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The Parent Conundrum

Considering Australia's troubled approach
to parent migration

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1. “Cruel and Unnecessary”



My heart is broken,” writes Maria in an email from Norway. Originally from Poland, Maria and her husband Robert are eager to join their son in Perth. He’s an IT engineer at a global company that relocated him to fill an important vacancy several years ago. Since then, he’s married, become a citizen and had a son.

After ten years apart, Maria says she’s had enough. Hoping to reunite the family, she and Robert applied for parent visas in August 2021. At the time they were advised it would be three or four years before they could migrate. Now she’s reading on Facebook that it could be more than six years.

“Misook”ⁱ from South Korea has already waited that long. She and her husband “Soejun” lodged their applications in 2017. Based on information on the Home Affairs website at the time, they expected to have a visa before the end of 2019.

“Our applications still have not been considered and the indications from the government are that if the immigration department continues to review applications at the current rate, they may not be considered for a further two or three years,” Misook writes. Their daughter, their only child, studied in Australia and is now a lawyer and a citizen. Misook says the visa delay and uncertainty have “distorted” the family’s plans and are causing her “physical and mental hardship”.

“My husband and I want to live with our lovely daughter in Australia for the rest of our lives,” Misook tells me by email. “It seems unfair, unproductive, and inhumane to continue to delay the process of the Contributing Parent visas.”

The Contributory Parent visa is a permanent visa and comes at a cost of \$47,955 per person.

“This is unbelievable!” fumes Maria from Norway, who is applying for the same visa category. “This visa is so expensive. We must pay about AUD\$100,000 for 2

persons. And we must wait so long? How is it possible?”

“I don’t understand why the Australian Government is so afraid of parents who want to be with their families in Australia. They are not old and ill. Many of them are quite young, healthy and want to help their families in Australia and want to work.”

The Home Affairs website now advises that any new applicants applying for the contributory parent visa will face a processing time of twelve years.

“When I saw this first time, I didn’t sleep for few days, constantly worried about my dad,” says “Nam”.

Nam migrated to Australia in the early 2000s. Ten years ago, his mother and brother were killed in an accident in their homeland in Southeast Asia, leaving his father alone on their small family farm. His father is in good health, but he is now 78, and Nam is concerned for his dad’s future. They were considering selling up everything they own to pull together the \$47,955 for a parent visa, but he realises his father would be at least 90 before he was able to come to Australia. “Now I feel that I may lose my dad as well in this process,” he tells me by email. “Sometimes I get panic attacks and anxiety because of the visa processing time.”

Nam considered going back to his homeland to care for his father. But he needs to keep working in Australia to pay child support for his two children, and besides, he says, “I don’t want to leave my kids either.”

ⁱ For privacy reasons many of the names used in this narrative are pseudonyms. When pseudonyms are used they are introduced in quotation marks.

“I never took a single \$ from Centrelink and always worked hard and paid my taxes,” Nam writes. “I feel that the processing time for paid parental visa is ridiculously high, there may be many parents who won’t survive that long.” Nam says he feels “lost and hopeless”.

Sarah is also troubled and aggrieved. In 2019, she encouraged her parents to apply for the \$47,955 contributory parent visa and offered to help pay the cost (\$97,455 for two visas plus associated expenses such as police and health checks.) Sarah and her husband Matthew thought the two-year processing estimate listed on the Home Affairs website would give them time to save the money and they began quarantining a portion of their income for that purpose. Sarah also cut costs by completing the complex paperwork herself rather than paying thousands of dollars to engage a migration agent. Nevertheless, they still had to stump up \$5,500 in application fees to the government. By the time Covid was over, Sarah realised the processing wait was more like eight years and could blow out further. The queue is so long, Sarah and her parents had no choice but to lodge another application to apply for a different, cheaper visa that allows them to queue onshore.

“The whole point of spending \$100,000 is to get the visa granted sooner,” she tells me. “To get permanent residency sooner and to get citizenship sooner. To get certainty. At 75, a twelve-year queue is basically pointless”.

At about \$7000 per person, the alternative visa — called a “non-contributory” parent visa — is much more affordable — though they again had to pay several thousand dollars in up-front fees and received no refund on their previous application. The other downside for Sarah and her parents is that the processing time for this “non-contributory” visa is a ridiculous 40-plus years. At least her parents can stay in Australia on a bridging visa until they get a decision, but they are far from settled.

“The uncertainty is very stressful for them at their age,” says Sarah. “They feel like they’re in a no-man’s land. You are resident in Australia, but you are temporary, never fully resident.”

“You can’t buy a home to live in. You can’t leave the country without asking for permission and paying for another visa. Getting health insurance is very difficult. And the real kicker, after three months, they are no longer considered resident in the UK, leaving them effectively with no permanent residency status in either country, which is problematic when you need healthcare, or a pandemic arrives.”

“How can we properly integrate into Australian society when it takes 40 years to get a decision on whether we can stay? They will never be granted the visa in their lifetime and will spend what time they have left wondering if they will be asked to leave.”

Sarah’s parents are considering whether to remain in Perth on such precarious terms or return to England, because their insecure status makes her dad feel that they’re not welcome in Australia. Her mum is managing better and wants to stay, which is a source of some tension between them. If her parents return to Britain, then Sarah has decided she will also go back to her homeland to care for them. “I feel a deep sense of responsibility,” she says. But Sarah’s profound filial obligation might force her to choose between her parents and her husband Matthew — the man she moved to Australia to marry in 2010. He was willing to give Britain a go and secured a job in his field but wasn’t happy there. “After trying it out for a year,” she says, “he’s clear that he doesn’t want to live in the UK.”

“If he comes back to the UK with me, Australia will be losing 17 years of geological experience at a time when we’re supposedly crying out for skilled workers,” says Sarah. She’ll be taking her IT skills and her small business away with her too.

Cases like those of Maria, Misook, Nam and Sarah are but a tiny sample of the parent migration experience. With more than 137,000 applicants stuck in the processing pipeline for a permanent visa, you can find plenty of similar stories on websites and chat groups as people share their anguish, frustration, confusion and anger at a failed and failing system.

Many feel, with justification, that they have been misled by Australian authorities. The processing timelines for the “contributory visa” posted on the Home Affairs website have proven to be serious underestimates. The visa that was held out to them as a near possibility is more like a mirage in the desert — an alluring prospect that remains forever at a distance. The government has failed to provide them with clarity or certainty. Families are also organising and lobbying the government. Misook directs me to the elegant and professional website of the #clearthebacklog campaign, which is urging the government to allow 20,000 parents to settle in Australia every year.¹ The Facebook group “Permanent Visa for Parents” has almost 6000 members.² Sarah has signed up more than 200 people, who like her, made down payments of thousands of dollars for a fast-track visa, only to discover that the wait times were three or four times longer than the Home Affairs website indicated. They feel they handed over their money on false pretences and ought to be refunded.³

“People are making major life decisions on sketchy, ambiguous and sometimes downright inaccurate information, provided by both the government and immigration agents,” says Sarah.

“I still don’t know if we have the right visa, and we’re currently \$12,000 down, just to be in the queue to get in the queue.”

“We’re not rich”, says Sarah. “We’re working hard and saving every penny so that we can help my parents make the move. We’re just asking for a fair, transparent pathway that is fit for

purpose. But I suspect in the end it will just get too hard to stay.”

Australians like Sarah have good reasons for wanting to bring their parents to join them here. As Sarah’s story shows, love and duty fuel a powerful desire to keep fathers and mothers close by as they age.

“Looking after parents is an important part of many cultures. It’s a very basic human requirement,” says Arvind, whose mother now lives with his family in Adelaide.

“It’s much less stressful,” he says. “When she was by herself in India, I was always thinking about her and what could happen.”

Grandparents pass on important family knowledge. Arvind says that his children learn about language, culture and religion when they observe Hindu holy days with their grandmother.

“The kids get to spend a lot of time with her, and she goes everywhere with us,” says Arvind. “Shopping, holidays, it’s a very close relationship.”

There are pragmatic considerations too. Grandparents often look after children, cook, clean and maintain houses and gardens or help out in family businesses, enabling their adult children to work and build careers.

“Pretty much everyone needs their families here, especially when you have a new family and young kids to look after,” says Sunny from Melbourne, whose parents migrated about a decade ago and helped care for his children. “It provided a kind of security for us.” They now provide the same support for Sunny’s brother, whose children are younger.

Yet Australia’s migration program has a strong bias towards youth, skills and English language proficiency, because evidence shows that migrants with these attributes make the biggest economic and fiscal contribution to the nation over

the course of their lives. A skew towards youth also helps to slow the overall ageing of society (at least in the short term), increasing the number of wage earners and taxpayers who can support those too old or too young to work. Even if they are only in their fifties or sixties, and have valuable skills and speak good English, parent migrants are already at the latter end of their working lives.

This is the parent conundrum. On the one hand, is the legitimate, heart-felt desire of first-generation migrant families to bring parents and grandparents to live with them in Australia.

On the other, are economic considerations regarding the long-term national interest that lead swiftly to a conclusion that parents are not the kind of migrants Australia wants or needs.

Successive Coalition and Labor governments have been reluctant to say an outright “no” to community members’ push for permanent parental migration, because overseas born Australians can be important voters in key marginal seats. However governments are not willing to increase the number of places to a level that would come anywhere near satisfying demand.

There are two drivers behind this refusal to increase the parent intake in line with demand. The first is a serious policy concern about the fiscal and demographic implications of adding 20,000-30,000 older migrants to the Australian population each year. The second is an electoral consideration. Amid an intractable housing affordability crisis and unprecedented pressure on Australia’s health- and aged-care systems, the term “big Australia” remains an emotive slogan. Any government increasing the parent intake would open itself up to a powerful negative campaign at the next election.

The policy response to this conundrum has been to ration permanent migration places and produce the dysfunctional

system we have today, where a blow-out in visa processing generates a current of anxiety and distress that destabilises families around the nation and across the world. The expert panel commissioned by the federal government to review Australia’s migration program put it succinctly in their final report in March 2023: “Providing an opportunity for people to apply for a visa that will probably never come seems both cruel and unnecessary”.⁴

This narrative explains the current state of play in relation to parent visas, investigates how we got into the mess we are in, examines the evidence for and against parent migration and explores the ethical challenges arising from the parent conundrum. It will look at why some previous attempts to break the deadlock, such as a long-term temporary parent visa introduced in 2019, have failed to satisfy anyone. It concludes by considering alternative policy options.

2. A messy patchwork of visas



If you are a first-generation migrant who wants to bring a parent (or parents) to join you in Australia for anything more than a short- or medium-term stay, then you face a confusing array of choices, most of which are likely to prove unsatisfactory.

There is a mix of temporary and permanent visas on offer, each with its own distinct identification number, fees, processing times and conditions. (See *Tables 1 and 2*)

The following section summarises the categories, from shorter visits to longer stays and permanent migration.

Short and medium-term visits

The simplest, quickest and cheapest visa is the subclass 600. This is a visitor visa – the same visa that tourists apply for – and it allows a stay of three, six or twelve months. If you want your parents to join you for an important family event such as a wedding or the birth of a child or just to enjoy a holiday together, then this visa can work well. It costs only \$150 and is generally issued within a few weeks.⁵

The subclass 600 visa also has a sponsored family stream. This differs from the standard visitor visa in that Australian relatives sponsor the visit, rather than parents applying on their own behalf. This may be necessary if there are any doubts about parents' ability to afford the trip and support themselves independently in Australia. The sponsor can be asked to pay a security bond which is generally between \$5,000 and \$15,000 per person, although Home Affairs can set any amount it chooses.⁶

Like all visas, the subclass 600 visa comes with conditions attached. Condition 8101 prohibits parents from working, although they can study for up to three months (condition 8201). Condition 8531 means they must leave before their visa expires. If a parent abides by these visa requirements, then the sponsor's bond is returned in full.

The biggest drawback for families is condition 8503 on the subclass 600 visa – the “no further stay” stipulation, which prevents a visitor from applying for any other visa to extend their visit.⁷ It's possible to apply for a waiver under a narrow set of circumstances, such as being too unwell to travel, the death or serious illness of a close family member or civil unrest or natural disaster in the home country. Some visitors who were unable to get flights home during Covid lockdowns had no further stay provision waived, for example, and it is likely that waivers would be granted to visitors from war-ravaged countries like Ukraine and Sudan.

In general, though, condition 8503 means the visitor visa cannot be renewed or extended. The aim is to ensure that parents are not taking up “de facto residence” in Australia. They must leave before their visa expires and then wait at least six months before being allowed to make a return visit. Parents are treated more generously in this regard than other visitors, who are “expected to spend at least as much time out of Australia as in Australia”, meaning they would have to wait at least 12 months before coming back.⁸

It must be noted that some families will find harder to bring parents to Australia on a short-term visitor visa than others, depending on whether their parents will be deemed an “immigration risk”. The Department of Home Affairs routinely screens out potential visitors that it considers likely to overstay their visas. This assessment is based on the demographic features of the applicant, their country of origin and on past overstaying by visitors with a similar profile. This makes it harder, for example, for humanitarian migrants to sponsor

parents who live in a conflict zone or under an oppressive regime, because Home Affairs may consider them likely to apply for protection as refugees after arriving in Australia. This places them in the category of immigration risk.

In summary, though, for most families the subclass 600 visitor visa is an efficient, affordable way for parents to stay with them in Australia for up to a year at a time, and to make repeat visits spaced out over time. But it is designed to prevent them from settling here.

After Sarah moved to Perth in 2009 to marry Matthew, her parents would come to visit them every year, staying three months at a time. After a decade of going back and forth they decided to pursue a permanent visa and found themselves stuck in a seemingly endless processing queue.

Around 56,000 sponsored family stream subclass 600 visitor visas were issued in just the first nine months of the 2022-23 financial year, a whopping increase on the previous record of 35,000 visas issued in 2018-19. This suggests pent up demand for family visits after the end of Covid-related border closures. Not all these visitors will be parents of course; some may be siblings, aunts, uncles or cousins. Nor does this data capture the full extent of temporary stays by parents, since many will come on a standard visitor visa, without sponsorship. There are millions of visitor visas issued every year and no way of distinguishing a parental visit from other family visits or tourism. This is an important gap in the data and our understanding of patterns of parent movements in and out of Australia over time.

Table 1 Temporary parent visa options

Subclass	Name	Length of stay	Cost	Options for renewal/extension	Processing Times	Conditions
600	Visitor visa	Up to 12 months	From \$150	Must leave Australia for 6 months before applying for a new visa	28 days (90% of applications)	No further stay No work
600	Visitor visa (Sponsored family stream)	Up to 12 months	From \$150	Must leave Australia for 6 months before applying for a new visa	53 days (90% of applications)	No further stay No work Sponsor may need to post a bond (\$5,000-\$15,000)
870	Sponsored parent (temporary) visa	3 years or 5 years	From \$5240 (3 years) From \$10,480 (5 years)	Must leave Australia for 90 consecutive days to apply for a new visa. Maximum length of stay is 10 years.	5 months (90% of applications)	No work Cannot apply for a permanent parent visa Must maintain adequate health insurance Must have a sponsor with a taxable income of at least \$83,455 Cap of 15,000 places annually
173	Contributory Parent (temporary) visa	2 years	From \$32,065	This is essentially a stepping stone to a permanent contributory Parent visa (subclass 143) with fees credited towards the final cost.	At least 12 years	Cannot hold a subclass 870 visa Must satisfy balance of family test Can work and access Medicare Subject to same caps as permanent contributory visas
884	Contributory Aged Parent (temporary) visa	2 years	From \$33,485	This is essentially a stepping stone to a Contributory Aged Parent visa (subclass 864) with fees credited towards the final cost.	At least 12 years	Cannot hold a subclass 870 visa Must satisfy balance of family test Can work and access Medicare Subject to same caps as permanent contributory visas Applicant must be old enough to receive the age pension

Long-term temporary stay

In 2019, the Australian government introduced a new temporary visa — subclass 870 — that enables families to sponsor parents for a longer term stay. It's a multi-entry visa, so parents can come and go as often as they like, and it is renewable, allowing for a maximum stay of ten years. It's also processed quickly, with most visas granted within a few months.

Both sides of politics promised a long-stay visa in the lead up to the 2016 federal election in response to determined and sophisticated lobbying by migrant communities in marginal electorates. It has not proved popular, though. The government capped the visa at 15,000 places annually, “in recognition of the challenges of an ageing population, as well as the overall budget impact of older migrants.”⁹ Yet demand has not come anywhere near the cap. By March 2023, almost four years after it was introduced, the sum of 870 visas granted totalled only 8204.¹⁰ No doubt Covid travel restrictions reduced applications, but there are other reasons the visa is disliked, starting with

the price. A three-year visa costs more than \$5000 and a five-year visa more than \$10,000. The same fee must be paid again if the visa is renewed. There is the added cost of private medical insurance, as required under the visa conditions. Standard cover currently costs about \$3000 a year, but one leading insurance company is raising its annual price to \$4826 in August. Another will no longer provide cover for 870 visa holders aged over 70. Sponsors must also prove that they have a taxable income of at least \$83,455 to be eligible.¹¹ Another reason that families may be reluctant to apply for the subclass 870 visa is that it prevents their parents from applying for permanent residence through either the contributory or non-contributory pathways.

Former bus driver Arvind Duggal, who led the 2016 campaign for a long-stay visa, feels betrayed. Over coffee in Adelaide, he told me that the 870 visa is “totally opposite to what was promised by the government”. We'll come back to Arvind's story and the shortfalls of the 870 visa later in the narrative.



Permanent visas

Table 2 Permanent Parent Visa Options

Subclass	Name	Cost	Annual cap on places	Processing Times	Conditions
103	Parent visa	From \$4,560	1000-1500 (103 and 804 sub-classes combined)	At least 29 years	Cannot hold a subclass 870 visa Must satisfy balance of family test Must have an approved sponsor to provide housing and financial help for the first 2 years in Australia. Must have assurance of support (bond of \$5000-\$10,000) Can work and access Medicare
804	Aged Parent Visa	From \$4,560		At least 29 years	Cannot hold a subclass 870 visa Must satisfy balance of family test Must have an approved sponsor to provide housing and financial help for the first 2 years in Australia. Must have assurance of support (bond of \$5000-\$10,000) Can work and access Medicare Applicant must be old enough to receive the age pension
143	Contributory Parent visa	From \$47,955	3500 – 7000 (143 and 864 combined)	At least 12 years	Cannot hold a subclass 870 visa Must satisfy balance of family test Must have an eligible sponsor Can work and access Medicare
864	Contributory Aged Parent visa	From \$47,955		At least 12 years	Cannot hold a subclass 870 visa Must have an eligible sponsor Must have assurance of support (bond of \$5000-\$10,000) Must satisfy balance of family test Can work and access Medicare Applicant must be old enough to receive the age pension
114 and 838	Aged Dependent Relative	From \$4,560	Fewer than 50	At least 24 years	Dependent on a relative in Australia for basic needs for at least the previous three years Must have an approved sponsor to provide housing and financial help for the first 2 years in Australia. Must have assurance of support (bond of \$5000-\$10,000)
115	Last Remaining Relative visa	From \$4,560	Fewer than 50	At least 24 years	No other close relatives outside Australia Must have assurance of support (bond of \$5000-\$10,000) Must have an approved sponsor to provide housing and financial help for the first 2 years in Australia. Can work and access Medicare

The (not very) fast lane

When you board an aeroplane there are usually two entry lanes – one for first-class passengers, another for those seated in economy. The same is true of permanent parent migration – there are two visa streams, and the pricier one is processed far more swiftly than the other.

