HELPING
PEOPLE
NAVIGATE
AUSTRALIAN
IMMIGRATION LAW

INQUIRY INTO THE VALUE OF SKILLED MIGRATION TO AUSTRALIA

Immigration Advice & Rights Centre (IARC)

January 2026

ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Traditional Owners of Country throughout New South Wales and the Gadigal people of the Eora Nation who are the Traditional Custodians of the land in which we work. We acknowledge this land holds structures of law, which were practiced for thousands of generations and recognise First Nations peoples' cultures, wisdom and connection to lands throughout Australia. We pay our respects to Elders past and present and acknowledge that sovereignty over this land was never ceded. It always was and always will be Aboriginal land.

CONTENTS

1. ABOUT IARC

The Immigration Advice and Rights Centre (**IARC**) is a not-for-profit, specialist community legal centre (**CLC**) providing free legal advice and assistance to people throughout New South Wales (**NSW**). IARC is the only CLC in Australia that advises on all immigration, refugee, and citizenship matters.

In 2019, IARC partnered with Unions NSW, the peak body for trade unions and union members in New South Wales, to create Visa Assist, which provides both employment and immigration law advice in one service. Since its establishment, Visa Assist has delivered over 4,500 legal services to over 2,600 migrant workers across NSW. In the last Financial Year alone (July 2024 to June 2025), Visa Assist advised more than 600 workers on temporary visas. The top five visa types held by the people we advised, in order, were:

1) Temporary Graduate (subclass 485) visa.
2) Student (subclass 500) visa.
3) Skills in Demand/ Temporary Skill Shortage (subclass 482) visa.
4) PALM Scheme (subclass 403) visa.
5) Working Holiday Maker (subclass 417 and subclass 462) visas.

These visa subclasses inform our advocacy priorities and the seven recommendations we set out in Section 2.

2. SUMMARY OF RECOMMENDATIONS

1. Make permanent the two migrant worker pilots: the Workplace Justice Visa (**WJV**) and Strengthening Reporting Protections (**SRP**) pilots.
2. Permit Skills in Demand/Temporary Skill Shortage (subclass 482) and Temporary Work (Skilled) (subclass 457) visa holders to apply for a permanent visa independently of their employers through the Employer Nomination Scheme (subclass 186) visa.
3. Allow PALM worker mobility by amending condition 8611 to allow them to change employers without having to receive approval from the Department of Employment and Workplace Relations.
4. Remove the specified regional work requirement for subsequent Working Holiday Maker (**WHM**) visa applications.
5. Introduce robust obligations for regional employers who wish to hire Working Holiday Makers.
6. Remove Condition 8547 from Working Holiday Maker visas, which requires visa holders to remain with any one employer for no more than 6 months.
7. Abolish the 48-hour work per fortnight visa condition for Student visa holders (conditions 8104 and 8105).

3. INTRODUCTION

Migrant workers in Australia are 40% more likely to face workplace exploitation than Australian workers[1] with more than half of women on temporary visas experiencing sexual harassment in an Australian workplace.[2] Australia's immigration system enables this higher incidence of exploitation and harassment by creating a power imbalance between employers and workers holding temporary visas. A lack of clear and accessible pathways to permanent residency, and visa conditions that restrict some workers' ability to leave their employers, make workers on temporary visas vulnerable to coercion and abuse.

We strongly welcome this inquiry as an opportunity to underscore the significant value skilled migrants bring to Australia, and to advocate for immigration reforms that reduce exploitation and maximise the benefits of skilled migration for Australia.

All workers in Australia deserve to experience safe and fair workplaces. When migrants face disadvantage due to their visa status, Australia loses: its economy, businesses, and community all miss out.

Recognising this fact, the Federal Government rightly made tackling worker exploitation a key priority in its *Migration Strategy*, which was published in December 2023. Since then, the Government has acted on its commitments by introducing important reforms to reduce exploitation, which we commend. For example, in July 2024 it launched two migrant worker pilots: the Workplace Justice Visa (**WJV**) and Strengthening Reporting Protections (**SRP**) pilots, discussed in Section 4. In the same month, it also expanded portability rights for Skills in Demand/Temporary Skill Shortage (subclass 482), Skilled Employer Sponsored Regional (Provisional) (subclass 494), and Temporary Work (Skilled) (subclass 457) visa holders,

[1] Grattan Institute. (2023, May). *Short-changed: How to stop the exploitation of migrant workers in Australia*.
[2] Unions NSW. (2024, November). *Disrespected, disregarded and discarded: Workplace exploitation, sexual harassment, and the experience of migrant women living in Australia on temporary visas*.

allowing those visa holders to leave bad employers more easily. Late last year, the Government established the new Skills in Demand (subclass 482) visa (discussed in Section 5), providing clearer and more accessible pathways to permanent residency for employer-sponsored visa holders. However, the Government can and must go further, hence the recommendations we set out in Section 2, which we expand upon in the remainder of this submission.

