Explore the potential of a Pacific version of the APEC Business Travel Card.