The “first-class” stream is for “contributory” visas, which in turn has two subclasses – the 143 and the 864. The main difference between the two is that the 864 is an “aged” parent visa, which means that applicants must be old enough to receive the aged pension in Australia.

These contributory visas have been around for twenty years. When they were first under discussion in parliament, a bills digest described them as a “a new class of ‘user pays’ visa for parent migration”.¹² In 2003, when it was introduced, the visa charge was about \$25,000 per person. Today, with a price tag of at least \$47,955, the fee is almost double.¹³ In addition, there are associated expenses such as health screening, police checks, document certification, travel and often, engaging the services of a migration agent.

Applicants must also lodge a bond (called an assurance of support) of up to \$10,000, which is held in the form of a bank deposit for up to ten years.¹⁴

As permanent residents, parent migrants will be eligible for Medicare and other government services. The official justification for the high visa charges is that parent migrants should “contribute” to the future cost of publicly funded supports – especially health costs – that they will access as they age.ⁱⁱ

Yet as the Productivity Commission argues, while the visa charges seem exorbitant, the \$350 million plus dollars of revenue they bring only recoups “a fraction of the fiscal costs for the annual intake” of parent migrants.¹⁵ The charge

is better understood as a premium paid in return for quicker processing. You pay extra for priority service. As with first class air travel, contributory visas are only available to the wealthy, enabling them to jump the queue.

Initially, this worked. Contributory visas made it easy for well-off families to swiftly settle their parents in Australia, usually within two years. But program numbers were capped from the start. The initial annual quota in 2003-4 was 3500 places. In the years since it has fluctuated, rising as high as 7500 places in some years, and dropping back down to the original level of 3500 places in others, with Coalition governments tending to grant fewer visas than Labor governments. In the 2021-22, the Morrison government granted 3600 contributory visas, but the Albanese government almost doubled the quota to 7000 places in 2022-23.

Despite their cost, and regardless of whether the annual cap is 3500 or 7500 places, demand for contributory visas far outstrips supply, with by far the largest number of applications coming from China, followed by India, Vietnam and the United Kingdom. In May 2023 there were more than 86,000 contributory parent visa applications in the processing pipeline.¹⁶ The Home Affairs website currently advises that a new application “may take at least 12 years to process”.¹⁷ The expert panel reviewing the migration program thought that a serious underestimate – it assessed the likely processing time as 15 years.¹⁸

The (very) slow lane

The starting price of \$47,955 per person for a contributory visa is beyond the reach of many families, leaving them stuck in the economy class queue for two non-contributory visa sub classes – the 103 parent visa and the 804 aged parent visa. (Again, the primary difference between these two subclasses is that applicants for the 804 must be old enough to receive the aged pension.) These visas have been

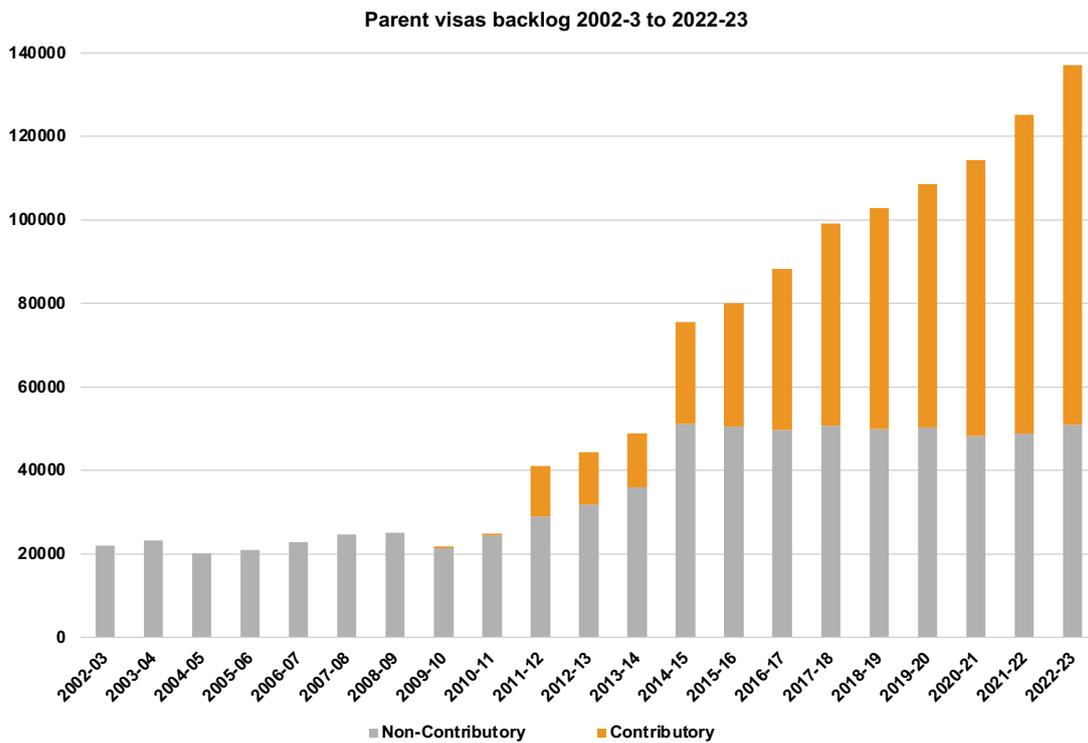
ⁱⁱ Although parent migrants must be a permanent resident of Australia for at least 10 years before accessing the age pension.

around much longer than contributory visas and are much cheaper — application charges start at \$4,560 — but since the late 1990s, the cap on places has been very low, regardless of which party held government. On average over the past two decades, fewer than 1400 visas have been granted annually, so the waitlist is correspondingly long. At the start of 2023, Home Affairs had more than 1600 applications on hand that were lodged back in 2010 and the department’s website advises that new applications will take “at least” 29 years to process. Again, the expert review panel judges this

an underestimate. It puts the processing time at more than 40 years. Either way, decades-long delays render the visa meaningless for any family looking to begin the process of sponsoring a parent to migrate to Australia.

In 31 May 2023, the department of Home Affairs had a combined total of more than 137,000 parent visa applications on hand — 86,000 contributory and 51,000 non-contributory. Over the past decade, the backlog of unprocessed visas has roughly tripled (see Chart 1).

CHART 1 Parent visa backlog



Data is from Home Affairs and its predecessor departments via annual reports on the migration program and the serial publication Population Flows: Immigration Aspects. Note data for 2022-23 is to 31 May; all other data is for 30 June.

There are other permanent visa options that could theoretically be available to parents. One is the Aged Dependent Relative visa (subclasses 114 and 838) for family members who have been dependent on a relative in Australia “for basic needs like food, shelter and clothing” for at least the previous three years. The Remaining Relative visa (subclass 115) allows people to migrate if their only close family members live in Australia. But the places allocated to these visa classes each year are so small that official processing times exceed 24 years and render them pointless.

Capping and queuing

Governments decide the size of the annual migration program each year, and how it is split between the skilled stream and the family stream. For more than a decade the split has been roughly 70-30 in favour of skill.¹⁹

Once this target is set, Section 85 of the Migration Act (1958) empowers the Minister to determine how many visas will be issued in each subclass within the skilled and family streams. This is what is known as “capping and queuing”:

If a visa class has been ‘capped’, this means that if the number of visas granted within that year reaches the maximum number determined by the Minister, no more visas of that class may be granted in that year. Those visa applications will be ‘queued’ for further processing in the next program year.²⁰

Home Affairs maintains that “the cap and queue power allows the annual Migration Program to be managed more efficiently”²¹, a claim that must seem risible to the 137,000 families stuck in the pipeline waiting for a parent visa.

The Minister also determines the order for “considering and disposing of family visa applications” through “processing priorities” set out in Ministerial Direction 102. Partners and children are high on the list, contributory parents are lower down,

and non-contributory parents are at the bottom, together with aged dependent relatives and remaining relatives.

The huge backlog in permanent parent visa applications is thus not an inevitability but the product of deliberate political and administrative choices by successive governments.

As the experts reviewing Australia’s migration program concluded, this has created a “cruel and unnecessary” state of affairs. Holding out the prospect of a visa that may never come due to endless backlogs causes great distress to families.

In 2022, the Senate Legal and Constitutional Affairs References Committee published the report of an inquiry into the “efficacy, timeliness and costs” of family visas, including parent visas. The committee published 179 submissions on its website but chose not to make public other correspondence that it classified as campaign letters, short statements or highly personalised accounts. Of the 418 “campaign letters”, 409 were from Australians seeking permanent residence for their parents. As the committee acknowledged, these letters “highlighted the impact that separation from their parents is having on them and their families, as well as the extended waiting periods and applications fees”.²²

We might wonder why people bother applying at all, given the ludicrous wait times. But migration advisers suspect many sponsors and applicants don’t interrogate data on processing times and lodge an application in the misplaced hope that a visa will be granted ahead of time. “A processing time of more than 30 years is simply nonsensical to sponsors and they often disregard it,” wrote Legal Aid NSW in their submission to the Senate committee. “The fact that visa applications can be lodged for these visa subclasses firmly implies that they are in fact available to be granted.”²³



The Balance of Family Test

All parent visa applicants must satisfy Australia's health and character requirements, and those seeking a permanent visa must also jump a qualifying hurdle unique to Australia — the balance of family test.

Arvind Duggal originally hails from Jalandhar, a city in Punjab famous for manufacturing cricket bats and other sports equipment. He migrated to Australia with his wife and two-year-old daughter in 2008, but Arvind says he didn't realise at the time he would not be able to bring his mother to join him.

After settling in Adelaide and investigating the options, he thought they would apply for a contributory parent visa, despite the near \$50,000 fee.

"It is a lot of money, but we were prepared to work hard to reach that goal," he says.

But then Arvind ran into the balance of family test and realised his mother would not pass it.

The "balance of family test" is applied to all applications for permanent parent visas — contributory and non-contributory. It requires that half of a parent's children must be Australian citizens or permanent residents, or, if the family is scattered across different countries, then more of their children must live in Australia than in any other country.²⁴

Arvind's problem is that he has two older sisters living in India, so the balance of family test prevented him from sponsoring his mother to migrate on a contributory visa.

It was a huge blow, and as we'll see later in the narrative, it prompted Arvind to become an activist and launch a campaign for a long-stay visa to enable parents to join family in Australia for more than a year at a time.

The official justification for the balance of family test on the Home Affairs website is that it “ensures only those with close ties to Australia are eligible for a Parent visa”. In evidence to a Senate Committee, Home Affairs described it in more detail as “an objective test that determines the extent of a parent’s link to Australia compared to any other country based on their children’s country of residence”.²⁵

But is a head count of children and where they live the best measure of “close ties”? Is such an “objective” test appropriate to what is clearly a subjective and deeply personal question? The balance of family test disregards whether adult children are close to their parents, estranged from them or just indifferent. Nor does it have any regard for the individual circumstances of different children. An Australian son or daughter may need support beyond that of their homeland siblings, due to illness or disability for example. Or an Australian child may be better placed than their siblings to care for a parent as they age.

Arvind’s family situation illustrates the complexities. His father died when he was just one year old, so his mother raised him as a single parent.

“That’s why I was so attached to Mum,” explains Arvind. “You’re paying her back. She deserves that respect and care.”

Arvind’s Mum was born in 1948. She is in good health though she has had impaired hearing since she was a child.

Arvind says that as the only son, it is his primary responsibility to care for his mother in her old age, while his sisters in India are expected to care for their parents-in-law. He notes, in turn, that his wife’s parents will be cared for by her brother and his family in India (though Arvind’s parents-in-law are also younger than his mother and have no desire to migrate to Australia.)

The balance of family test takes no account of such cultural expectations.

“If we want to call ourselves multicultural then you can’t bring half the culture,” says Arvind.

How much heed Australian public policy should take of long-established norms that assign responsibility for looking after parents to sons — or daughters-in-law — is debatable — especially if those norms load the primary obligation of care onto women.

Yet it’s not just in South Asian traditions that women do most of the caring — this is the case in all Australian communities. Governments are adjusting big picture policies to encourage men to play a bigger role in the home, as is beginning to happen with parental leave, for example. Beyond that, in a liberal democracy its generally left up to individuals and families to decide how to accommodate themselves to prevailing social norms. These are regarded as private decisions in which the state does not and should not intervene.

Arvind says the balance of family test contradicts the fundamental societal expectation that people are free to determine how they arrange care within their own families. He thinks the balance of family test is an example of the state overstepping its role and interfering in personal matters.

“We talk about all kinds of freedom in Australia. How is the balance of family test compatible with freedom?” he asks.

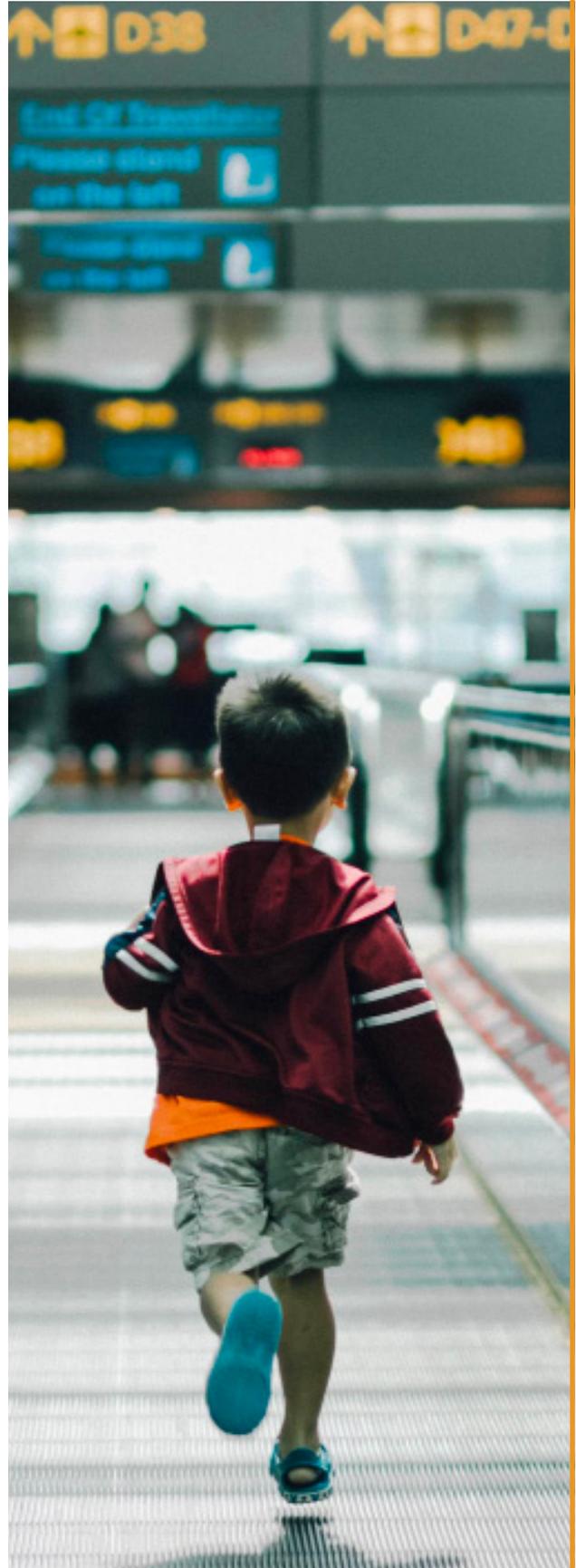
“The government is deciding with whom the parent should be living. This should be a family decision, a discussion between parents and their adult children.”

Arvind’s mother is now living with his family in Adelaide. She initially came on a visitor visa, but then applied for an aged dependent relative visa (subclass 838). To qualify, she must demonstrate that she is dependent on Arvind for basic needs like food, shelter and clothing. But there is no need to meet the balance of family test. While they wait for her application to

be processed, Arvind's mother remains in Australia on a bridging visa.

Whether or not Arvind's mother ultimately qualifies for an aged dependent relative visa is a largely theoretical question, since so few visas are granted in this category. In 2017-18, the last year for which a breakdown of the data is publicly available, there were no subclass 838 visas issued at all.²⁶ The Senate Legal and Constitutional Affairs References Committee concluded the processing time was over 50 years.²⁷

"She'll be waiting 30 years or more to get residency," says Arvind, which means she'll be well over 100 years old by the time her visa is issued. For now, though, Arvind is happy to have his mother by his side so he can return some of the love and care with which she raised him.



Foreign parents with Australian citizen children

The focus of this narrative is on overseas-born Australian adults and their parents and the desire for migration pathways to enable them to live together in Australia. But there is another type of parent child relationship that is also problematic in Australia's migration system – the relationship between Australian-citizen children (minors) and foreign parents on temporary visas. A hypothetical – though realistic – example, helps to illustrate the issue.

When Hari met Sally

“Hari”, an international student, and “Sally”, an Australian citizen, start a relationship. The couple have a child, “Issi” who is a citizen by birth. The couple do not apply for a partner visa, because of the prohibitive cost (more than \$8000) and, anyway, they are in love, and Hari already has a valid visa, so, they think, what's the rush. Subsequently, though, the relationship falls apart. Hari shares custody and care of Issi, but when he completes his studies, he no longer has any right to remain in Australia. The fact that he is Issi's father does not create a visa pathway for him. Nor does a court ruling granting Hari shared custody.

As a result, if Hari cannot find another pathway to permanent residence (such as through skilled migration), he will be forced to leave Australia and be permanently separated from his daughter. What is more, Issi will be permanently separated from her father.

Real Life Case Studies

While the story of Hari, Sally and Issi is hypothetical, I have reported on several cases in which the foreign parents of Australian-citizen children face similar problems.²⁸ They reveal a wide range of potential variations on the situation. For example, it may be a female international student who falls pregnant to an

Australian father, and who has no right to stay if the relationship falls apart before a substantive application for a partner visa has been made. The mother then faces the choice of abandoning her child or ending her child's contact with the father (if she can do so, since it is unlawful for her to take the child to live in another country without the father's consent). The problem is not restricted to international students but can arise for a variety of other temporary visa holders.