4. PILOTS FOR MIGRANT WORKERS

From the introduction of the pilots in July 2024 until December 2025, IARC has assisted over 260 workers on temporary visas who reported workplace exploitation. The types of exploitation these workers experience vary, but the three most prevalent are underpayment; unfair dismissal; and employers coercing workers into breaching visa conditions, often by threatening them with dismissal and/or threatening to report them to the Department of Home Affairs for visa cancellation.

Many of these clients were referred to the Visa Assist service, run in partnership with Unions NSW, because they were union members seeking legal advice on safely leaving exploitative workplaces without jeopardising their visa status. An additional group of clients were initially referred to IARC due to another vulnerability, such as being a victim-survivor of domestic violence or a person seeking asylum, and they disclosed workplace exploitation during the course of their advice sessions. Sadly, these intersecting issues are not coincidental but reflect the heightened vulnerabilities faced by people with precarious visa statuses.

Table 1 (next page) provides statistics on the 266 clients IARC advised during the first 18 months of the pilots who experienced workplace exploitation. Many clients received multiple types of advice. For instance, they were advised they were eligible for both the SRP and the visa portability rights for certain Skilled visa subclasses.

Overall, 88 clients (33%) were assessed to be eligible for the new WJV and SRP pilots. 62 people were deemed eligible for the WJV, and 31 for the SRP, with 5 clients qualifying for both pilots. This figure represents a significant number of workers who accessed justice that would have previously been denied.

We therefore commend the Government for introducing these pilots. They improve on Canada's Workplace Justice visa model, whereby exploited migrants have their claims of exploitation certified by a Government body, which deters workers from coming forward. Instead, Australia's model allows Accredited Third Parties (**ATPs**), including unions and community legal centres, to certify claims of workplace exploitation. This has given workers confidence to report exploitation and access either the WJV, which is a temporary substantive visa that allows temporary visa holders to stay in Australia to pursue justice; or the SRP, which protects workers from visa cancellation for breaches of visa conditions as a result of exploitation.

Another positive reform introduced in July 2024 was expanding portability rights for certain skilled visa subclasses. This change gives many temporary visa holders up to 180 consecutive days to find a new employer, a significant increase on the previous limit of 60 or 90 days

(depending on the visa subclass).[3] This reform benefited 48 of the workers we advised, as shown below.

Table 1

All exploited workers advised by IARC (July 2024 to December 2025)

Category	Number of people
Eligible for Strengthening Reporting Protections	31
Able to exercise visa portability rights	48
Eligible for Workplace Justice Visa	62
No viable pathway to remain in Australia	121
Total number of clients	**266**

The WJV and SRP pilots are due to end in June 2026. Our first recommendation is that the Government make these pilots a permanent feature of Australia's immigration system. Ending them would be a major step backwards, both reputationally, as it would signal retreat from progress, and practically, because the WJV and SRP strengthen all workers' confidence that their wages and conditions will be protected. They also ensure that employers who play by the rules are rewarded, while exploitative employers face consequences.

There are gaps in the pilots, as evidenced by the fact that 121 workers (45%) were told they had no viable pathway to remain in Australia. However, before the Government reforms last July, this percentage would have been a lot higher. In recent submissions, IARC has outlined the reasons for these gaps and proposed reforms to address them.[4] We are keen to contribute to ongoing discussions about improving the WJV and SRP, but the only way to make this meaningful is to make both pilots permanent.

Recommendation 1: Make permanent the two migrant worker pilots: the Workplace Justice Visa (**WJV**) and Strengthening Reporting Protections (**SRP**) pilots.

[3] Department of Home Affairs. (2024, September 23). *Visa conditions 8107, 8607 and 8608 are changing*. Retrieved December 04, 2025, from https://immi.homeaffairs.gov.au/news-media/archive/article?itemId=1213.

