

What it's like to live and work illegally in Australia

Written by The Conversation

As I sat around a table with eight men, all illegal workers ranging from their early 20s to 40s, one said:

We don't want to spend the rest of our lives here. We just come here for money to assist our people back [home].... So, maybe most of us here we will eventually go back. But what we are coming here for is, basically for money.

These men were some of the 46 people who agreed to speak to me [for ongoing research](#) on illegal workers in Australia. I found these workers were motivated to take the risks they do, because of the assurance or hope they will stay long enough to make money to send home.

Another woman told me:

I'm a widow woman...So that's why I come over here and look [for] some work to help my kids in their school to help them out in their needs. To support my kids.

Most of the people I spoke to came to Australia on a tourist visa with no work rights. Some workers told me about agents outside of Australia who target people who cannot afford a working visa or who don't have the means to apply. For example, a retired teacher in her mid-50s, told me:

They advertise and then when we read the first time, honestly, I read the paper, I said 'it's good'. It's very big money...I said 'oh, this is my chance of going to Australia...'

This woman and her husband borrowed the A\$8,500 to pay an agent for her to come to Australia to work while her husband, who was not yet retired. She didn't realise until she arrived in Australia that in fact she had travelled on tourist visa which didn't allow her to work.

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This also happened to another young man I spoke to who travelled on a tourist visa to work in Australia on the promise of work. When the promise of a job fell through, he became destitute. His parents had died a few years ago, and he was solely responsible for his two sisters who were 18 and 19 years of age.

These agents profit significantly from providing this 'service', but they appear to provide both false and misleading information and they act with impunity.

The situation of illegal workers

There is actually very little data about the size, scope and experience of those working illegally in Australia. It is extremely difficult to quantify how many people are working in Australia without the legal right to do so. The best estimate is the 2011 [Stephen Howells report](#) reviewing the Migration Amendment (Employer Sanctions) Act 2007, which referred to between between 50,000 and 100,000 unlawful migrant workers.

Illegal workers in Australia tend to be found in situations where there are a lot of them, working in one area. The exact number of unlawful workers is unknown. In May this year at Senate Estimates, it was estimated that of the 64,600 non-citizens who had overstayed their visa, [approximately 20,000 were working unlawfully](#).

However this does not account for the large numbers of people in Australia on visitor visas at any one time (a fraction of whom may be working despite having no work rights attached to their visa).

The current effort to locate these workers is piecemeal. Often this occurs via compliance measures in certain industries and other targeted raids. This skews the statistics, so many think these workers are predominantly in horticulture or other seasonal work. I have spoken to workers and those who support workers across industries including hospitality, massage, and the automotive industry.

The majority of the research has taken place so far in Victoria, but workers I interviewed have worked across Australia at various times. Much of the information is not included (i.e. where the

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interviews took place and the nationality of workers) to protect the identity of workers.

I found widespread exploitation often by contractors and some employers. What all of my interviewees recognised was that if they left their job or complained, they risked being reported to the Department of Immigration and Border Protection, and being sent home. One said to me:

[we] just accept whatever wages paid. Of course [we] feel that it's a bit low but [we] have no choice, [we've] already made [the] decision to come to look for job here [without work rights].

Another worker reported being employed by a contractor and waited three months without being paid before eventually having to move on, without pay.

As these workers are often removed from Australia when they are discovered, with no evidence of any effort to find out about conditions of work in Australia, these practices are largely unidentified and not addressed.

The response to illegal workers

Regulation of migrant labour exploitation can only ever be partially achieved, if we continue to have a two-tiered system where unlawful workers are guaranteed no rights.

The Australian government has already committed significant resources via the [Migrant Workers' Taskforce](#) and other programs recognising modern slavery and trafficking. However, to end exploitation in Australia, we need to have a zero tolerance to exploitation, rather than a zero tolerance to breaches of visas by migrants.

We should be empowering these workers to report their conditions and employers without fear, so that we get a better picture of their situation.

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