I have been approached by many other foreign parents in complex and distressing circumstances who were not able to speak publicly, because public comment could jeopardise ongoing family law proceedings or out of concern to protect the privacy of their child or former partner.

The number of people who inadvertently fall into this category is relatively small, but the personal distress created by this small number of cases is very large. What is more, the small number of cases generates a considerable administrative burden on the visa processing and immigration appeals system as foreign parents seek ways to remain in the same country as their child.

A lack of visa options creates legal and administrative burdens

To return to the hypothetical case above, it would be theoretically possible for Issi to sponsor her father Hari to remain in Australia under a Contributory Parent Visa (subclass 143). However, the costs and charges associated with this visa add up to more than \$50,000, putting it out of reach in practice. In any case, this visa class is a poor fit as it was designed to enable adult migrants who have settled in Australia to sponsor their parents to join them here. Hari cannot apply in his own right. As a minor, Issi's mother Sally would need to consent to Hari's sponsorship and sign the forms on Issi's behalf. Alternatively, Hari would need to find a

sympathetic community organisation to sponsor him and find the money. Even if these conditions were met, the wait time for the visa is now 12-15 years.

With a lack of legitimate visa pathways, the foreign parent faces the invidious choice of having to abandon their child by leaving Australia, or of seeking to take their child overseas, effectively ending the child's relationship with their Australian parent and other friends and family.

To avoid such a forced separation, the foreign parents of Australian-citizen children will usually seek convoluted ways to stay in Australia, such as making a manifestly unfounded application for a protection visa and pursuing futile appeals via the Administrative Appeals Tribunal. This is the only way of eventually bringing their case to the attention of the Minister for Immigration in the hope of being granted a visa under the Minister's public interest powers. (The Minister cannot use these powers until a case has been through every level of administrative and legal appeal.)

This process takes years. It not only constitutes a massive waste of time and resources in an already overstretched visa processing and immigration appeals system, but it also creates high levels of stress and uncertainty, damaging the health and wellbeing of the foreign parent and their child, and often also causing distress and anxiety to the Australian-born parent and extended family members (such as grandparents, aunts, uncles, cousins and sometimes, half-siblings).

The Rights of the Child

The fundamental rights at stake here are not just the rights of the temporary visa holder to have a close ongoing relationship with their child, but the right of the Australian-citizen child to have a close ongoing relationship with both parents.

The lack of a visa pathway for the foreign parents of Australian children can put Australia in breach of its obligations under the Convention on the Rights of the Child, which states at Article 9.1 that:

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.

Also at stake are the interests of the Australian parent to have the financial and practical support in raising their child. Under Australian family law, both parents have an obligation to contribute to the costs of a child's upbringing, even if they do not play a direct role in the care of that child. If a foreign parent is forced to leave Australia, then such legal and moral obligations are less likely to be met and are impossible to enforce.

3. Australia is not the only nation with the parent conundrum



Other nations with high rates of permanent migration also face the parent conundrum – the tension between the desire of families to be reunited with parents and grandparents, and national interest objectives such as prioritising the settlement of young skilled workers.

A quick survey of policy responses in the United Kingdom, New Zealand, Canada and the United States reveals a spectrum ranging from countries that are almost completely closed to parent migration, to a liberal understanding of parents as immediate family members with a right to settle.

It shows that Australia’s permanent visa system is by far the most expensive, requires sponsors to meet a high level of household income and has far longer wait times and backlogs than any other country. Australia is also the only country in the world that imposes a balance of family test.

The experience of other nations shows too, that there are no simple solutions to the parent conundrum.

Table 3: How Australia compares – permanent parent visas

Country	Name	Places	Selection Process	Processing time	Minimum Income requirement (one parent)	Visa fee
United Kingdom	Adult Dependent Relative	<20	Queue	n/a	n/a	£3250 (A\$6086)
New Zealand	Parent Resident Visa	2500	Queue for backlog (2000 to 2025)	Up to 10 years	NZ\$92,539 (A\$86,870)	NZ\$4160 (A\$3900)
			Lottery for future (500 places)	2 years		
Canada	Parent and Grandparent Sponsorship	15-20,000	Lottery	2-3 years	C\$42,800 (A\$47,700)	C\$1080 (\$1200)
United States	Petition for Alien Relative	Unlimited	Queue	1-2 years	US\$18,225 (A\$27,342)	US\$220 (A\$330)
Australia	Contributory Parent Visa	3500-7000	Queue	12-15 years	A\$83,455	A\$47,955
	Non Contributory Parent Visa	1000-1500	Queue	30-40 years	A\$83,455	A\$4560

United Kingdom – a closed door

If you are a first-generation migrant in the UK, then the only family members who can migrate to join you permanently are your partner and your dependent children.

There is no parent visa category — at least not for the parents of adults — though there is a visa pathway if you have a child living in the UK who is under 18 and requires your care, a category Australia needs and lacks (see p.20).²⁹

The narrow exception, which can theoretically apply to parents, is an adult dependent visa, which is intended for adult family members who need to be cared for by relatives in the UK.

The conditions are strict, requiring not only that the dependent relative needs “long-term care to do every day personal and household tasks”, but also that such care “is not available or affordable” in the home country. The UK family who will be looking after the dependent relative must be able to provide support, accommodation and care “without claiming public funds for at least 5 years”.³⁰

Extensive proof (such as medical notes) is needed to demonstrate these care needs and prove that no “close” relatives in the home country can provide support, with “close” possibly extending to include grandchildren, nephews and nieces.³¹

Unsurprisingly, British migration lawyers Reiss Edwards advise that “the highly complex nature of the Dependent Visa” means applications “will almost certainly need the help of immigration solicitors such as ourselves”.³²

Yet even with the top shelf advice, the chances of success are virtually non-existent. As the migrant support group Right to Remain argues:



If you have the funds to support your parent so that they will not need public funds, the Home Office is likely to argue that you can pay for care to be provided in the country in which they live – the Home Office position is generally that care does not need to be familial care.³³

The House of Lords Justice and Home Affairs committee concluded in 2023 that the dependent visa rules “are so harsh that they effectively ban families from being joined in the UK by adult relatives from overseas for whom they are desperate to care — often an elderly parent.”³⁴ In 2011, almost 1800 parents or grandparents were accepted for settlement in the UK. After the rules were tightened in 2012, the number dropped precipitately. In 2020, just one visa was issued and in 2021, none at all.³⁵

Without a permanent visa to apply for, families can only bring parents to the UK temporarily on visitor visas, with each stay limited to a maximum of 6 months. The best available option is a long-term visitor visa, which permits multiple entries over a period of up to ten years. The UK government warns, though, that a visa “may be cancelled if your travel history shows you are repeatedly living in the UK for extended periods.”³⁶



New Zealand – income thresholds and ballots

In the five years prior to June 30, 2016, New Zealand was granting almost 5000 permanent parent visas annually, a far higher proportion than Australia relative to population.³⁷ Then, in 2016, the Nationals-led government lowered the annual cap on places from 5,500 to 2000 and temporarily closed the parent scheme to new applications pending a review. According to business journalist Greg Ninnes, Prime Minister John Key’s government was concerned that many elderly parents coming to NZ “had complex health issues, which were putting a serious strain on the public health system”.³⁸

New Zealand’s Labour government, led by Jacinda Ahearn, moved to re-open the program in 2019, with an annual cap of just 1000 places. It also set a higher income threshold for sponsoring families. To qualify to sponsor one parent, families would need to earn at least NZ\$104,000, or twice New Zealand’s annual median income at the time. To sponsor two parents, they would need an income of at least three times the median income (NZ\$156,000). The government released cabinet papers canvassing the change, which explained the aim was to “attract and retain skilled and productive

migrants, while also limiting the costs of New Zealand Government benefits”.³⁹

In other words, parent visas were the cherry on top of New Zealand’s migration cake — a bonus extended only to high-income (and therefore, it was assumed, high-skilled) migrants, who might otherwise go elsewhere. There were no cherries on offer to migrants on lower wages, who might be expected to come to New Zealand without such inducements, and whose parents, it was assumed, would be more likely to draw more heavily on government services over time.

The new scheme was effectively suspended by Covid-related border closures before it came into operation. When it re-opened in October 2022, there were further changes. The income threshold for sponsoring one parent has been lowered to 1.5 times the median wage (NZ\$92,539), with the threshold ratcheting up by half the median wage for each additional parent or each additional joint sponsor. (Two adult children, rather than just one adult child and their partner, can now pool their resources to sponsor a parent together.) The cap on visas was also lifted from 1000 to 2500 places, at least until 2025.⁴⁰

By far the most significant change, though, was to the way parents would

be selected in future, with a shift from a queue to a ballot. Expressions of interest that were submitted prior to the scheme re-opening in October 2022 will be worked through sequentially, beginning with those submitted a decade earlier. With 2000 such visa grants annually, Immigration New Zealand expects to clear its processing backlog by August 2025.⁴¹

Expressions of interest submitted after October 2022 will go into a lottery, from which 500 lucky entrants will be selected annually. The first draw is set to take place in August 2023. If your ticket doesn't get drawn from the barrel, then you get another shot the following year. But after two years, your expression of interest expires, and you must submit a new one.

For applicants who win the jackpot, the visa fee to secure permanent residence is just NZ\$3,300.⁴²

New Zealand also offers parents another pathway to permanent residence – the Parent Retirement Resident Visa – but it's an option you need to be even more affluent to access. While there is no cap on numbers, applicants need to keep at least NZ\$1 million “in an acceptable investment in New Zealand for 4 years”, have another NZ\$500,000 on hand as “maintenance funds”, and demonstrate an annual income of at least NZ\$60,000.⁴³

In addition to the permanent residence lottery, and the parent retirement pathway, there is a relatively cheap and simple way for parents to visit family in New Zealand. At a cost of NZ\$211, the Parent and Grandparent Visitor Visa enables parents to travel in and out of New Zealand multiple times for a stay of up to six months. The visa is valid for three years, so the maximum cumulative stay time is 18 months. The visiting parent or grandparent must be sponsored by New Zealand family, who guarantee to provide “the things necessary for their health and welfare, like food, clothing and healthcare” and somewhere suitable to stay. Sponsors don't have to post a

bond, but they can be held liable for any costs incurred by the visa holder, such as medical expenses.⁴⁴

Canada – the luckiest not the quickest

In shifting from a queue to a lottery, New Zealand appears to be borrowing ideas from Canada.

In the first decade of the 21st Century, Canada granted permanent migration places to between 15,000 and 20,000 parents or grandparents annually, a considerably more generous scheme than Australia's relative to population at the time.

Yet it was not sufficient to meet demand, and the backlog of applications began to grow. In 2011, the wait for a parent visa was about seven years, and trends indicated the processing delays would blow out to 15 years by 2015. Recognising this, Canada's Conservative federal government acted decisively, closing the program to new entrants for two years (later extended to three) while it worked through the backlog. In the short term, the government dramatically increased places to clear the processing queue – granting more than 32,000 visas in 2013 – but when the program re-commenced the following year, it was subject to an annual cap of just 5000 places and made harder to access.

Under the revised program, the minimum income needed to qualify as a sponsor was raised by 30 per cent, and the sponsorship contract was extended from ten to 20 years.⁴⁵ (Parents do not qualify for social security and sponsors are obliged to reimburse government for the cost of any public services that parents incur during that period.⁴⁶)

Places in the new scheme were allocated on a first come, first served basis – and despite the tighter qualifying rules, the quota was fully taken up within hours of being opened to applications.⁴⁷

In 2015, Justin Trudeau led the Canadian Liberal party back into government. It lifted the number of parent visas to 10,000 annually and introduced a lottery system for allocating places. Since anyone can put their name in the hat, “it is no longer the fastest that wins, but rather the luckiest”.⁴⁸ In 2017, the lottery’s first year, there were 95,000 applicants so sponsors had about a one-in-ten chance of succeeding in bringing a parent or grandparent to join them permanently in Canada.⁴⁹

Canada’s lottery system works like this. Once a year, for a limited window of time (10 days in 2022), potential sponsors can lodge an expression of interest in bringing a parent or grandparent to Canada. The following year, immigration authorities pull enough names from the hat to fill the annual intake quota. There will be more names selected than places because some applicants will fail to satisfy the criteria for sponsorship, such as showing that they have earned at least 30 per cent more than Canada’s “low-income cut off”ⁱⁱⁱ for the past three years and are not drawing on social security.⁵⁰

Once an application is accepted, the processing time for a visa is about two and a half years, and costs start at C\$1080.⁵¹

In recent years, the Trudeau government has returned program numbers to the long-term average of between 15,000 and 20,000 places annually.⁵² In the most recent intake, Canada offered about 23,000 places to a pool of about 155,000 potential sponsors who submitted applications in 2020, meaning the odds of winning a prize had improved to about one in seven.⁵³

For those who miss out in the lottery, or choose not to enter, Canada also has a temporary 10-year, multi-entry “super visa”, which was introduced in 2011 as an alternative to permanent residence when the parents and grandparents program was suspended.⁵⁴ Parents must have private health insurance and need an approved sponsor who meets minimum income requirement.⁵⁵ Originally, the super visa only allowed for a total stay of up to two years, but in 2022 this was extended to five years. At that time, around 17,000 super visas were issued annually. The visa costs just C\$100 per person.⁵⁶

Alternatively, for repeated shorter stays, parents can apply for a regular multi-entry visitor visa, which allows visits of up to six months at a time and is also valid for ten years.⁵⁷

Table 4: How Australia Compares – Temporary visas for parents

Country	Visa	Valid for	Maximum length of stay	Cost
United Kingdom	Long term visitor visa	10 years	6 months	£837 (A\$1570)
New Zealand	Parent and Grandparent Visitor Visa	3 years	6 months	NZ\$211 (A\$198)
Canada	Super Visa	10 years	5 years	C\$100 (A\$112)
	Multi Year Visitor Visa	10 years	6 months	C\$100 (A\$112)
United States	B-2 Visitor visa	Up to 10 years	6 months	US\$160 (A\$240)
Australia	600 Visitor Visa (Sponsored family stream)	18 months	Up to 12 months	A\$150
	870 Sponsored parent (temporary) visa	up to 10 years (requires leaving country for 90 days to acquire a new visa)	3 years 5 years	\$5240 \$10,840

ⁱⁱⁱ The Low Income Cut-Off (LICA) is a kind of poverty line measure; households that fall below this level are judged likely to spend a much larger share of their income than average on basic needs such as food, shelter, and clothing. In response to Covid, in 2022, sponsors only had to show an income equivalent to LICA in the previous three years.



Australian visas are very expensive

The payments applicants make to Home Affairs in return for a visa are called Visa Application Charges (VAC) and they are among the highest fees of this kind in the world.

This is not just the case for the contributory parent visa VAC of \$47,955 which is meant to include a down payment against future costs to the Australian health system, but for all visas. The VAC for a partner visa, for example, is \$8085. In Canada, the processing fee for a partner visa is less than C\$600. The VAC for Australia's long-stay temporary parent visa (subclass 870) is \$5,240 for three years and \$10,480 for five years. Canada's 10-year parent super visa starts at C\$100.

There is an understandable assumption that the VAC bears some relationship to the cost of processing of an application by immigration officials and that fees are set accordingly, but this is not the case. In the budget, the Australian Government classifies visa application charges as "general taxation"⁵⁸ and presumably sets

the fee at whatever rate the "market" can bear. Visa charges are often increased annually in the budget, without any corresponding increase in the resources devoted to administering the immigration system that might reduce the backlog of applications and reduce processing times.

It's worth noting that the VAC makes up only one component of an applicant's costs. They must also pay for such things as police checks, medical examinations and document certification, often more than once, because processing delays render their original materials invalid. On top of this, applicants often spend thousands of dollars engaging the services of a migration agent to help steer them through the system.

Regardless of what decisions the government ultimately makes about parent visas, it should stop using visa application charges as a general revenue raising measure and bring costs down to a more reasonable level. It should also offer to refund fees when applications are withdrawn or switched to a different visa category due to excessive processing delays.



United States — a more open door

Unlike all the other countries reviewed so far, including Australia, the United States continues to classify parents as “immediate relatives” with the same right to family reunion as partners and dependent children.^{iv} There are no caps on the number of parents who can migrate, and visa fees are minimal (US\$220 in 2023).

Sponsors must first “file a petition” on behalf of their “alien relative”. The sponsor must be a US citizen — permanent residents can sponsor partners and children but not parents — and meet the qualifying annual income threshold of 125 per cent of the Federal Poverty Level (which was \$14,580 for an individual in 2023).⁵⁹ This is a much lower threshold than in Australia, and given the United States’ minimal welfare system and the lack of universal health care, support in times of need is far more likely to fall to families than the state.

For most applicants the process of petitioning is relatively swift, especially when compared to the processing times

for parent visas in Australia. The U.S. Citizenship and Immigration Services estimates that half of all petitions filed on behalf of immediate relatives (parents, spouses and children) are processed in about 12 months⁶⁰ and 80 per cent within 33 months.⁶¹ Once the petition is approved, the case is transferred to the National Visa Centre, and applicants are asked to provide additional documents and attend an interview. If all goes smoothly, this part of the process should take weeks, rather than months.⁶²

Is a lottery the right approach for Australia?