[4] IARC and Unions NSW. *Preventing Migrant Worker Exploitation in Australia: A Report for the United Nations Special Rapporteur on Contemporary Forms of Slavery*. (2024, November). https://iarc.org.au/wp-content/uploads/2024/11/IARC-Report-for-the-UN-Special-Rapporteur-oncontemporary-forms-of-slavery-November-2024.pdf; IARC and Unions NSW. *Inquiry into Modern Slavery Risks Faced By Temporary Migrant Workers in Rural and Regional New South Wales*. (2025, February). https://iarc.org.au/wp-content/uploads/2025/04/0038-Immigration-Advice-and-Rights-Centre-IARC-and-Unions-NSW-1.pdf.

5. EMPLOYER-SPONSORED VISA HOLDERS

In its final report on the previous Inquiry into the Skilled Migration Program, published in August 2021, the Joint Standing Committee on Migration recommended changing visa conditions for the short-term stream of the then Temporary Skill Shortage (subclass 482) visa to provide a pathway to permanent residency for workers on temporary visas.[5] This recommendation came after strong stakeholder feedback that clearer and more consistent pathways to permanent residency were necessary for employer-sponsored visa holders.

The Federal Government has heeded this recommendation by:

- Replacing the Temporary Skill Shortage (subclass 482) visa with the Skills in Demand (subclass 482) visa that offers permanent residency pathways to all streams available under the Skills in Demand (subclass 482) visa;
- Ensuring that people can access the Skills in Demand (subclass 482) visa after only 1 year of relevant work experience (previously 2 years of work experience was generally needed); and
- Offering access to permanent residency through the Employer Nomination Scheme (subclass 186) visa after 2 years of working in the same occupation on a Temporary Work (Skilled) (subclass 457) visa, Skills in Demand/Temporary Skill Shortage (subclass 482) visa, or relevant bridging visa. Previously, people needed 3 years of work experience with the same employer.

However, the Government should go further in supporting Skills in Demand/Temporary Skill Shortage (subclass 482) and Temporary Work (Skilled) (subclass 457) visa holders to access permanent residency. The fact that Skills in Demand/Temporary Skill Shortage (subclass 482) and Temporary Work (Skilled) (subclass 457) visa holders still require their employer to nominate them for permanent residency creates a significant power imbalance between visa holders and their employers. In IARC's experience, the promise of permanent residency is used as an incentive to keep temporary visa holders in exploitative work environments. There is no obligation for an employer to nominate the employee for permanent residency, so we often see the offer either never realised or withdrawn just before the worker's current visa expires.

We recommend therefore that Skills in Demand/Temporary Skill Shortage (subclass 482) and Temporary Work (Skilled) (subclass 457) visa holders be allowed to apply for a permanent visa independently of their employers (i.e., through the Employer Nomination Scheme (subclass 186) visa). This would reduce dependence on an employer, lessening the power imbalance between employers and workers.

Recommendation 2: Permit subclass 482 and 457 visa holders to apply for a permanent visa independently of their employers through the Employer Nomination Scheme (subclass 186) visa.

[5] Joint Standing Committee on Migration. (2021, August). *Final Report of the Inquiry into Australia's Skilled Migration Program*. Recommendation 7. https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/024680/toc_pdf/FinalReportoftheInquiryintoAustralia'sSkilledMigrationProgram.pdf;fileType=application%2Fpdf.

6. PACIFIC AUSTRALIA LABOUR MOBILITY (PALM) SCHEME

According to statistics published in November 2025, there are over 31,000 PALM workers in Australia, most of whom work in agriculture and meat processing.[6] Increasingly, many PALM workers also work in the aged care sector. Since the COVID-19 pandemic, PALM workers have increasingly filled skills gaps and shortages in these critical sectors, making them vital to the Australian economy and to the businesses that rely on them.

Unfortunately, PALM workers are particularly vulnerable to exploitation, an issue the Federal Government must address if it is concerned with the long-term viability of the scheme. Since September 2024, IARC has recorded statistics on every person we advise who either works under the PALM Scheme or who has 'disengaged' from it, meaning they have left their approved employment to seek alternative work. In that time, we have advised 78 clients, 20 of whom (26%) reported experiencing workplace exploitation. This compares with around 10% of all workers advised through the Visa Assist service, indicating disproportionately high levels of exploitation under the PALM Scheme.

