



ACADEMY OF
THE SOCIAL SCIENCES
IN AUSTRALIA

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A MIGRATION SYSTEM FOR AUSTRALIA'S FUTURE: DISCUSSION PAPER

ACADEMY OF THE SOCIAL SCIENCES IN
AUSTRALIA SUBMISSION TO:

**THE REVIEW PANEL
DEPARTMENT OF HOME AFFAIRS**

The Academy of the Social Sciences in Australia's submission to the review of Australia's migration system

The Academy of the Social Sciences in Australia (the Academy) welcomes the opportunity to make a submission to the review of Australia's migration system: *A Migration system for Australia's Future*.

The Academy is an independent, not-for-profit organisation that draws on the expertise of over 750 Fellows to provide practical, evidence-based advice to governments, businesses, and the community on important social policy issues.

Summary

Our submission responds to several tasks outlined in the Terms of Reference as they relate to Australia's ability to attract and retain eminent academics across the social science disciplines. Specifically:

- *help build our sovereign capabilities,*
- *compete globally for highly skilled migrants and*
- *provide clear pathways to permanent residence and citizenship.*

The global market for research talent has never been more contested. Attracting and retaining a diverse range of specialist researchers across all disciplines is vital to support knowledge exchange and ensure Australia's broader research and innovation system and to facilitate economic growth and a more prosperous Australia.

Under current Australian citizenship law, some highly skilled academics employed by Australian universities and other research organisations do not meet the *Residency Requirement* for citizenship due to their extensive frequent travel on university business. Current law affords an exemption in such cases to 'scientists' working at a university under the *Special Residency Requirement*, contained in 22C of the *Australian Citizenship Act 2007* (the Act), read with the Australian Citizenship (special residence requirement) Instrument (LIN 21/069) 2021 (the LIN).

However, the wording contained in the Citizenship Procedural Instructions (CPI) means that academics working in social science or other disciplines, outside the narrow definition of 'scientists', can fail to meet this exemption and not obtain citizenship.

Our four recommendations are directed at ensuring the LIN and relevant sections of the underlying CPI are clear and fit-for-purpose, to ensure Australia can attract and retain eminent researchers from the social science disciplines by providing a clear pathway to citizenship.

Employment requirement

The LIN and CPI requires the individual to be '*employed by an Australian University*'. This is highly limiting and fails to recognise the varied ways eminent, senior social scientists are engaged by universities. For example, Emeritus Professors who devote significant time to university work on an unpaid basis. It is also noted that social scientists are engaged at various Australian research 'institutes' that have created by legislation and/or are funded by government grants, whose research provides significant benefit to Australian society. Excluding this category of scientists from the exemption to the Residency Requirement treats such scientists unfairly and does not

accredit their contribution. These unnecessary barriers to Australian citizenship should be removed.

Recommendation 1: Amend the LIN and CPI to state *engaged in scientific activities by universities, research institutes, or other organisations designated by the Minister*.

PhD conferral whilst engaged in the work

The recent CPI update to section 6.3.3¹ included a new requirement that individuals have *'conferred their PhD whilst they were engaged in the work'*. It appears that the intention of this update may have been to limit those who have been conferred PhDs but who are no longer working as scientists from exemption under the Special Residence Requirement. However, the amendment does not properly capture such an intent and poses a new obstacle to applicants working as scientists.

Recommendation 2: Amend section 6.3.3 of the CPI to state *'was conferred a PhD and is still undertaking activities as a scientist for the benefit of the Australian community'*.

Definition of social science

The Academy welcomes the recent CPI update to section 6.3.3, which now includes an explicit definition of social science. However, we note the definition has been copied and pasted directly from the Wikipedia entry on Social Science. This is contrary to standard practice when no definition is available in statute, which is to refer to The Macquarie Dictionary definition.

Recommendation 3: Amend the CPI definition of social science to align with the comprehensive and accurate Macquarie Dictionary definition. This definition of 'social science' is:

"the systematic study of an aspect of human activity, based on the accumulation and analysis of verifiable data, as anthropology, sociology, economics, etc"

Position description and requirement to include 'scientist'

The Academy notes that when undertaking research and development, scientists may hold positions at universities and research institutes under a variety of titles, including Lecturers, Professors, Directors and many others. CPI should reference this fact so as to avoid situations where undue weight is placed on the title of a person's position as determinative of whether or not the person is a scientist.

Recommendation 4: Amend the CPI to state that for the avoidance of doubt, an applicant may be considered a scientist, irrespective of the title of their role. Rather, consideration should be given to whether their activities involve research and development for the benefit of Australia.

The Academy welcomes the opportunity to further engage with the Review Panel and to discuss any of the matters raised in this submission. Please contact Andrea Verdich, Policy Manager on 0438 218 352, or andrea.verdich@socialsciences.org.au.

¹ Updated 17 November 2022