In its final report, the expert panel reviewing Australia’s migration program suggested that Australia shift to a Canadian or New Zealand style lottery to allocate parent visas. It argued that this would eliminate the current problem of massive visa application backlogs, because the number of applicants chosen from the lottery would align with the number of visa places available.⁶³ This might be technically accurate, but it obscures the reality that there are likely to be tens of thousands of families that enter the draw and fail to win. Those

^{iv} Children must be unmarried and under 21

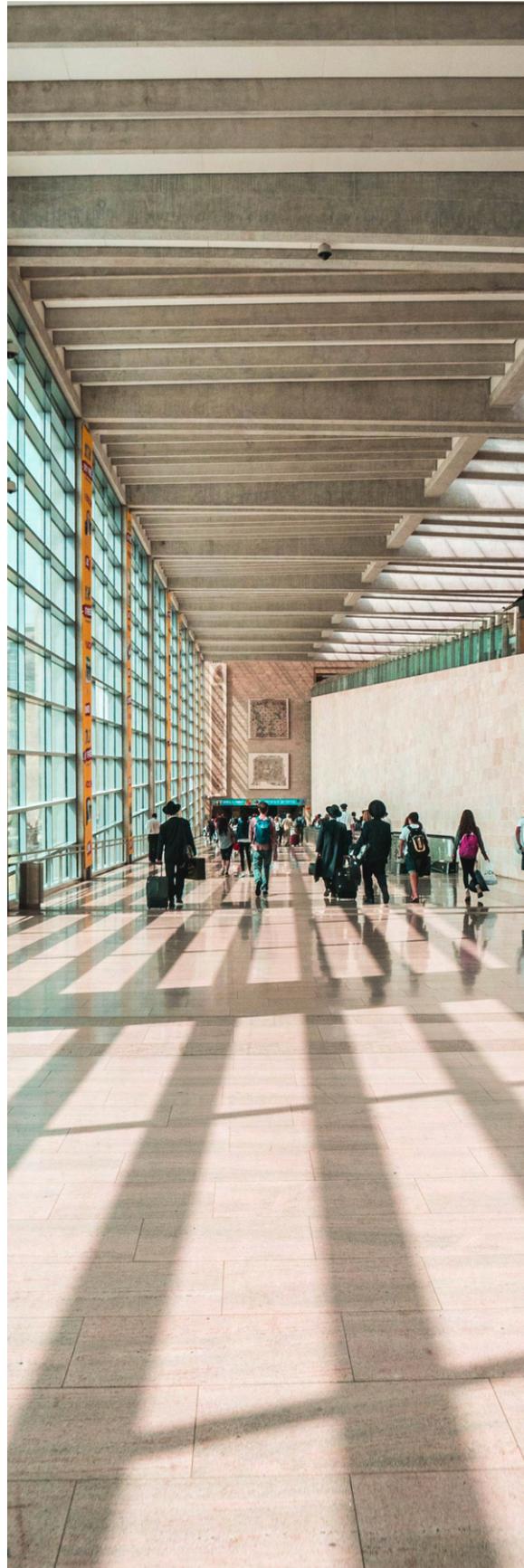
families are likely to try again the following year, and again and again in the years after that, but their chances of success will only decline as ever more new hopefuls add their names to the ballot. Can we honestly say that these families are not stuck in the queue? They are, at least, stuck in the lottery and condemned to live with a mixture of hope, anxiety and uncertainty, unable to plan for the future. Their situation would not be so different to the “cruel and unnecessary” plight of those families currently waiting for a visa that may never arrive.

A lottery might appear to be a neat political solution to the parent conundrum, but it fails on the key test of clarity and leaves families grasping at straws. Just like the faint hope that visa processing times will be faster than anticipated, the slim chance of winning a spot in the lottery will leave families banking on dreams, rather than adjusting to the realities of their situation and fully settling in Australia.

To be sure, a ballot offers a much fairer system than the two-tiered approach Australia has operated since 2003, which provides a fast lane for the wealthy and a slow lane for everyone else. In any case, as we’ve established, that fast lane is now clogged too.

There is another way to get rid of processing queues of course, and that is to adopt the U.S. system and categorise parents as immediate relatives, who are not subject to capping and queuing by the Minister, but like partners and dependent children, have an almost automatic right of entry.

Until relatively recently, this is how Australia’s family migration system used to operate. But then parents stopped being family.



4. When did parents stop being family?



In the two decades from 1984 to 2004, there was an accelerating shift from family to skilled migration in Australia. When a Labor government came to power in 1983, only about one in five visas were granted to skilled migrants.

While Bob Hawke and his successor Paul Keating were in office, the share rose above one in three, although as Chart 2 shows, it was a bumpy ride. As historian Rachel Stevens observes, the “see-sawing of selection policies” under Labor reflected “instability within the immigration ministry: within six years there were five immigration ministers representing three factions within the ALP.”⁶⁴

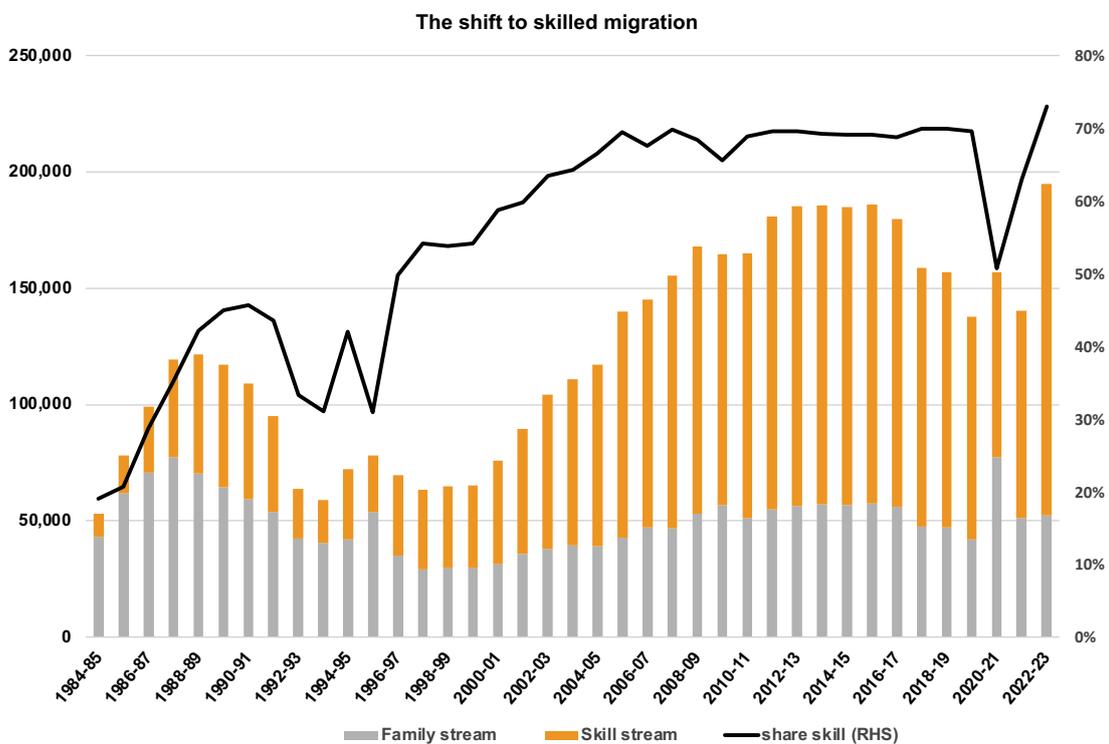
After John Howard led the Coalition back into power in 1996, his government was more united and concerted in its efforts to push the dial towards skilled migration,

which soon made up more than half of all places in the program. By the early 2000s, at least two thirds of all permanent visas were granted to skilled migrants, and this is now the established benchmark for both sides of politics.^v

The FitzGerald Report

A watershed moment in this shift came in 1988 with the report of the Committee to Advise on Australia’s Immigration Policies – better remembered as the FitzGerald report, after its chair Stephen FitzGerald, who had been Australia’s first Ambassador to China.

Chart 2: The shift to skilled migration.



Source: Data is from Parliament of Australia, “Australia’s Permanent Migration Program: a quick guide”, Parliamentary Library Research Papers Series 2020-21, 20 December 2021; Home Affairs “2021-22 Migration Program Report” & “Migration Program planning levels 2022-23”

^v These shares exclude humanitarian migration. 2021 was an exception due to Covid. As borders were closed, the federal government devoted a greater share of the program to family migration to reduce the backlog of visas, especially for partner applications.

FitzGerald noted that the median age of immigrants was rising and the skills profile falling, and he connected this to the prevailing selection criteria, which he thought gave too much weight to potential migrants with relatively distant family connections to Australian citizens. He recommended reorienting Australia's migration program towards skill, youth, and English language proficiency:

*To realise its potential economic benefits to Australia, the immigration program needs a high proportion of skilled, entrepreneurial and youthful immigrants, with English and other language skills playing a part in selection.*⁶⁵

FitzGerald's landmark report provided the blueprint for re-shaping Australia's migration program into the form we recognise today, with its three clearly defined streams — skilled, family and humanitarian — and with the skilled stream accounting for two thirds of all visas.

As I set out to research this narrative, I assumed that the FitzGerald report would mark the turning point at which “close family” was re-defined to encompass only partners and dependent children, and to bracket out parents.

To my surprise, when I read the original report, I found something different. FitzGerald emphasised that family migration was critical “to facilitating settlement ... and should be encouraged”⁶⁶ and he was clear that “close family” included parents:

*At the moment, the Family Migration category covers close family such as spouses, dependent children, fiancés, parents, special need relatives, and so on. Immigration in this category is functioning well.*⁶⁷

Not only did FitzGerald conclude that family migration expressed government objectives effectively “and should be retained”,⁶⁸ but, due to “the compassionate circumstances often

involved”, he recommended that the family immigration “be expanded to cover grandparents of Australian citizens, 55 years of age or older...”⁶⁹

FitzGerald did not argue that his push to focus on skill, youth and English language proficiency should cut out parents. On the contrary, he assumed that the migration of parents would remain “virtually automatic” as part of “family reunion” and that numbers in this category would be “self-determining”. If anything, his suggested inclusion of grandparents would lead to a modest increase in family migration.⁷⁰

FitzGerald's focus was on limiting the entry of other family migrants such as adult children, siblings, cousins, aunts, uncles, nieces and nephews. At the time, the “points” awarded to these applicants because of their relationship to an Australian citizen made it easier for them to reach the pass mark for entry than for migrants basing their applications on “‘pure’ economic factors” like skill.⁷¹ With almost 40,000 places granted annually, this “concessional” group of more distant relatives had become the largest cohort within the family reunification stream.⁷²

It's worth quoting FitzGerald at some length here:

It was put to the Committee by some that extended family reunion, particularly reunion of brothers and sisters and adult children, is a right. The volume of people eligible to come to Australia on this basis would be so great that it would necessitate some kind of queuing system.

Extended family reunion is not a right, and has not been accepted as such either by major political parties or by the Australian electorate. While maintaining a sympathetic attitude to the wish of families to be together, government must decide, and only government has the right to decide, what is in Australia's best interests. Over the past ten years, under the influence of concessional policies favouring extended family, there has been

a significant increase in the median age of immigrants, and a general decline in the proportion of skilled immigrant workers.⁷³

FitzGerald effectively drew a line between “extended family” — like siblings and adult children, who should be given lower priority — and “close family” — a group including parents and grandparents — who had a near automatic right of entry.

This was consistent with mainstream views at the time. In a 1988 policy document, for example, the Coalition (then in opposition) defined the “Australian norm” of immediate family as “the unit consisting of husband, wife, dependent children and aged parents.”⁷⁴

FitzGerald’s report also warned that “quotas” and “queuing” were not the answers for Australia. As we’ve seen, FitzGerald’s prescient views were ignored or forgotten, and quotas (caps) and queuing are now the established mechanism for “efficiently” managing parent migration, with its cruel side-effect of uncertainty inflicting distress and anxiety on tens of thousands of families.

Regulatory creep

FitzGerald’s report catalysed the bias towards skilled migration, but it was not the watershed moment when parents were excluded from the definition of “close family”. As migration expert Anna Boucher has documented, this change began before FitzGerald was commissioned to conduct his inquiry and continued afterwards. It was a gradual process, rather than a sudden change, achieved through the slow accretion of administrative, regulatory and legislative measures in migration and other public policy domains including social welfare.

In fact, the history of a rudimentary system of “user pays” migration stretches back to Federation in 1901, with bonds and guarantees to compensate for potential financial burdens that new arrivals might place “on public or charitable institutions”. Between 1927 and 1955 these guarantees

were posted for periods of three, seven or ten years. From 1955 until the 1980s, the standard bond duration was 10 years, and the regime specified the costs, pensions and benefits that could be recovered from guarantors.⁷⁵

In 1981, the Fraser government re-defined these guarantees as “Assurances of Support”. It linked an increase in family migration to a “self-help” policy aimed at reducing migrants’ demand on the welfare system. Under this new arrangement, Australian families had to guarantee to repay any social security costs their relatives incurred during their first five years in Australia. Families had an incentive to keep their parents off the dole. A long-standing exclusion period already ensured that they could not access the age and disability pensions until they had been resident in Australia for at least a decade.⁷⁶

As Boucher comments, the Assurance of Support “was intended to balance the seemingly contradictory policy objectives of increased family reunion, on the one hand, and reduced immigrant reliance on welfare on the other.”⁷⁷

In 1988, the same year FitzGerald handed down his report, Labor immigration minister Robert Ray introduced the balance of family test that still operates today, immediately slashing the number of parents who could apply for a visa. At the same time, the Migration Act was amended to allow the minister to cap the number of visa applicants processed annually in particular categories. Aged parents (over 65) were initially excluded from this cap, along with partners and dependent children, but within a decade, the powers would be extended to parents too. Robert Ray provided the legislative basis for the capping and queuing of parent visas that creates the endless processing times evident today.⁷⁸



Dear Minister, Positive Visions Project, 1989. This postcard was designed by artist Julie Shiels in collaboration with mature age students in a migrant English class. It formed part of a campaign against the Labor government's restrictions on parent migration. The reverse side was pre-addressed to immigration minister Senator Robert Ray, with a text reading, "Dear Minister, the extended family is an essential network of social and emotional support. Would you be kind enough to let our families join us in this beautiful country." More than 3000 postcards were printed and signed. Reproduced with permission of the artist.

The Assurance of Support proved ineffective because in practice it was difficult to recoup money from families whose parents accessed the social security system. So, in 1991 the government returned to the long-established practice of monetary bonds, and families who wanted to sponsor a parent aged over 65 to join them in Australia also had to pay an up-front deposit (initially set at \$3,500 for one parent and an extra \$1,500 for their partner). The bond was repayable after two years, minus any costs accrued over that time.⁷⁹ The government also implemented a “migrant health services charge” of \$822 per applicant – a non-refundable fee intended to offset

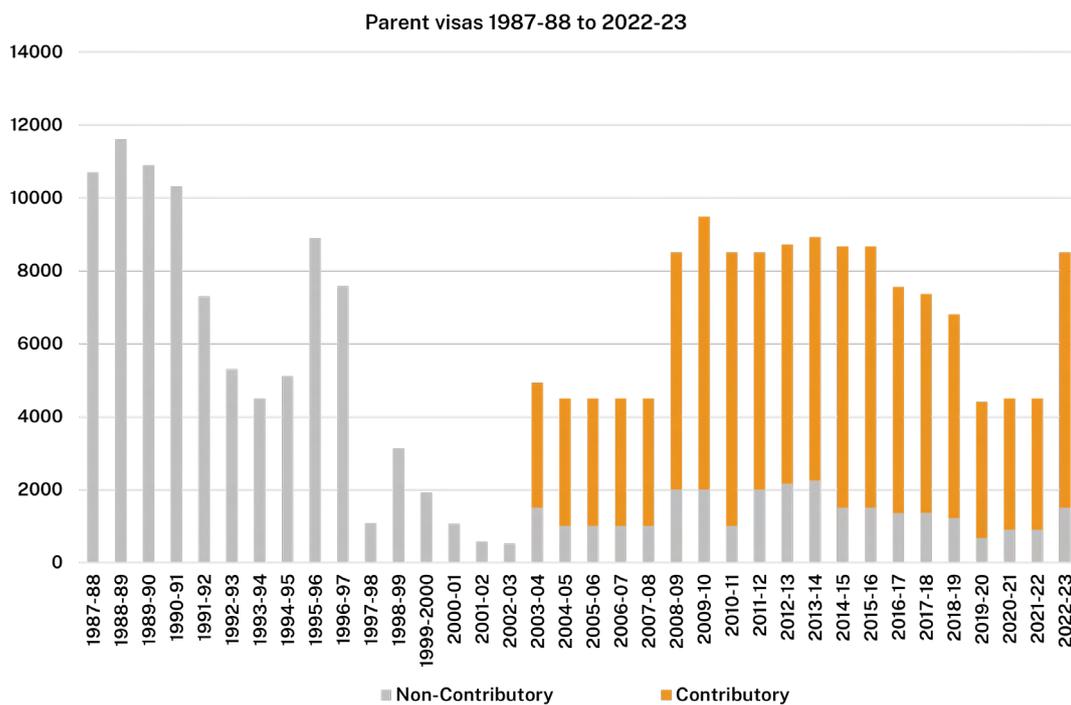
costs incurred under Medicare and the Pharmaceutical Benefits Scheme.⁸⁰

The following year, the government tightened social security legislation further, by preventing new migrants from accessing unemployment benefits until six months after their arrival.^{vi}

As Chart 3 and Table 5 show, the combination of these measures coincided with an overall, if uneven, decline in the number of parent visas granted annually between the late 1980s and the mid 1990s.

Then in 1996 they were ratcheted down much further.

Chart 3: Annual Parent Visa Grants 1987-88 to 2022-23



Source: Data is from Home Affairs and its predecessor departments via annual reports on the migration program and the serial publication *Population Flows: Immigration Aspects*, with the exception of 2022-23 data which is based on migration program planning levels.

Table 5 Major Policy Changes Affecting Parent Visas 1988-2003

1988 ALP	1991 ALP	1992 ALP	1996 Coalition	1997 Coalition	2001 Coalition	2003 Coalition
Balance of Family Test	Sponsor bond; health services charge	6 month wait for unemployment benefits	Two year wait for all benefits	Parent visas capped and queued	Parent visas capped at 500 places	Contributory visa introduced

^{vi} Humanitarian migrants were exempted.

The Howard Era

When John Howard’s Coalition government was elected in March 1996, incoming immigration minister Philip Ruddock declared that the migration program was “significantly out of control and out of balance”.⁸¹ Within weeks of being elected in March 1996, the new government extended Labor’s six-month welfare exclusion to two years and broadened its scope beyond unemployment benefits to encompass almost all government entitlements, including the carer’s pension, maternity allowance, child disability allowance, the Senior’s health card and the fallback emergency hardship payment known as special benefits. The notable exception was Medicare.

The parliamentary research service advised that the government’s intention was “to discourage those who cannot pay their way” and “cause them to think twice before immigrating”.⁸²

Philip Ruddock immediately used his ministerial powers to “deprioritise the processing of aged parents” relative to other family applications like partners and children. This downgrading was coupled with administrative re-allocations that shifted resources from processing centres predominantly handling parent and other family applications, to those with a major caseload of skilled migrants.⁸³

More importantly, Ruddock soon extended the powers introduced by Labor’s Robert Ray in 1988 to allow him to cap and queue parent visas, which had previously been exempt. As he told parliament in September 1997:

We understand that many people would like to have their parents migrate to Australia, but it needs to be understood that parents impose significant costs upon the whole of the community.⁸⁴

This was bolstered by inserting a definition of “immediate family” into the detailed rules that give specificity to the operation of the Migration Act. Regulation 1.12AA, which came into force in 1997, defined “a member of the immediate family as a spouse or dependent child of a person, or the parent of a person who is less than 18 years old.”⁸⁵ Parents were no longer included as close family for the purposes of migration law.^{vii}

It hardly needs to be said that this narrowing of the concept of family to the nuclear family (“Mum, Dad and the kids”) is culturally specific to a particular time and place — post-War western societies, and Anglophone societies in particular. It fails to take account of the veneration granted to elders in many cultures, including the cultures of Australia’s own First Nations peoples, or of the broader networks of reciprocal care and support that extend across generations. Nor does it recognise that in some cultures, members of an extended family may be just as psychologically and socially interdependent as parents and children are assumed to be in the standard western nuclear family model.⁸⁶

Nevertheless, the government was determined to go further. It wanted to shift the parent visa system much more substantially onto a “user pays” footing.