These findings corroborate evidence provided to the Joint Standing Committee on Migration for the *Migration, Pathway to Nation Building* report. Stakeholders submitted that "poor language skills, cultural unfamiliarity, isolation, a lack of awareness of their rights and entitlements, and the power imbalance between workers and their employer or labour hire company, contributed to making PALM workers more likely to be taken advantage of by unscrupulous actors".[7]

These intersecting vulnerabilities often play out in distressing ways. We have advised several clients who have been dismissed by their employers and threatened with deportation on an impending flight. Such threats underscore the lack of accessible information PALM workers receive about their visa status and workplace rights. Many do not realise that employers do not possess the legal authority to deport workers, and they fear deportation even when they have considerable time remaining on their visa.

Beyond improving education on rights and entitlements, the Government must address the lack of mobility that renders PALM workers especially vulnerable. Workers are tied to the employer that sponsored them, meaning that those in the long-term stream of the program cannot change employers for up to four years unless they obtain approval from the Department of Employment and Workplace Relations (**DEWR**). This makes it very difficult for exploited workers to leave and find alternative employment.

Recommendation 3: Allow PALM worker mobility by amending condition 8611 to allow them to change employers without having to receive approval from the Department of Employment and Workplace Relations.

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[6] Australian Government. (2025, November). *Pacific Australia Labour Mobility scheme quarterly update*. https://www.palmscheme.gov.au/sites/default/files/2025-11/PALM%20scheme%20data%20report%20-%20September%202025%20quarter.pdf.

[7] Joint Standing Committee on Migration. (2024, September). *Migration, Pathway to Nation Building*. (p. 336). https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/RB000214/toc_pdf/Migration,PathwaytoNationBuilding.pdf.

7. WORKING HOLIDAY MAKER (WHM) PROGRAM

The Working Holiday Maker (**WHM**) program consists of the Working Holiday (subclass 417) visa, and the Work and Holiday (subclass 462) visa. As discussed in the *Migration, Pathway to Nation Building* report, the original purpose of the WHM program was a "cultural exchange" between young adults from Australia and partner countries.[8] However, over the past two decades, WHM visa holders have become an increasingly important part of Australia's workforce.

Specified regional work

WHM visa holders are especially relied upon to fill labour shortages in critical sectors in regional and remote Australia. To qualify for a second year visa, WHM visa holders (excluding those from the UK) must complete 88 days of specified regional work, and 179 days for a third year visa.

Specified work must be undertaken in certain industries and sectors. Almost half (49%) of second Working Holiday visas are within the Agriculture, Fishery and Forestry sector.[9] Other sectors that constitute eligible specified work include mining and construction work throughout regional Australia, and tourism and hospitality in Remote and Very Remote Australia.[10]

Unfortunately, research shows that WHM visa holders are highly exploited. A national survey found that 46% of WHM visa holders reported being underpaid by their employer.[11] This vulnerability is due to Working Holiday Makers' dependence on employers to meet the specified work requirements. We have experienced many employers withholding documents required to complete subsequent visa applications (for example, payslips) for no valid or lawful reason, but rather, as a deliberate tool to coerce and control workers.

The simplest solution to address the power imbalance between employers and WHM visa holders would be to abolish the specified work requirement for second and third WHM visas altogether. The Australian Government already exempts UK passport holders aged 18-35 years old from specified regional work under the 2023 Australia-UK Free Trade Agreement. Other countries will likely seek similar exemptions in future trade agreements. However, rather than removing the specified work requirement only for citizens of countries with stronger ties to Australia, the Federal Government should simply abolish it for everyone.

Building on the "longer-term view" outlined by the Joint Standing Committee on Migration in the *Migration, Pathway to Nation Building* report, Australia should reduce reliance on short-term backpacker labour for regional jobs and instead incentivise skilled migrants who wish to settle long term to live and work in regional areas.[12] In IARC's submission to the Department of Home Affairs' Review of Regional Migration Settings, we recommended a number of concessions to regional visas to attract applicants.[13] To reiterate briefly here, we advised

[8] Ibid. (p. 330).
[9] Department of Home Affairs. (2024). *Supporting strong and sustainable regions: Review of Regional Migration Settings Discussion Paper*. (p. 13).
[10] Regulation 1.15FAA and 1.15FA of the *Migration Regulations 1994* (Cth).
[11] Berg, L. and Farbenblum, B. (2017). *Wage Theft in Australia: Findings of the National Temporary Migrant Work Survey*. (p. 27).
[12] Joint Standing Committee on Migration. (2024, September). *Migration, Pathway to Nation Building*. (p. 330).
[13] IARC. (2024, July). *Submission to the Review of Regional Migration Settings.* https://iarc.org.au/wp-content/uploads/2024/10/2024-07.26-IARC-Submission-to-Review-of-Regional-Migration-Settings.pdf.

increasing age limits and the ability for lower-paid workers to work for multiple employers on employer-sponsored visas. This flexibility would enable migrants to increase their income and boost their subsequent employment prospects. We also consider fast-tracking access to permanent residency for regional visas would incentivise workers to move to regional areas.