^{vii} Minister Ruddock first added the new regulation in 1996 but it was later disallowed in the Senate. His second attempt, in 1997, was successful and Regulation 1.12AA remains in place today, in amended, more technical language:
Member of the immediate family

- (1) For these Regulations, a person A is a member of the immediate family of another person B if:
 - (a) A is a spouse or de facto partner of B; or
 - (b) A is a dependent child of B; or
 - (c) A is a parent of B, and B is not 18 years or more.



Community Consultation

One hot evening in March 2000 I drove to the outer eastern suburbs of Melbourne to see Philip Ruddock addressing a crowd at the Knox Community Centre. Ruddock was a hardworking and apparently tireless minister, and these “town hall” meetings were a feature of his annual consultations on the size and composition of the migration program. I was there because I was writing a book about Australia’s policies towards refugees and asylum seekers, a topic very much in the headlines, even in those pre-Tampa days. But to my surprise, the most passionate debate that night centred on parent visas, a topic to which I had not previously paid any attention.

In his opening presentation, Philip Ruddock proudly described the government’s early success in swinging the pendulum of permanent migration away from family reunions and towards skills.

The minister backed up his approach with numbers. According to the neat charts he projected onto the screen, every 1000 people who entered the country as skilled or business migrants created a net gain to the federal budget of \$36.7 million over five years. The same number of family migrants, by contrast, cost the budget \$1.8 million. But not all family visas were alike, the minister explained, with parent migrants imposing “a significantly higher ongoing cost” than partners.

At this time, the pipeline of pending parent visa applications was a fraction of today’s backlog, but since the minister had extended the capping and queuing powers introduced by Labor’s Robert Ray, annual caps imposed on parent visas were nevertheless pushing out processing delays. Ruddock’s presentation was designed to convince audience members — many of them citizens born overseas — that they could speed things up by supporting the government’s push to introduce new “user-pays” contributory parent visas.

This was a savvy public relations salvo in an ongoing war of attrition with the Senate. Ruddock's aim in Knox was to shift the blame for processing delays from his government's cap on parent numbers to intransigence in the upper house, where opposition and crossbench Senators refused to approve his reforms.

In 1998, the Coalition had attempted to increase fees for parent visas to around \$17,000. Labor and crossbench Senators disallowed the regulations on the basis that they would enable rich families to become "queue jumpers" — a term often used at the time to undermine the legitimacy of protection claims lodged by asylum seekers arriving by boat.

Ruddock returned fire by capping parent visas even more tightly, halving the number of places from 2000 in 1999-2000 to 1000 the following year. The government tried again to introduce a contributory visa, this time via legislation.^{viii} But the Senate excised the relevant provisions from the Act. In retaliation, the immigration minister halved the cap on parent visas once more, bringing it down to a measly 500 places annually.

In Knox that night, I saw how this blunt instrument swung many migrant families to Ruddock's side. Given the choice between an indefinite and uncertain wait for an affordable parent visa and a relatively short wait for an expensive one, they would choose the latter. I recall passionate pleas from participants at the consultation as they promised to take full responsibility for their parents living expenses, to provide for their housing and to guarantee their healthcare costs, if only the minister would allow them to bring parents to Australia quickly. The government had to understand how crucial it was in their culture to honour and care for parents in their elder years, and how essential it was for grandchildren to know their grandparents, share their culture and hear their stories. If required, migrant families of all backgrounds were willing to pay large sums to get their parents to Australia.

Ruddock's tactics were ultimately successful. The Senate relented in 2003, and the contributory visa immediately became the main mechanism used by families to bring parents to Australia. In 2003-04 the government increased the cap on parent visas ten-fold, from 500 to 5000 places, but most of the visas were reserved for the new contributory category. It has remained that way ever since, despite changes of government. Labor's original opposition to the contributory visa as a mechanism for "queue jumping" did not translate into its repeal when it held office from 2007 to 2013.

In its 2014 budget, a re-elected Coalition government tried to abolish the non-contributory parent subclass altogether, conveying the message that "Australia does not want parents ... unless they can pay for the privilege".⁸⁷ This move was again stymied in the Senate.⁸⁸ And so the visa hangs on, a near useless artefact from an earlier era, with a decades-long waiting list.

The contributory parent program, however, no longer fulfills its promise either. It does not provide the express lane that was in prospect when Philip Ruddock addressed voters in Knox on that hot March night more than two decades ago. At a cost of almost \$50,000 per person, the first-class ticket to Australia has turned into a bum deal, landing you in queue that is ridiculously backlogged.

In 2018, the Coalition government attempted to trim that queue by administrative means, moving to double or triple the minimum income required for a family to sponsor a parent, which would have rendered low- and middle-income families ineligible.⁸⁹ Once more, the Senate reversed the changes.⁹⁰

^{viii} Migration Legislation Amendment (Parents and Other Measures) Act 2000



The contemporary challenge

This is the situation inherited by the Labor government led by Anthony Albanese that won office in May 2022 – a dysfunctional parent visa system that is causing heartache for tens of thousands of families and a huge administrative burden for the public service.

Since taking office, the government has prioritised reform of the skilled stream of the migration program, including addressing the systemic exploitation of workers on temporary visas. It has moved to create a pathway to permanent residency for New Zealanders who have settled in Australia, and to resolve the status tens of thousands of refugees who have been stuck on temporary protection visas for more than a decade.⁹¹

The government also “recognises the need for reform of the family program and notes that this will be considered separately.”⁹² Parent visas are likely to be at the top of its agenda.

What should the government do? Should it keep tightly rationing parent visas, or should it switch from a queue to a Canadian style lottery system as its expert review panel has suggested?

As history shows, there are alternatives. Definitions of close family are “not self-

evident or consistent but contested and recast according to the perceived needs of [the nation].”⁹³ Could we return to the not-so-distant past, to a time less than forty years ago, when Stephen FitzGerald, a previous expert adviser to government, assumed that parents were and would always be close family, and the policies of Australia’s major political parties aligned with this understanding?^{ix} That would mean re-defining “immediate family” back to an earlier conception that includes parents and increasing Australia’s migrant intake accordingly to accommodate them without any caps.

It’s a conceivable option, but it’s unlikely to fly politically, given widespread and well-grounded concerns about pressures on Australia’s housing, health and aged care systems.

Another approach might be to give in to current realities – admit that the permanent parent visa program is completely dysfunctional, scrap it completely and look to satisfy families’ desire to have parents close by through some other mechanism like extended temporary stays.

This approach has already been tried and found lacking. If we want to revisit it, then we must first understand what went wrong.

^{ix} It is worth noting the parallel development in Canada where parents and grandparents have only become “a problem” relatively recently. The Immigration Act of 1976 included parents and grandparents in the Family Class alongside dependent children and partners, “indicating the political and moral weight associated with their inclusion.” Chen and Sherry 2015

5. A failed compromise? Temporary long-stay parent visas



Sunshine and family

When I first called “Edward”^{*} for an interview he asked if he could ring me back later as he was busy picking up a grandchild from school.

His three grandchildren are aged seven, five and four. Effectively Edward 72, and his wife “Tracey”, 64, have been residing in Australia for most of their grandchildren’s young lives – though they are not permanent residents.

“We just couldn’t imagine not being here to help in their formative years,” Edward tells me by phone from Queensland’s Sunshine Coast after delivering his grandchild safely home. “We’re like second parents to our grandchildren. We love them to bits.”

Along with school pick-ups and drop-offs two or three times a week, Edward and Tracey step in at short notice to look after the children if their son “Rory” or daughter-in-law “Matilda” get caught up at work. They provide extra support when Rory is travelling for business.

“We’ve been a major help,” says Edward “And that means our son and daughter in law have been able to be much more productive than they would have been if we weren’t here.”

When not with the grandchildren, Edward and Tracey have other distractions. They’ve joined the local golf club and made lots of friends. “We’ve built a life around the family, but we’ve also made sure we have interests outside the family,” says Edward.

They are for all intents and purposes, settled in Australia, with a home a short walk away from Rory, Matilda and the grandchildren. “We’ve built a house, spent a lot of money here in Queensland,” says Edward. Because they are not permanent residents or citizens, buying land and building a house required approval from the Federal Investment Review

Board. Edward estimates that this added \$40,000 to the cost. Since they sold their house in England, their Sunshine Coast house is the only home they have.

Originally the English city of Bath in Somerset west of London, Edward and Tracey both retired in 2014. They first came to Australia at the end of that year ahead of Rory and Matilda’s marriage the following March. Although Rory lived in Sydney, the wedding was held on the Sunshine Coast, and Edward and Tracey immediately fell in love with the area. Edward joked that if Rory moved north, then he and Tracey would consider migrating to Australia too.

And that’s how it went. Soon after the wedding, Rory’s employer asked him to relocate and in 2016, Edward and Tracey came back for a 6 month stay on a standard visitor visa. They returned the following year, this time on a 12-month visa, which they were able to renew for a second 12-month stay by making a short trip to New Zealand.

Edward and Tracey had put the money aside to apply for contributory parent visas. But when they looked more closely into relocating permanently, they hit the same brick wall that Arvind Duggal had run into – the balance of family test. They have another younger son, “Phillip” in England, who doesn’t yet have a family, and if that were the end of the story it wouldn’t be a problem – with one son in each country they would meet the threshold having at least half their children settled in Australia. But Edward has another son from a previous marriage, who is now in his forties. That first marriage ended acrimoniously when Edward’s first son was just two years old. As Edward was frequently away overseas for work, he failed to meet the regular access requirements set down by the court to share custody. He supported his son financially but was otherwise largely absent as a parent. Edward and his first son still have minimal contact.

^{*} As in previous sections, names introduced in quotation marks as pseudonyms designed to protect the privacy of the family involved.

As outlined earlier in the narrative, the “objective” balance of family test is a pure numbers game and takes no account of the depth or closeness of family bonds. Since Edward has two children in the U.K. and only one in Australia, the system locks him out and locks Tracey out too. And it counts for nothing that they’ve been emotionally enmeshed in the lives of their three Australian grandchildren since the eldest was a babe in arms, or that they frequently care for the children.

When the subclass 870 long stay temporary parent visa was introduced in 2019, it offered an alternative to coming and going every 12 months and Edward and Tracey leapt at the opportunity. In May that year, Rory was among the first to be approved as a sponsor, just weeks after applications opened. In August, Edward and Tracey returned to Bath, anticipating a three to four month wait. But within a week of submitting their medical checks they were granted visas and in early September they were back on a plane to Australia.

“It was very swift,” says Edward. “Our dealings with the immigration department have been very satisfactory.”

The bus driver who changed migration policy

Without the efforts of Arvind Duggal, Edward and Tracey might not have been able to establish their lives on the Sunshine Coast and watch their grandchildren grow up.

For someone who insists he’s not “political” and just wants “a happy family life”, Arvind has had a big impact on two Australian elections, putting parent visas on the agenda, and influencing the policy promises of both the Coalition and the Labor Party.

When the roadblock of the balance of family test prevented him from sponsoring his mother to move to Australia, Arvind couldn’t let the matter rest. At the time, Arvind was working as a bus driver. He discovered that two

of his workmates, Parminder Sohal and Davinder Pal Singh, were also dissatisfied with the existing options for bringing their parents to Australia. In 2015, the three men launched an online petition to then immigration minister Peter Dutton.

Despite its far from catchy title — “Introduce Long Stay visa for Parents who want to spend quality time with their family” — the petition took flight and eventually garnered close to 30,000 signatures.⁹⁴ The non-political Arvind was thrust into the unaccustomed role of activist and advocate. Still driving buses six days a week, he devoted his one free day to the campaign. At the start, Arvind did not even know the name of his local MP. Before long he was well-versed in the crucial marginal seats where migrant voters might influence the result.

Most mainstream media paid little attention, though SBS reported extensively on the issue, especially via its Hindi and Punjabi language services, as did other news outlets catering to specific migrant communities. And in the closely fought 2016 federal election, Arvind’s petition had the major parties scrambling to outbid each other to offer a new long-term temporary parent visa.

Labor moved first. Two weeks out from the poll, Opposition leader Bill Shorten promised a new renewable three-year visa. At the end of their stay, parents would only have to leave Australia for four weeks and could then return for another three years. This was a big improvement on the existing visitor visa, which offered a maximum stay of just one year and forced parents to leave Australia for at least six months between each visit.⁹⁵

Three days later, the Liberal Party trumped Labor by pledging that a re-elected Coalition government would introduce a five-year visa.⁹⁶ Both parties would require parents to hold private medical insurance and post a bond to cover any future expense for government services. Labor set the bond at \$5000; the Liberals based it on the existing Assurance of Support scheme (between \$5000 and \$15,000).

At the poll on 2 July, the Coalition squeaked home and within months things started moving. The government launched a discussion paper and announced community consultations to help design the new visa, which it “envisaged” would be in place the following year.⁹⁷

On the campaign’s Facebook page, Arvind’s supporters were elated.

“My heart is in celebration by the chance of having my mum close to me for longer than six months sporadically,” wrote one. “I cannot express how happy I am for reading this media release... having my mum for at least three years near her only grandchild is a dream... Gosh, I am in tears!!!!!!”⁹⁸

But it wasn’t until March 2019, just before the next election rolled around, that details were announced.⁹⁹ And in the slow transition from generous campaign promise to concrete policy the new visa had been hedged about with bureaucratic conditions and high fees.

Arvind still works in the transport sector, though these days he’s a customer service officer. When we meet for coffee in Adelaide at the end of his shift he says, “Peter Dutton betrayed us on his election promise”.

Eight days before the 2016 election, Arvind received a personally addressed email from the Office of the Minister for Immigration and Border Protection and signed by Mr Dutton’s media advisor. It explained that the promised new visa would require sponsoring families to post a refundable bond “within the existing parameters” (\$5000-\$15,000). There was no mention of a fee. Yet when details were finally announced in 2019, the Visa Application Charge was a hefty \$5000 for a three-year stay, and \$10,000 for five years.

The email also reassured Arvind that “the number of visas is not capped”. But when it eventually came to fruition, places in the program were limited to 15,000 annually.

Arvind says the Coalition chose to capitalise on the huge pent-up demand to

bring parents to Australia. “It’s like selling a bottle of water in the desert,” he says. “You can choose the price.”

“The government has said there will only be 15,000 bottles in the desert,” says Arvind. “This is making money from grandparents visiting their grandchildren, which is un-Australian.”

Arvind was also disappointed with three other aspects of the new visa. First, that families must have a high taxable income to qualify as sponsors, something that had not been mentioned in the election campaign. Second, that a family could only sponsor one set of parents, and third, that parents would have to leave Australia for at least three months to renew their visas. (The email from Mr Dutton’s office had suggested they’d need to leave Australia for “a minimum period of four weeks”.)

In the run up to the 2019 election, Labor promised to address some of Arvind’s concerns, saying it would remove the annual cap on temporary long-stay parent visas and slash the fees by 75 per cent. The price of the three-year visa would come down to \$1250 and a five-year visa to \$2,500.¹⁰⁰

Labor lost in 2019 and it felt no need to renew its public promises ahead of winning the next election in 2022, though Arvind says he was privately reassured that an Albanese government would honour its earlier commitments. He’s now concerned that he’s seen no action.

“If Labor fails to deliver then migrant communities will have every reason to lose our faith in the Australian political system” he says. “It’s not setting a good example for our kids who just want family time with their grandparents.”

From the start, Arvind and his bus driver colleagues had modest ambitions for their campaign. All they asked for was an extension of existing visitor arrangements to allow parents to stay for up to three years. He doesn’t see why that should be so hard or cost so much extra.

The campaign has been stressful and taken a toll on family life. “If we didn’t have the balance of family test, I never would have done this,” Arvind says. “Just to get a long stay visa took seven years.” He’d like to put the issue behind him, but he can’t quite let it go. “It’s not just about me,” he says. “So many people had faith in the campaign. They have worked really hard for it, but ultimately they’ve been very disappointed by the end product.”

Limbo land

Misook and her husband Soejun are also in Australia on subclass 870 long stay parent visas, but their experience is far less happy than David and Tracey’s. They had no trouble with the balance of family test since their only child is an Australian citizen. Instead, the subclass 870 visa has been an option of last resort, enabling them to stay in Australia as they endure the long wait for their contributory parent visas to be processed.

Misook and Soejun fall into the category of migrants that Home Affairs Minister Clare O’Neil describes as “stuck in permanently temporary limbo”.¹⁰¹ The expert review of Australia’s migration program calculated that there are 90,000 temporary visa holders who have already lived in Australia for more than five years, long enough to “lose their connection with their home countries and become embedded in the Australian community”.¹⁰²

“My husband and I have stayed in Australia, legally, for almost 11 years in the hope of living here permanently and becoming Australian citizens,” Misook says.

The South Korean couple and their 18-year-old daughter “Eun” moved to Australia from Seoul in November 2012. Misook’s employer, a global company, sponsored her on a temporary skilled work visa (subclass 457) to fill a vacancy in its Australian operations. She was under the impression that she would be able to seek permanent residence after being employed by the company for a

year, only to find that this was out of reach due to her age. Applicants under the Employer Nomination Scheme had to be less than 50 years old, and Misook was already 51. There was a possible exemption, if Misook could stay with the same firm for four years and earn a salary above a very high threshold, but she had to leave her job in 2015 before meeting that condition.

By this time, their daughter Eun was at university. Having failed to meet the requirements for sponsorship, Misook and Soejun looked for other ways to stay in Australia with their only child. Since they were now too old to apply for skilled migration, Soejun got a student visa and went back to study.

By 2017, Eun had qualified as a lawyer, started working and become a citizen. This enabled Misook and Soejun to apply for contributory parent visas. Almost six years later, they are still waiting for a decision. In order to remain in Australia while the process drags on, they spent \$20,000 to secure sub-class 870 long-term temporary visas valid for five years. The couple keep themselves engaged by volunteering for their local council, but Misook is frustrated that the subclass 870 visa conditions prevent them from working even when Australian employers struggle to find qualified staff in a tight labour market.

“Actually, my husband and I are healthy and have skill to work here in Australia, but we can’t work due to the ridiculous visa condition,” she says. “I have been suffering from a financial difficulty to pay all living cost due to the long delay of the visa process.”

Misook says she contributed more than \$250,000 in taxes while working for the IT company; Soejun also worked and paid tax, and he and Eun paid thousands more in fees to study as international students. Yet they are barred from accessing Medicare, or any other government services. Their long-stay visas expire in December 2024.

As that date draws near, the family's anxiety and uncertainty grow.