Recommendation 4: Remove the specified regional work requirement for subsequent Working Holiday Maker visa applications.

Obligations for regional employers

At the very least, regional employers who wish to hire WHM visa holders must be better regulated than at present. This is especially imperative if the Federal Government remains unwilling to abolish the specified work requirement for all WHM visa holders. Currently, the only obligation required to become a WHM employer is to have an active Australian Business Number (**ABN**), and to register your company with the Australian Tax Office (**ATO**).[14]

We propose that regional employers who wish to hire Working Holiday Makers should be subject to the same obligations that apply to all temporary activity sponsors. Like these sponsors, regional employers should be compelled to keep records that demonstrate continual compliance with their obligations to pay Working Holiday Makers fairly and regularly. They must also be prepared to provide records or information when requested by an officer from the Department of Home Affairs to help determine whether they are complying with their obligations, and whether any circumstances exist relating to which the Minister might take administrative action.[15] Greater monitoring and oversight of regional employers involved in the WHM program would reduce the likelihood of worker exploitation and increase employer compliance with Australian workplace laws.

Recommendation 5: Introduce robust obligations for regional employers who wish to hire Working Holiday Makers.

Condition 8547

This visa condition applies to all WHM visa holders. It stipulates that the visa holder cannot work for the same employer in Australia for more than six months. We believe that this condition should be removed by the Federal Government for two key reasons. First, it limits employment opportunities because employers are reluctant to invest time in training temporary workers, effectively restricting WHM visa holders to casual positions where underpayment is more common. Second, WHM visa holders who exceed the six-month limit face the prospect of visa cancellation, and this threat often silences workers experiencing mistreatment as they do not want to admit to breaching visa conditions.

Recommendation 6: Remove Condition 8547 from Working Holiday Maker visas, which requires visa holders to remain with any one employer for no more than 6 months.

[14] Australian Taxation Office. (2024, October 1). *Employer registration for working holiday makers*. Retrieved December 8, 2025, from https://www.ato.gov.au/businesses-and-organisations/starting-registering-or-closing-a-business/registration-obligations-for-businesses/work-out-which-registrations-you-need/taxation-registrations/employer-registration-for-working-holiday-makers.

[15] Department of Home Affairs. (2024, September 23). *Sponsorship obligations for Temporary activity sponsor*. Retrieved December 8, 2025, from https://immi.homeaffairs.gov.au/employer-subsite/Pages/Sponsorship-obligations-for-Temporary-activity-sponsor.aspx.

8. STUDENT VISA HOLDERS

Many Student (subclass 500) visa holders work while studying in Australia in order to financially support themselves. This cohort is highly vulnerable to workplace exploitation. In a national survey of temporary migrant workers, 42% of Student visa holders reported being underpaid by their employer, which represents a higher percentage than every group surveyed other than WHM visa holders.[16]

Student visa holders' vulnerability is exacerbated by the imposition of Condition 8104 and 8105 to all subclass 500 visas, which stipulates that the visa holder must not work in Australia for more than 48 hours a fortnight when their course of study is in session.[17] The condition places students in a precarious situation, where they are often forced by their employer to work in excess of 48 hours per fortnight and then later threatened with visa cancellation for breaching the condition.

The aim of Condition 8104 and 8105 is to ensure international students are genuinely studying while in Australia. However, the Federal Government can rely on visa Condition 8202, which stipulates that students must maintain satisfactory attendance in their course and meet certain academic performance requirements. This condition alone provides sufficient means to ensure students are genuinely studying and complying with their visa requirements, without increasing the risk of worker exploitation.

Recommendation 7: Abolish the 48-hour work per fortnight visa condition for Student visa holders (conditions 8104 and 8105).

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[16] Berg, L. and Farbenblum, B. (2017). *Wage Theft in Australia: Findings of the National Temporary Migrant Work Survey*. (p. 27).
[17] *Migration Regulations 1994* (Cth). Schedule 8, Condition 8105.