"The thing is my family has been living in limbo where we can't plan my family's future due to the visa delay," says Misook. "Sometimes I really feel depressed."

Despite their generally positive experience, on the phone from the Sunshine Coast, Edward says he and Tracey also have some concerns. The reality that their five-year visas expire in September 2024 is starting to weigh on their minds, and they are preoccupied with the process of securing a second five-year stay. Their biggest worry is that they'll be forced to leave Australia for at least three months to do so. Once processing times are added in, Edward reckons they could be away from their grandchildren for up to nine months, interrupting those close relationships and disrupting the lives of their son and

daughter in law, who rely on help with childcare to manage busy professional lives.

Then there's the cost. Since they have no home to go back to in England, Edward calculates they could be out of pocket \$50,000 in accommodation and airfares.

"That's money that would otherwise be spent here in Australia," he says, noting that some of it would probably go to Rory and Matilda and their young family to help them weather rising prices and increasing mortgage repayments. "Most grandparents offer financial support to their families especially during today's worldwide recession," he says. "I don't see any downside for the government in allowing us to apply onshore and granting us a bridging visa while our application is processed."



Edward has learned from Facebook that some three-year visa holders have been granted a waiver to apply for a renewal onshore because their presence in Australia is vital to enabling their adult children to stay in the workforce. But he's unsure whether the rules were only relaxed because of Covid travel restrictions and fears he and Tracey may not get the same dispensation.

The rules appear clear cut. The Home Affairs website says permission to apply onshore "may" be approved if the parent is unable to depart Australia due to accident, serious illness or a disaster in the home country, but will not be approved because leaving Australia is inconvenient or the applicant has "sold assets in their home country".¹⁰³

A letter to immigration minister Andrew Giles written by Edward's local MP brought no joy. The Minister fobbed the inquiry off with reference to mandatory conditions applied to temporary visas under the migration regulations. But with its long duration, Edward thinks the 870 subclass is in a different category to other temporary visas and does not understand why it can't be renewed in Australia.

"If we applied onshore and were granted the visa it's not like we're gaining any extra time on the 10-year limit", he says.

The reasons for preventing subclass 870 visa holders from applying for a new visa onshore are opaque. It could be a manifestation of the "Genuine Temporary Entry requirement" — a demonstration that temporary parent migrants like Edward and Tracey still have a life elsewhere and aren't trying to settle permanently.¹⁰⁴ But given that the visa allows a ten-year stay, this is an absurd piece of bureaucratic rigamarole. Perhaps, as one government insider told me privately, "it's just a very poorly designed visa".

Edward and Tracey have felt for a long time that they belong in Australia. Over the phone from the Sunshine Coast, Edward tells me that when they went back to England briefly in 2019, they

arrived in Heathrow and looked at each other and said, "This isn't home".

Yet Edward and Tracey also accept that their visas offer a maximum stay of ten years. "I understand we have no right to remain permanently," says Edward. "At the moment, it's cast in stone that we'll be going back to England in 2029."

By then Edward will be 78 and Tracey 70. They are philosophical about leaving. Perhaps by that time Phillip, their younger son back in the UK will have a family too, and they'll be able to play the same role for their British grandchildren that they've played for their Australian ones.

But Edward admits it would be hard to leave and harbours hope that by the time their second five-year visa expires in 2029 there'll be other options available — perhaps a new visa category or more flexibility on the balance of family test.

I fear, though, that as 2029 draws near, the stress about permanently departing their Queensland home and leaving behind their Australian family will intensify.

Permanently temporary

Whatever challenges lie ahead, Edward and Tracey's experience has been positive so far. The fact that they are native English speakers has no doubt made it easier to make social connections beyond the family.

The experience is not always so positive for parent migrants. A New Zealand study based on in-depth interviews with older migrants from China and Korea found that most suffered significant social isolation and loneliness.

A 79-year-old woman from China told researchers that she felt she had come to "a lonely island". A Korean woman said "... we just look after our grandchildren, eat and just live on ..."¹⁰⁵

The researchers found that family life was "a double-edged sword" — both their main

source of connection, and the main cause of social isolation if relations deteriorate or dissipate.¹⁰⁶

In a western context, traditional family bonds may weaken faster than they would when supported by the surrounding culture, especially as children grow into teenagers and become more independent and grandparents play a less intimate role in the daily life of the family.

Despite being pleased to have his parents with him in Melbourne, Sunny Duggal acknowledges that it has not all been plain sailing for them. The main problem, he says, is loneliness, especially once the children are off at school.

“They only have a few engagements with the kids and there is that gap of six to eight hours when everyone else is out of the house,” he says.

“Both my parents were working back home in India. Mum was an administrator in the public service and Dad was a military engineer.” But neither of them has an Australian driving licence so it’s hard for them to get out of the house on their own. “They are just sitting at home doing nothing, and that’s not the kind of people they are.”

Sunny says his parents had routines in Punjab that were knocked out by moving to Australia. They also had an extended family and have missed many weddings and other family functions.

When we speak in May, Sunny’s parents have gone back to Punjab for three months to avoid the cold and what Sunny calls “the sad months” in Melbourne.

To add to the challenges Sunny’s family face, his mother is now beginning to suffer from dementia. His father says he wants to move back home to India to look after her there, because it’s much easier to get carers to come and provide support in the home. Plus, he thought the familiar environment of his homeland might suit her better.

On the other hand, the health system in Melbourne is far superior, and Sunny is worried that his parents’ close bonds with

their grandchildren will dissipate. His daughter, who is studying a health-related profession, often spends a day or two a week with her grandmother. That could not be replaced by zoom calls. “You tend to lose that connection if you’re not there physically,” says Sunny. “You need to be present in the moment.”

Since his parents returned to India, Sunny says they have been calling every day, saying they think they’ll come back to Melbourne. “We are facing some tough decisions,” says Sunny. “We are fifty-fifty about what to do.”

The experience of Sunny and his parents, who are on permanent visas, highlight the challenges of a ten-year temporary long stay visa. If parents move back to their homeland after ten years away, they may find that “social and familial networks in their home country” will have weakened “further limiting the potential sources of informal care as they age”.¹⁰⁷

I have had serious reservations about the temporary long stay parent visa from the outset. When it was first promised at the 2016 election, I labelled it Claytons immigration, a reference to the faux whiskey marketed in Australia in the 1970s with the tag line “the drink you have when you’re not having a drink”.¹⁰⁸

The visa offers neither permanent settlement nor a truly temporary stay. It’s a messy political compromise cooked up to appease migrant communities in marginal electorates. The influence of the so-called “ethnic vote” is not a new phenomenon. As historian Rachel Stevens records, in its second term Malcolm Fraser’s Coalition government “incrementally relaxed the requirements for family migration, a pragmatic move designed to gain electoral votes from naturalized southern European migrants”, while in the 1980s Labor supported family migration, perhaps for the same reason. Stevens cites the assertion of veteran political journalist Michelle Grattan that “without the southern European vote, the ALP would have lost the 1987 federal election by two per cent”.¹⁰⁹

Yet campaign driven appeals to specific voters in marginal electorates rarely

produce well thought out policy. The subclass 870 long stay parent visa is a good example. Designed to appeal to overseas born voters in key seats, it shoves difficult decisions off to a distant tomorrow, launching chooks that will come home to roost on some future minister's desk.

Bringing parents to Australia on long-term but temporary visas also makes them vulnerable. As scholars Myra Hamilton, Angela Kintominas and Deborah Brennan write, while most sponsors will be motivated by good intentions, "family relationships can include imbalances of power and resources and can break down".¹¹⁰

The scenarios are not hard to imagine:

- A son-in-law sponsors his wife's widowed mother to Australia but a few years later the marriage ends. The estranged husband withdraws his sponsorship and demands his bond back and the wife can't step in because she has no independent income. The mother's visa will be withdrawn, yet the distressed wife is in a vulnerable psychological condition and she and her children need her mother's support more than ever.
- After living in Australia for more than ten years on a temporary visa, an elderly parent develops Alzheimer's. He claims he is being subject to elder abuse by his sponsor child. The relationship deteriorates to the point where the child withdraws sponsorship so the parent must leave Australia. But there is no one in the homeland to care for him. Does the father get sent back anyway? If not, who intervenes and who pays for the parent's high-needs care?

These are not far-fetched possibilities. Human lives are messy and complicated and tend to explode administrative systems and rules, no matter how detailed and prescriptive. In fact, we already see stories like this, because of the long processing delays for permanent parent visa.

In 2020, SBS reported that 98-year-old grandmother Esmeralda Rosario was facing deportation to India after living in Australia on a bridging visa for twelve years. She had arrived on a tourist visa and then applied for an aged parent visa. In 2019 her application was refused because, unsurprisingly, the nonagenarian failed to meet the health requirement and her care was judged likely to impose significant costs on the Australian community.¹¹¹

SBS also documented the similar case of 93-year-old Mollie Manley. She had been living in Australia on a bridging visa for 11 years when her application for permanent residence was refused. The great grandmother had passed all relevant medical tests when she first arrived in Australia, but by the time her application was assessed she was blind and in aged care. She too was slated as a potential burden on the health care system.¹¹²

Cases like these generally end up in drawn out legal appeals before they finally land on the desk of the immigration minister, with a request to intervene and grant a visa on compassionate grounds. The process takes years and is a stressful, expensive and inefficient way to run a migration program.

Have no doubt, there will be plenty of similar cases to come. In March 2023, there were 17,223 parents in Australia on bridging visas.¹¹³ Most of those people will either die waiting for a decision on their application for permanent residency, or else they'll end up being rejected because they have become too old and frail to meet Australia's health requirements.

In 2016, I warned that a long stay parent visa could attract a lot of elderly migrants to Australia. At the time, there were already 80,000 applicants queuing up for permanent visas, and I figured demand would be significantly higher after factoring in people who were put off applying by the cost or the endless delays, plus those like Arvind's mother and Edward who had been excluded by the balance-of-family test.

Prior to the 2019 election, when the Labor opposition promised to remove the cap on numbers and slash the visa fee, the same concerns re-emerged. Migration expert Bob Birrell predicted “at least 200,000 parent applications” in three years if Labor won government. Demographer Peter McDonald estimated that up to two million families could be interested in sponsoring a parent.¹¹⁴

So far, the subclass 870 visa has not proved anywhere near that popular, and not because the cap of 15,000 places remained in place or because Covid has interrupted travel plans. The likely reason that demand has been so low is that the visa is cumbersome and expensive. But the government would be wise to tread carefully in reforming it. If it was cheaper and easier to access, then the ten-year

visa may well become as widely used as Birrell and McDonald suggested, and that would invite a raft of unintended consequences. Without doubt, it would mean more heartbreaking scenarios to match the stories of Esmeralda Rosario and Molly Manley.

The Claytons approach to migration satisfies nobody and simply defers difficult choices. The government should have the courage of its convictions and either commit to parents being considered “close family” with a near automatic right to join their children in Australia, or say, no, sorry, such a policy is not acceptable to most Australian voters, and the best we can offer is a genuinely temporary stay of shorter duration.

Parent migration for refugees and other humanitarian migrants

Australia’s humanitarian program sits apart from the rest of the migration program and is subject to a separate annual cap set by the government. In 1980-81, when Australia was taking in refugees fleeing conflict and communism in Vietnam and neighbouring countries, annual resettlement numbers peaked at 22,545. For the past forty years though, the intake has generally hovered around 13,000 places.¹¹⁵

The humanitarian program has three main streams:¹¹⁶

- The refugee category for people who are subject to persecution in their home country and who are often referred for resettlement in Australia by the United Nations refugee agency (UNHCR).
- The Special Humanitarian Program, for people outside their home country, who are subject to substantial discrimination amounting to a gross violation of human rights and who have family or community ties to Australia.

- The Community Support Program, which enables communities, businesses, families and individuals to propose applicants with employment prospects and to support them on arrival.

In addition, in 2022 the government has allocated an extra 16,500 places to Afghan nationals over four years as “a reflection of Australia’s sustained commitment following two decades of operations in Afghanistan”.¹¹⁷

One of the stated aims of the humanitarian program is to “reunite refugees and people who are in refugee-like situations overseas with their family in Australia”.¹¹⁸ The Special Humanitarian stream provides the main mechanism for achieving this goal, but places are very limited — there were just 6919 visa grants in 2017-18, 7661 in 2018-19 and 5099 in 2019-20. Numbers in the following two years were much lower, due to border closures but will return to pre-Covid levels in 2022-23. In 2016, the Refugee Council of Australia estimated that there were at least seven potential applicants for every place in the program. The ratio is likely to be significantly higher today.

The Special Humanitarian Program applies the same narrow definition of family as the main migration program, meaning it is open to spouses and

dependent children, and not to parents or grandparents. This runs counter to the UNHCR Resettlement Handbook which “promotes broad and flexible criteria for family reunion” extending “beyond the nuclear family to encompass other dependent family members and relatives”.¹¹⁹

The Community Support Program is a relatively new component of the humanitarian intake and a potential route to family reunion but is more expensive. It is unlikely to benefit parents since it prioritises refugees aged between 18 and 50 with a job offer or who are likely to be financially self-sufficient within a year of arrival. To date, places in the Community Support Program have taken places away from other categories in the humanitarian intake, rather than being additional.

The result is that humanitarian migrants who want to bring parents to Australia are pushed into competing for the very limited number of places in the family stream of the mainstream migration program. They must pass the balance of family test and meet the same income thresholds to be approved as sponsors, even though they are far less likely to be able to do so. They must wait in the same endless queues for applications to be processed. It may be hard for humanitarian migrants to make short term trips overseas to visit their parents, because it may not be safe to travel back to their homeland due to ongoing conflict or the threat of persecution. Their parents might also have difficulty coming to Australia for a short stay since Home Affairs may refuse them a visitor visa because they are considered an “immigration risk” who might overstay or apply for asylum.

The experience of people who come to Australia as refugees differs in significant ways from the experiences of skilled or family migrants. Often, they are separated from relatives, including parents, who are stuck in precarious and unsafe circumstances. Anxiety about loved ones left behind can compound any other trauma they may have experienced, affecting mental health and hindering successful settlement. New arrivals often feel compelled to send financial support back to relatives, which may encourage

them to accept whatever work they can find rather than undertake study or training that could improve their long-term earnings potential.¹²⁰

A more generous interpretation of “family” could have significant benefits in the context of humanitarian migration. Refugees and others fleeing precarious circumstances often face greater settlement challenges than other migrants. They generally arrive in Australia with fewer skills and with more limited English. Having grandparents around to care for children can make it easier for parents to find work or to undertake education or training assisting the entire family to settle more quickly and successfully.

The government says it “aspires to progressively increase Australia’s humanitarian intake”.¹²¹ This is in line with the Labor Party’s policy platform which also “aspires” to progressively increase Australia’s government funded humanitarian intake with a target of 27,000 places per year, plus an additional 5000 community sponsored places.¹²² There is, however, no timeline to this commitment.

There is a strong argument for urgently increasing the size of Australia’s humanitarian program and setting aside more places for family reunion within it, including for parents, especially when they are dependent relatives at risk of persecution or other harm in their homeland.

The Refugee Council argues that at least 5000 places annually should also be set aside for refugee and humanitarian entrants within the family stream of the migration program with concessional conditions, such as reduced application fees and prioritised processing for family members at immediate risk.¹²³

6. The case against parent migration



The case against permanent parent migration can be plainly stated: parents are old. If this sounds like prejudice, it is backed by some compelling numbers coming out of Treasury, where economists, statisticians and tax experts have developed two models to estimate the economic and fiscal contributions of different groups of people over time.



OLGA and FIONA

These Treasury models don't purport to come up with an exact dollar figure because there are too many variables to predict how the economy and the tax system will perform decades into the future. The aim is to compare different migrant groups and to compare those migrants against the broader Australian population.^{xi}

The first model is known as OLGA – the Overlapping Generations Model of the Australian economy – and seeks to estimate the lifetime economic contribution of different groups in society. This is measured in such things as their labour and weighed against cost factors such as investment in training.

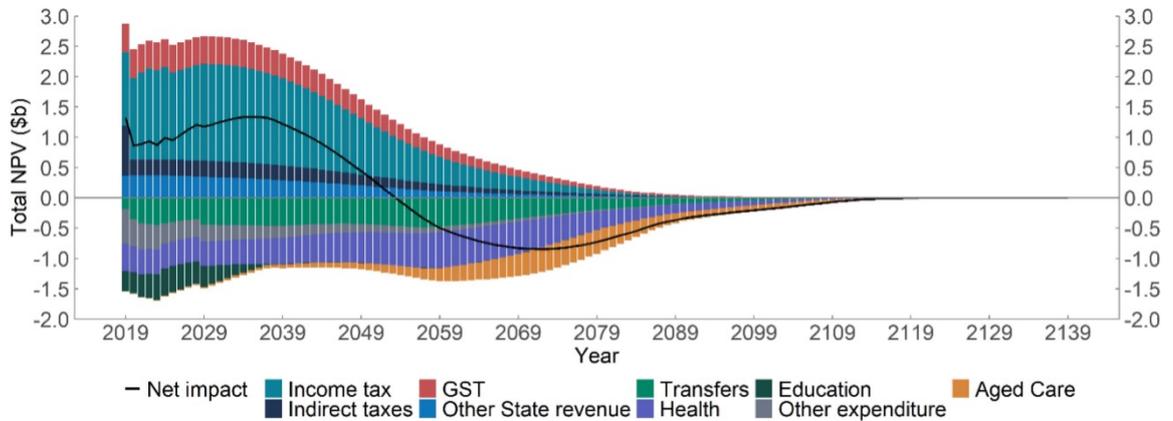
In Treasury's Intergenerational Report, the OLGA model was used to show that the average lifetime contribution of a skilled migrant was about four times greater than the contribution of a family migrant.¹²⁴ The report doesn't break down the contributions made by different types of family migrants, but we can assume that a parent would contribute less than a partner, because parents generally spend less time in the workforce.

Of more interest for our narrative is the second model – FIONA – the Fiscal Impact of New Australians model, which estimates the revenues that different cohorts of migrants will generate and the public costs that they will incur. It accounts for revenues like income tax, GST and visa application charges, and for spending like settlement support and health care costs, but it also captures indirect impacts such as increased infrastructure spending due to population growth.

FIONA adopts a lifetime approach because as the black line on Chart 4 from the model shows, "migration typically results in a period of net fiscal benefit (while migrants are of working age) followed by a period of net fiscal cost (after migrants retire)".¹²⁵

^{xi} The assumption is that the modelling is robust enough to ensure that regardless of any policy changes or booms and busts buffeting the economy, their relative impact on all population groups will be similar and so the differential between those groups will remain constant.

Chart 4: Lifetime profile of revenues and expenses for the 2018-19 permanent migrant cohort¹²⁶



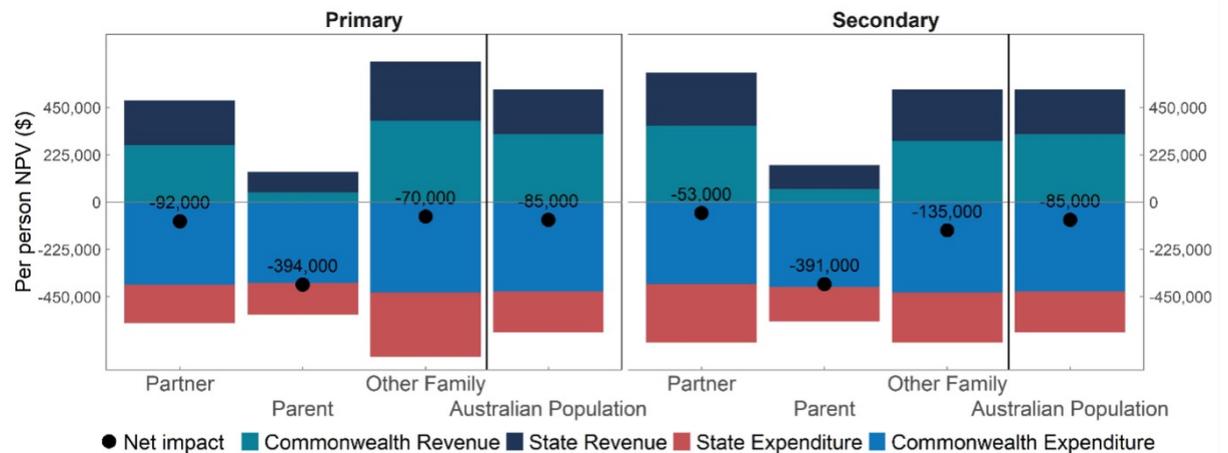
Note: the higher estimate of indirect taxes in year one occurs due to Visa Application Charges.

The modellers acknowledge that their number crunching doesn't capture things that are inherently hard to measure, such as the value placed on family reunion, or the role of parents in helping a family to settle well in a new land, or the care provided within families. This is a fundamental problem with conventional economics – it “neglects the family because the activities that take place within it cannot be measured in monetary terms”.¹²⁷ This is a topic we'll return to. For now, though, let's stick to what FIONA

does tell us.

Based on an analysis of the permanent migration program in 2018-19, FIONA estimated that in total, migrants who arrived in that year would have a positive fiscal impact of \$7 billion over the course of their lifetimes. This would be generated by skilled migrants who have an average positive fiscal impact of almost \$200,000 each.^{xii} Parent migrants, by contrast have a net fiscal cost of almost \$400,000 (chart 5).¹²⁸

Chart 5: Lifetime fiscal impact per person by visa subclass for Family stream¹²⁹



^{xii} This includes secondary migrants, that is the partners and children of skilled migrants and accounts for fiscal impacts at both the state and federal level.

From FIONA's findings, the expert panel reviewing Australia's migration program concluded that a permanent parent migrant "effectively has a fiscal cost of approximately \$600,000 over their lifetime". The panel reached this conclusion by assuming that every parent takes a place that would otherwise be filled by a skilled worker (-\$400,000 for the parent migrant and -\$200,000 from the skilled worker they displace = -\$600,000).¹³⁰

The expert panel estimated that if parent visas were not capped and queued, then demand would run at 30,000 places a year, so the lifetime fiscal impact of each annual cohort would be \$18 billion.

This ignores the FIONA modellers' caution that the dollar figures are subject to "empirical uncertainty" and treats them as a prediction of future outcomes. Yet even if those numbers are unreliable, it's hard to argue with the experts' conclusion that a demand driven parent program would come "at a very high economic cost to the Australian community as a whole."¹³¹

As the Productivity Commission has long argued, it's also apparent that the contributory parent visa charge of just under \$50 000 "meets only a fraction of the fiscal costs" imposed on the community during a parent's years in Australia. And this means that parent migration shifts public resources away from other areas of need:

Ultimately, every dollar spent on one social program must require either additional taxes or forgone government expenditure in other areas. It seems unlikely that parent visas meet the usual standards of proven need, in contrast to areas such as mental health, homelessness or, in the context of immigration, the support of immigrants through the humanitarian stream, and foreign aid.¹³²

The FIONA model found two factors play by far the biggest role in explaining the positive or negative fiscal impact of different visa cohorts — demography (age) and labour market outcomes. This reinforces conclusions from the

Productivity Commission's 2016 inquiry into Australia's migration intake:

- *the economic outcomes of immigrant parents are typically poor. They tend to have low integration into the labour market largely due to their older ages and, in some cases, poorer than average English-language proficiency. This means lower income (and income tax) than other immigrants.*
- *immigrant parents are at stages of their lives when they make considerable claims on the aged care, health and social security systems, which must be met through taxpayer funds.¹³³*

When I raise this with supporters of parent migration, they often counter that their parents contribute to the economy and make few demands on public services.

Sunny Duggal has had his parents with him in Melbourne for about a decade. The family originally hails from the city of Chandigarh in the Indian state of Punjab. When their children were small, both Sunny and his wife were doing shift work. Sunny ran a transport business with unpredictable hours. "You had early morning shifts and evening shifts and sometimes the drivers would not turn up, so I'd have to be there to sort things out," he says. His wife was working evenings running a restaurant.

Without having his parents around to look after the children, Sunny says they would not have been able to make the same contribution to the economy. His parents now provide the same kind of care for his brother Anju's three toddlers. Sunny and Anju also run the volunteer organisation Community Response Australia, which provides food and other material support to families in distress, especially in the wake of disasters like bushfires, floods and Covid.¹³⁴

As someone involved in catering to social needs, Sunny disputes the idea that his parents will be a cost on society. "In our culture, we keep our parents with us."

Generally, he says, parents will live in the same house as their children and grandchildren, or else families might build a granny flat in the backyard or buy a home nearby. “We don’t depend on the aged care sector.”

In Adelaide, former bus driver Arvind Duggal (no relation to Sunny) also disputes the idea that parent migrants are a burden on Australian taxpayers. “They are going to markets, going to cinemas, spending money, buying insurance, boosting the economy,” he says.

Despite best intentions and the abiding cultural commitments of families, it is wishful thinking to believe that every parent migrant will be cared for entirely by family as they age, let alone that they will make no use of doctors and public hospitals. And even if families stump up the full cost of every service, or if expenses are completely covered by private insurance, ageing migrant parents will still place additional demands on health and aged care systems that are already overwhelmed and understaffed.

One of the aims of Australia’s migration program is to slow the overall ageing of society. Parent migration has the opposite effect.

It is true, as Sunny and Arvind argue, that parent migrants contribute to the society and the economy in ways that empirical models fail to capture, particularly by providing childcare and other support that enables their adult children to work more. The Productivity Commission, though, argues that such benefits are largely private and flow more to individual families than to the community at large.

Grandparents, especially grandmothers, play a crucial role in looking after children. A third of families with both parents born in Australia had help from a grandparent in caring for children in a typical week. For families with parents born overseas, the proportions were lower — a quarter for families with one parent born overseas and a fifth for families with both parents born overseas.¹³⁵

Many families lack this kind of support, and the cost and availability of childcare

often prevents parents — especially mothers — from entering the labour market or from working as many hours as they would like.

But addressing this challenge requires a comprehensive solution to improve Australia’s system of early childhood education and care so that all families benefit, rather than private fixes for individual families facilitated through the migration program, whether they be visas for “migrant grannies” or “migrant nannies” which both represent “sources of feminized low paid or unpaid childcare”.¹³⁶

Take it or leave it

Another argument against families bringing parents to join them in Australia casts migration as a contract and bounded by conditions. The expectation of re-uniting the parents is not part of the deal. Economist Leith van Onselen puts it bluntly:

These families are economic migrants. They chose to migrate to Australia, and be separated from their parents, under their own free will. There should never have been an expectation that they could bring their elderly parents along for the ride at taxpayers’ expense.¹³⁷

Under this transactional approach to migration, the only reason we would grant parent visas would be to entice skilled migrants to Australia who would otherwise remain in their homeland or go to a country where parents are more welcome (like the United States). This would require a calculation that the benefits a skilled migrant would bring to Australia would outweigh any costs imposed by their parents. You’ll recall that this was the rationale for ratcheting up the sponsor’s minimum income threshold when New Zealand reformed its parent visa system in 2019 and may have influenced the thinking when the Australian government tried to do the same thing in 2018.

The overall idea is that more liberal rules on parent entry can help attract the best and brightest skilled migrants. It’s a live debate in the United Kingdom where

the National Health Service struggles to attract and retain sufficient overseas doctors to staff hospitals and clinics.

A survey of overseas-born doctors found that 90 per cent were considering leaving the U.K. Dr Kamal Sidhu, chair of the GP wing of the British Association of Physicians of Indian Origin, told a House of Lords committee that barriers to bringing parents to the U.K. are a key motivation for leaving. He assesses restrictions on parents as a false economy:

It takes £500,000 to train a consultant or a GP and £50,000 to train a nurse, yet I know so many colleagues who have left the country because they were not able to bring their parents here and were not able to carry out their duties as a son or a daughter.¹³⁸

Sarah, who we heard from earlier in the narrative, makes a similar point about Australia.

“Australia is currently spending millions recruiting workers from the UK and other countries around the world,” she says. “We are literally poaching the NHS and other professionals, with promises of big salaries, lots of sunshine and a better life. In ten years or so, when these workers have young families of their own, they’ll need to reunite their family, either because they need childcare or child support, or because their parents are getting older and thinking about how they will manage in later years.”

Since parents cannot come to Australia — at least not with any kind of long-term certainty — she anticipates that skilled workers will move back to their home country, as she is expecting to do.

“We can’t keep ignoring that and trying to make it someone else’s problem,” she says. “Why is no-one looking at the benefit of the family unit? Or the need to retain a skilled workforce?”

But there is a difference between “considering leaving” and going. While Sarah expects to leave, Dr Sidhu told the House of Lords committee that he and his wife had debated returning to India but the

distressing prospect of uprooting their children from their home in England weighed more heavily in the balance. In an increasingly competitive global market for skill, easier parent migration could make Australia a more attractive destination to some highly qualified migrants, but whether it would make a material difference in the global talent stakes is hard to assess. It assumes that young professionals early in their careers will display a high level of foresight in deciding whether to migrate, or which country to migrate to, especially when contemporary migration frequently begins as a temporary step rather than a permanent one. At the point when skilled migrants first come to Australia, their parents may be relatively young and healthy, still in the workforce or caring for younger siblings. Considerations about parent migration are only likely to arise later, when temporary migration becomes permanent, when grandchildren are born or when a parent is widowed or their health declines.

Sarah’s question — “Why is no-one looking at the benefit of the family unit?” — points to another practical consideration though: including parents in the definition of immediate family and allowing them to join their adult children in Australia, can improve health, contribute to social cohesion, and so benefit the entire community.

The Federation of Ethnic Communities Councils of Australia told a Senate committee that the benefits of family reunion “cannot be underestimated”.¹³⁹ The global immigration services firm Fragomen informed the same inquiry that family reunion “encourages primary visa holders to see Australia as a home and not just a place to earn a wage” and argued that this is particularly important for migrants settling in regional Australia, because it fosters “enduring community and familial roots”.¹⁴⁰

Conversely, as Australian Red Cross research shows, family separation can have a negative effect on well-being, “contributing to fear-based worries, anxiety about the future and often interfering with general functioning, affecting the ability to sleep, study, concentrate or work”.¹⁴¹ This is particularly the case for humanitarian migrants and refugees (see p.50).

Utility versus need

The cap on the size of Australia's annual migration program forces policy makers to assign priorities to its three streams — skill, family and humanitarian — and to allocate places to categories of visas within those streams. If they are to do this based on the overall benefit to the Australian community, then it is hard to argue with the Productivity Commission's conclusion that "the broader social contributions of other immigrants", especially skilled immigrants, are greater "than those in the parent stream".¹⁴²

If we were to argue that need, rather than social contribution, should determine who gets a visa, then parents might have a higher priority. Yet here we face a different conundrum — why should a scarce visa go to a parent ahead of a refugee?

The arguments against parent migration are generally transactional or utilitarian in nature.

The transactional view, expressed in stark terms, runs like this: migrate to Australia without your parents, or don't migrate at all. It's your choice. But don't try to change the terms of the deal after you get here.

The utilitarian view is that skilled migration, not parent migration, brings the greatest benefit to the Australian population and given that we have a limited number of places, we must prioritise skill over parents. "The primary purpose of our immigration program is economic, not social, in our view," declared Scott Morrison in one of his first speeches after taking on the immigration portfolio.¹⁴³ This view of immigration carried through to Scott Morrison's time as prime minister, and also influences Labor governments.

As legal scholar Heli Askola remarks, a growing reliance on purely economic justifications for migration generates "antagonism towards categories that are a concession to family unity" such as parent visas:

*The migration program now caters more closely than ever to the narrowly framed needs of Australia's economy – the nuclear family is the only thing that survives government attempts to circumscribe the social rationale for migration.*¹⁴⁴

The bias towards skill and against age also has a gendered edge, since women live longer than men, but are less likely to have amassed the same level of labour market skills (or lifetime wealth) because their time in the workforce is intermittent and interspersed with long periods of unpaid care. So, when government "shifts its migration preferences from the family stream to the economic stream, it shifts its preference from women ... to men".¹⁴⁵

The prevailing orthodoxy is that skilled migrants represent "human capital", whereas parent migrants — 60 per cent of whom are women — embody the opposite, "human liabilities". They pose a risk to the Australian population because of their age.¹⁴⁶

If we follow this argument to its logical conclusion, then we reach similar conclusions about ageing Australian citizens. It frames all older parents primarily as liabilities, who draw on public services without paying income tax and who prevent their working-age children (especially their daughters) from getting on with their productive economic lives, because they must take time off work out to accompany an elderly relative to the doctor or call by and help them shower and cook a meal.

While there are plenty of examples of age discrimination in Australia, and calamitous claims about what an ageing Australia means for future productivity, senior Australians are not viewed merely through the lens of liability. There is a powerful counter narrative that presents them as a generation to whom we owe a debt of gratitude, both individually and collectively, that should be repaid in respect and care.

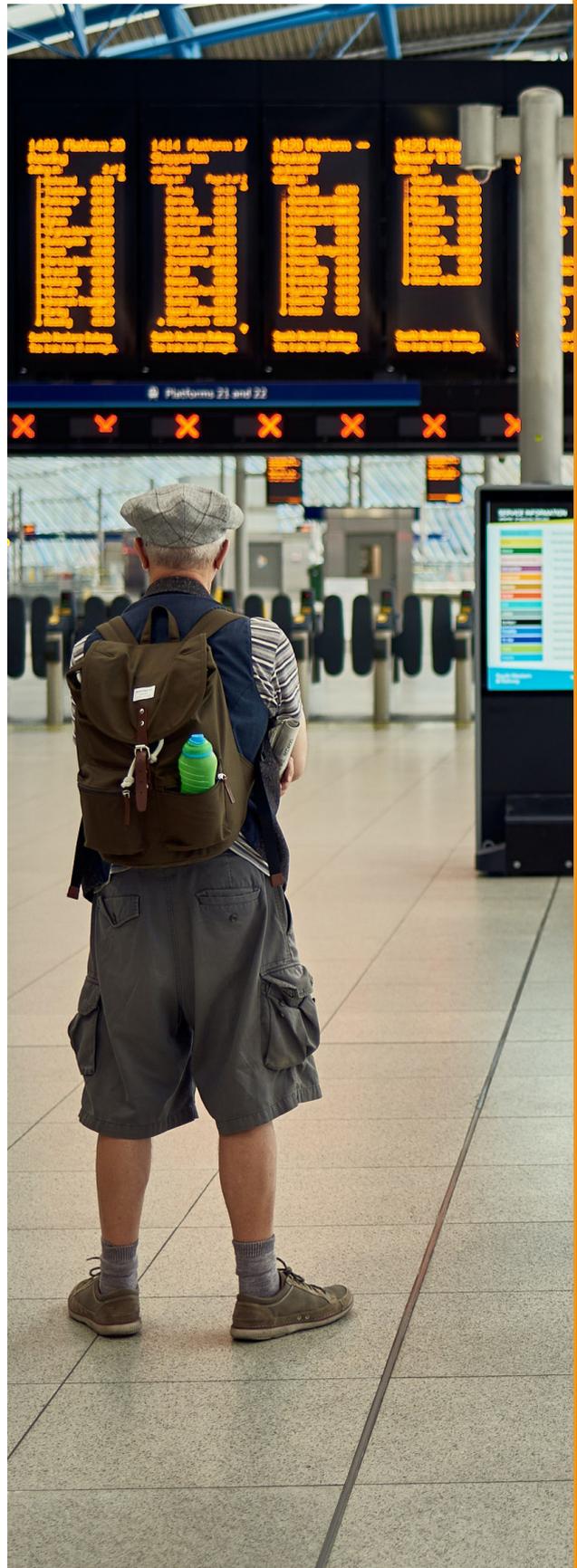
This helps to bring home the depth of emotion that accompanies pleas for parent migration to be expanded.

A simplistic transactional approach that regards migration as a contract with conditions attached — you can come, but only if you leave your parents behind — takes no account of the fact that humans are relational beings, and that connection to loved ones, like parents, goes to the essence of who we are.

Secondly, it shows up the limits of utilitarian ethics, which treats every human being as equal, but also as abstract. According to a narrowly utilitarian approach, we can swap a skilled migrant for a parent without compunction, because this will maximise the overall good for the nation, but in doing so we treat people as interchangeable units, divorced from the threads of interdependence that connect us and make up the detailed fabric of human life — and what constitute much of life's true value.

Countering utilitarian arguments against parent migration with utilitarian arguments for parent migration is bound to fail. Such “greatest benefit” calculations apply too narrow a lens to a complex moral question.

The strong arguments for parent migration start from a different premise and draw instead on the ethics of care.



7. The case for parent migration



We will decide...

We live in a world of nation states and assume that governments have the right to control their borders. It was on this understanding that Prime Minister John Howard famously declared in 2001 that “we will decide who comes to this country and the circumstances in which they come”.¹⁴⁷

But this right is not absolute. As political philosopher Iseult Honohan comments, “while some kind of limits on entry may be justified, not all limits on entry are equally justified”.¹⁴⁸

Joseph Carens makes a similar point:

*Whatever the state’s general interest in controlling immigration, that interest cannot plausibly be construed to require a complete ban on the admission of non-citizens, and cannot normally be sufficient to justify restrictions on family reunification.*¹⁴⁹

One of the reasons that guest worker schemes are so problematic, at least as they operate in countries like the Gulf States, is that they compel migrants to live apart from partners and children, often for years on end. This is why the Australian government has not capped or queued visas for partners or dependent children. Partners and dependent children have a near automatic right to migrate based on their intimate link to an Australian citizen or resident — a clear example of the moral limits on the right to decide who comes to this country.

As Askola says, so far, the nuclear family has weathered the tidal shift to treat migration purely as economic policy — although it has suffered the backwash. In 2020, the backlog of partner applications topped 100,000 and couples were waiting more than two years for a visa. Former immigration official Abul Rizvi accused the government of deliberately and covertly using administrative mechanisms to cap and queue partner visas in breach of the Migration Act.¹⁵⁰

But what is so special about family? Why, for example, should an Australian’s child

be granted entry to Australia ahead of an orphaned refugee whose life is at risk? The utilitarian answer might be that they should not. Australian Peter Singer, the world’s most famous utilitarian philosopher, says the right act is the one that does the most to reduce avoidable pain and suffering in the world. Granting a visa to the child refugee, ahead of an Australian citizen’s child, could well pass that threshold.

We might equally ask why an Australian’s partner should not wait in the queue behind a brilliant researcher who can transform our national capacity to develop life-saving vaccines. If we are to object to this order of priority and put the partner ahead of the skilled migrant, then our justification for doing so will probably not be utilitarian but will be based on a relational ethic — an ethic of care linked to our interdependence with particular people.

We could mount a convoluted argument about the contribution of the family to the overall happiness of society as a reason why family unity should have a high priority in migration policy. But as most families are untouched by immigration policy, this is not entirely convincing.

Generally, when we provide reasons for allowing family migration, we are less concerned with the overall quantum of social happiness, than with other concerns such as duty, rights, love and care.

The Convention on the Rights of the Child, for example, holds that a child has a right “to know and be cared for by his or her parents”.¹⁵¹ This approach is not utilitarian. It assumes that all human beings have an inherent dignity that gives rise to certain equal and inalienable rights. These rights have corresponding obligations. The Convention requires, for example, that states respond to requests for family reunification “in a positive, humane and expeditious manner”.¹⁵²

But talk of rights and duties is still somewhat abstract and legalistic, whereas our moral sense about families is immediate and emotional. As Iseult

Honohan puts it, “the family is distinguished by its intimacy and long-term personal commitment”. This is less about kinship — about ties of marriage or blood — and more about “intimate relationships of affection and support that entail giving and receiving care” especially at times in our lives where we are deeply dependent on another, such as childhood and old age.¹⁵³

Honohan’s insight helps to explain why Australia permitted same-sex partner migration in 1991, sixteen years before legalising marriage equality. Migration law did not, it should be noted, recognise same sex partners as spouses or as family, but instead created an “interdependency” visa, based on the relationship between any two people who had a genuine and mutual commitment to a shared life.¹⁵⁴

The approach was a convoluted workaround, that still discriminated against same-sex partners but at least it recognised, in clumsy language, the centrality of love and care in human lives.

At the same time as Australia was expanding its conception of “interdependency” to include same sex partners, it was narrowing the idea to exclude parents. Yet to use the clunky language of Australian migration law, parents and their adult children remain “interdependent”, even when separated by vast oceans. Lorretta Baldassar’s research shows that distance doesn’t “diminish the concern they have for each other”. In fact, distances can increase the feeling of adult children that they have a duty to care for parents as they age. She says women, especially, struggle with feelings of guilt because they are unable to provide direct support to their parents.¹⁵⁵

Global care chains

“Most writing on globalization focuses on money, markets and labor flows, while giving scant attention to women, children and the care of one for the other”, writes American sociologist Arlie Russell Hochschild.¹⁵⁶ Hochschild developed the concept of “global care chains — a series

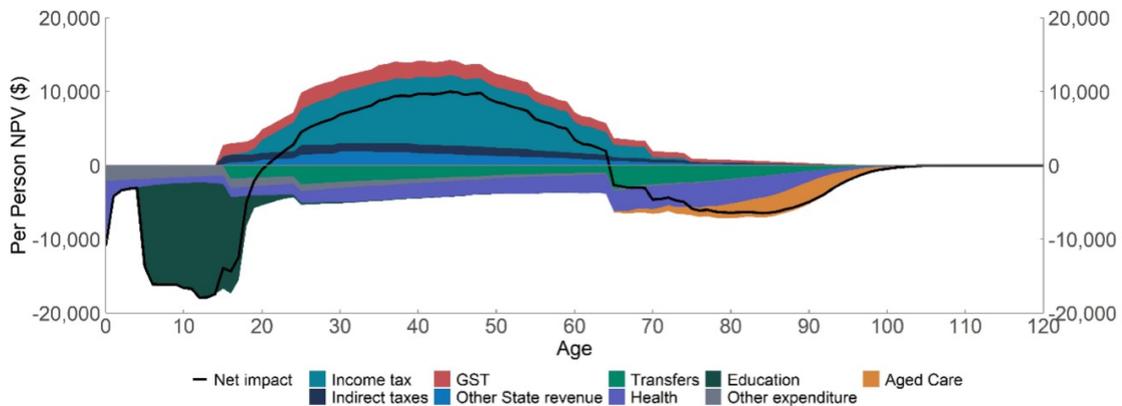
of personal links between people across the globe based on the paid or unpaid work of caring”.¹⁵⁷ She is particularly interested in the feminisation of migration as care is outsourced around the globe — a professional couple in New York hires a live-in nanny from Manila, who in turn relies on her younger sister to move to the capital to care for the children she leaves behind. We see the ends of these care chains in Australia’s aged care and childcare systems that rely heavily on the work of migrant women. “Each kind of chain expresses an invisible human ecology of care, one kind of care depending on another and so on.”¹⁵⁸

But global care chains also describe what goes on in “transnational families”, where “obligations do not end but bend”.¹⁵⁹

As Heli Askola points out, these transnational families are created by countries like Australia, that design migration programs to draw young, skilled workers to their shores, while excluding their parents. Yet sifting the wheat of skilled migrants (“human capital”) from the chaff of their parents (“human liability”), ignores the parents’ most significant contribution to Australia — their children.¹⁶⁰

Chart 6, taken from the FIONA model, hints at what is going on here.

Chart 6: Lifetime interaction with the Australian tax and transfer system¹⁶¹



This chart shows that older adults constitute a fiscal drag on the nation — as shown by the valley at the right-hand end of the graph. But it shows that children do too — as represented by the steeper and deeper chasm at the left-hand end of the graph. The sweet spot is the hillock in the middle, when the tax people contribute exceeds the value of what they consume in services.

Yet to help children climb out of the chasm of dependency so they can ascend the fiscal summit of contribution requires more than public investment. Much of the hard effort, invisible on the chart because it is hard to measure, is the unpaid and loving care work of parents, most of it done by mothers.

The other FIONA chart included above (Chart 4) that focusses solely on migrants only includes their fiscal impact after they come to Australia — that is, when they are already adults. It obscures the care work done in their homeland by their parents to turn them into the valuable skilled workers that we are so eager to recruit to fill labour market gaps and boost the Australian economy.

As Heli Askola says, immigrants don't grow on trees:

[T]hey have to be raised, nourished, looked after, and educated. This is done in the country of origin and parents, especially mothers, play a crucial role in

this process. However, while the 'narrowly instrumental' migration program draws in hundreds of thousands of young workers, it shuns those who made them into functional human beings as liabilities. The invisibility of the ubiquitous need for care in this equation allows migrant-receiving countries to benefit from the unpaid and unacknowledged sacrifices made by women elsewhere, without acknowledging, let alone compensating, either sending countries or their families.¹⁶²

The compelling moral argument for parent migration is grounded not in a calculation of the greatest good for Australians as a whole, but in recognition of the bonds of affection and duty that arise out of reciprocal relations of care.

There are two strands to this argument.

First, we can say that if we want to bring skilled young migrants to Australia then we must acknowledge that they don't "spring out of nowhere as fully formed autonomous individuals"¹⁶³ but develop into desirable "human capital" thanks in large part to the care and support of parents.

This gives rise to intergenerational obligation — both within families and at level of the state. This is reflected in Australian social policy — we support elderly Australian citizens who raised the current generation of workers or

contributed in other ways to the society we have inherited. Informed by the ethics of care, migration policy would recognise this too and extend that obligation to the parents of Australians who were born overseas.

As Arvind Duggal puts it: “Migrant parents have made unsung contributions to this country. They have given their children and their next generation to this country and that needs to be recognised.”

Second, the state has an obligation to enable its citizens to honour and fulfil their duty of care towards parents. For Australians born overseas, barriers to family reunion through parent migration put this out of reach, denying them a fundamental right – the right to care. In this light, family reunion – including reunion with parents – can be seen as “a universal obligation” of the state. The state should “allow people to establish and maintain intimate relationships and practices of affection and support”.¹⁶⁴

There are of course, other ways to care for distant parents apart from bringing them to Australia. One option is reverse migration – going back to care for parents in their homeland, though in many cases this will conflict with other care obligations, particularly to Australian children, or as Sarah’s story shows, may mean separating from a partner. Or the adult child may have come to Australia as a refugee and would risk persecution if they returned to their country of origin.

Care can also be provided through regular visits, by remitting money, by paying for in-home support, and, in an era of cheap and instant global communication, through regular video calls.

Yet, writes Honohan, there are critical times in families when effective care depends on physical proximity, including when caring for “the very young, the old and the ill and incapacitated”:

If we understand the family as a relationship of care, we might recommend a different reach for family migration, one that calls for an adjustment to most states’ provisions in this area. In particular this would place a premium on the admission of partners, of young children and their parents and of old people and their family members – those who give or depend on receiving immediate care at critical times of life.¹⁶⁵

8. Conclusion and recommendations



The utilitarian framing of migration policy leaves little space “for arguments about intimate relationships as sources of affection and support or family life as a human right,” writes Heli Askola. “This framing not only discounts, but actively hides from view transnational ties of affection and loyalties between generations.” Australians who were born overseas are supposed “to leave their intergenerational loyalties and duties of care behind them once and for all”, making it hard, if not impossible, to give practical expression to their right to care for parents as they age:

The issue particularly affects immigrant women (because of the largely female nature of transnational caregiving) and their mothers (as women live longer than men). As only significant amounts of money can facilitate parental entry, there is a class as well as gender dimension to this.¹⁶⁶

I find these arguments compelling. Migration is much more than economic policy; whatever government ministers may claim. It cannot be justified by cost-benefit rationales, while ignoring or obscuring other moral understandings, particularly the ethics of care that arise out of family bonds and constitute an essential part of our humanity

My ideal recommendation for Australian migration policy would be to borrow from the past to shape the future – to revive policies from a few decades ago that took it as given that parents were family and had a right to be reunited with their adult children.

But I’m not so naive as to think that this is a practical proposal. Neither side of politics is likely to support it, nor are most Australian voters. Utilitarian and instrumental logic is too deeply embedded in public policy to turn back the clock.

Equally, it would be remiss of me to abandon the field, throw up my hands and say, here’s my recommendation – make of it what you will. Policy should aspire to ideals of justice and fairness, but we are condemned to act in the world as we find it, and to engage with existing structures and systems if we are to find concrete

mechanisms to improve the way things are. Clearly, as the expert review of the migration program concluded, the existing “cruel and unnecessary” arrangements are untenable and must be changed.

One policy option put forward by the panel is a lottery system, mimicking what has been done in Canada and New Zealand. When I put this idea to Arvind Duggal, he looked crestfallen. His mother, whose application has been in the system for years, could miss out, purely due to bad luck.

Tens of thousands of families will enter the draw, but only a handful will come out winners. The rest will keep trying year after year, hoping to get lucky. They are still essentially stuck, living if not in a queue, then in a disordered heap, sustained by misplaced hope, given the odds, that their ticket will come up in the lottery. As they wait, year after year, they will be plagued by the same anxiety and uncertainty as those families currently waiting for a visa that may never arrive.

“It does not allow people to plan for their future,” says immigration specialist Sanmati Verma, who is managing lawyer at the Human Rights Law Centre in Melbourne. “It’s bad news.”

Sanmati worries that ballots will become a policy paradigm, an option government reaches for whenever decisions get hard. She points to the proposed Pacific Engagement Visa, which will use a ballot system to offer permanent residence to 3000 citizens from Timor-Leste and numerous countries in the Pacific.¹⁶⁷

“Instead of recognising rights”, she says “it makes access to a visa into act of largesse.”

A lottery is essentially a political avoidance mechanism that attempts to shield government from two undesirable consequences. On the one hand, it saves elected leaders from having to disappoint core constituents by saying a clear no to permanent parent migration. On the

other, it shelters them from weathering the electoral fallout out of increasing the size of the migration program so that parents can once again be recognised as immediate family.

Sanmati rejects the lottery option but knows that things must change. She describes the current operation of parent migration as “chaotic dysfunction”. The Human Rights Law Centre, she says, has a couple of proposals.

“When I started practicing migration law,” she says, “dependent family members could count as part of the family unit for the purposes of migration.”

This meant that a skilled migrant moving to Australia could bring a parent with them if that parent was a dependent living in the same house.

“If we went back to that broader understanding of more than a decade ago then more dependent family members could be included,” she says.

This would not address the problem of subsequent migration, though, when families want parents to join them to share in the joy and care of grandchildren, or because the parents themselves need care.

“Our solution is the elimination of the non-contributory visa, which has been rendered useless,” says Sanmati. “At best it’s an entitlement to a 50-year bridging visa.” In its place, the Human Rights Law Centre proposes reducing the \$50,000 fee for contributory visas and granting more access.^{xiii}

There are other solid arguments for amalgamating the two visa streams into one. First, because the \$50,000 contributory visa no longer serves its purpose of speedy processing. Second, and more importantly, the two-tiered system is an affront to notions of equality and a fair go and discriminates against families on low and middle incomes in favour of those who are wealthier.

^{xiii} Sanmati admits though, that she can envisage a universe in which government goes the other way, scrapping the non-contributory visa and pushing the fees for contributory visas even higher “to create a truly deluxe visa product”.

But unless government dramatically increases the size of the family stream in the migration program, parents will still find themselves stuck in an endless queue. “There need to be more places,” says Sanmati, “there’s no getting around it.”

“The 70-30 breakdown between skilled and family migration is not set in stone,” she says. “The caps for yearly family migration need to be seriously revisited.”

But that means either cutting skilled migration to make room for more parents or expanding the permanent migration program by 20,000-30,000 places a year to accommodate them. Otherwise we’re still going to have massive queues and unacceptable processing delays.

We are essentially back to my “ideal” policy that parents should be classified as close family with a near automatic right to migrate, and Sanmati knows, just as I do, that approach is not going to fly politically. “It’s all diabolical,” she says.

My view is that if government is not willing to include the parents of adult Australians as family, then it should have the courage to say an outright no to permanent parent migration. This is based on a realist political assessment that neither side of politics is likely to mount a sustained campaign to convince voters to dramatically increase parent numbers (or even test the idea with the electorate).

Maintaining a low annual intake of parent visas only serves to prolong the current “chaotic dysfunction” which serves neither Australian families nor the national interest. Getting rid of permanent parent migration altogether may sound harsh, but at least it provides families with certainty so that they can plan their lives and accommodate themselves to reality, rather than banking on false hopes.

In the absence of a commitment to match parent visa places with parent visa demand, I propose that all existing permanent visa categories should be abolished, with the caveat that those parents already in the queue should have their applications processed swiftly. This would require increasing the parent intake to 20,000 places annually for the next five years enabling Australia to work through the existing pipeline of cases (as Canada did before shifting to a ballot system). Although the two-tiered visa system contravenes fundamental notions of fairness, it would be reasonable to prioritise the contributory-visa caseload while working through the backlog, given that families applied for the visa in good faith on the understanding that they would receive a decision within a relatively short period of time. They were misled and the government has an obligation to make good on its implicit promises.

In addition, families who choose to withdraw visa applications due to Australia's excessive processing times should get a full refund on any upfront payments they have made. Equally, in cases like that of Sarah's parents, when applicants switch from one parent visa category to another, payments for the initial visa should either be refunded or counted towards the cost of the revised application.

I also recommend a new multi entry temporary stay parent visa valid for up to ten years to replace the existing 870 subclass long-stay temporary parent visa and the subclass 600 sponsored family stream visa.

The 870 visa is cumbersome, expensive and underutilised and has the attendant risk of rendering parents permanently temporary. At the end of ten years — a point not yet reached since the visa was only introduced in 2019 — the subclass 870 visa is likely to generate a high volume of tortuous appeals for parents who are now too frail to return to their country of origin or lack appropriate supports there. Those appeals will chew up bureaucratic and legal resources for years before ultimately landing on the desk of the immigration minister, with a plea for the minister to use their public interest powers to intervene on compassionate grounds. As the High Court

ruled recently, these powers must be “exercised by the minister personally” and cannot be delegated to officials.¹⁶⁸

The subclass 870 visa should be phased out, with the caveat that existing visa holders should be able to apply for renewals of their visa since these were the conditions on which they applied in good faith in the first place, and like Edward and Tracey, they may have made significant life-altering decisions as a result. The rules should also be amended so that 870 visa-holders can apply for their renewals onshore, rather than being required to leave Australia for three months, a proviso which serves no useful purpose and needlessly disrupts the lives of Australian families.

The sponsored family stream of the subclass 600 Visitor Visa is popular and inexpensive. But a new multi entry temporary stay parent visa valid for up to ten years would be an enhanced offering.

The details of this new visa should be developed in consultation with community members, but as a starting point for discussion I would suggest that a dedicated, multi-entry, temporary parent visa would be valid for ten years and enable stays of up to 18 months in any two-year period. It should be cheap. The fee for Canada's ten-year super visa, for example, starts at C\$100. The new visa would, however, require parents to leave Australia for at least six months before returning for their subsequent visit, to ensure that they maintain a home and social connections in their country of origin. A visa allowing for an 18-month stay would offer sufficient time for parents to support their adult children at momentous turning points in life, such as marriage, the birth of a new child, separation, personal tragedy or devastating illness.

Having a discrete visa for parents, distinct from the main visitor visa program, would enable better monitoring and data collection of how many parents come to Australia and how long they stay, data which is not currently available. The new visa could also carry differentiated requirements for private medical insurance and the posting of assurances of support or monetary bonds.

In addition, in line with Labor’s policy platform, the government should set a concrete timeline for increasing Australia’s humanitarian intake to 27,000 places annually with all community sponsored places being additional to that number. Criteria for the Special Humanitarian category should be modified so that it can encompass relatives beyond the “nuclear family”, especially dependent parents or parents who are in situations of high risk in their homeland or country of asylum.

There are no simple solutions to the parent conundrum and the recommendations I am making here will not satisfy advocates of increased permanent parent migration. Others will see them as overly generous.

One thing is clear though – the current system fails everyone and must be changed.



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