

1 Introduction

The Covid-19 outbreak of late 2019, which became a global pandemic in 2020, has had a significant impact on the vulnerable and global poor in both developing and developed countries (Guadagno, 2020; Liu et al., 2021). The significant impact of pandemics on these groups, however, is not a recent phenomenon (see Davies, 2019). Before the onset of the pandemic, due to systematic inequalities in social determinants of health, those with poor social and health outcomes were consistently more vulnerable to disease (Kluge et al., 2020). While much of the scholarship in development studies focuses on developing countries, many of the same issues are transferred to developed countries where migrants from developing countries constitute a sizeable proportion of the poor and politically disenfranchised. In settler immigrant countries such as the United States, Canada, New Zealand and Australia, temporary migrants in low-income households are most at risk of poor social and health outcomes. In many cases, migrants, who on the whole live without a political voice or clear pathway to citizenship, find themselves living as denizens in third world conditions on the fringes of large urban cities or in isolated rural areas. The term ‘denizen’ is often used to refer to people who reside in a community without having the status of citizenship. Hammar (1990) originally used it to refer to settled immigrants who function in host societies almost indistinguishably from citizens but lack the formal citizenship that would give them full electoral rights. Baubock (2007) redefined it as ‘a status of residential quasi-citizenship combined with external formal citizenship’ (p. 2396). Many denizens have limited social and political rights, which translates to an inability to shape and influence policies and laws that may improve their circumstances. Instead, disempowered, they live in transit, in an indefinite liminal zone, subject to the neoliberal economic agenda that drives the decision making of global and domestic political institutions on migration.

The circumstances of Australia’s disenfranchised migrants, trapped in social and political conditions with limited financial resources, were made clear at the onset of Melbourne’s second wave of the Covid-19 pandemic in mid-2020. After struggling through the first wave with relatively little attention, on a grey mid-winter’s Saturday afternoon, thousands of new migrants in the Flemington public housing towers in Melbourne’s inner north were placed into a hard lockdown, with no warning. At the time, it was the most severe Covid-19 outbreak response witnessed in Australia, reminiscent of the restrictions of movement in Wuhan in China that so shocked the world earlier in the year. Thousands of vulnerable low-income tower residents, largely migrants, were not even allowed an opportunity to purchase essential food and medicine supplies. Parents or children who were

elsewhere in the city were unable to return and visitors who happened to be at the apartments at the time were not allowed to leave. As the premier of Victoria was making the announcement on television, the apartment precinct was swarmed by hundreds of armed police, the darkening evening lit up by the flashing blue lights of dozens of police vehicles. As reported in the media, community leaders, the local government and the Department of Health and Human Services, which was responsible for administering the housing estate and the pandemic response, were also given no notice; the police officers themselves were only given the barest of warnings (Simons, 2020). There were no interpreters, no social workers and no medical staff in the first day or two of the operation, which was on a weekend. Upon media questioning, vague promises were given through the media that food and medicine would be delivered to residents who required it, ‘as soon as possible’. Yet these deliveries were significantly delayed, until well into the following week. Neighbouring residents in nearby non-public houses and apartment buildings were unaffected and carried on their lives as normal.

Many of the residents of the locked down towers were from non-English-speaking backgrounds, with a significant proportion from war-torn and traumatised backgrounds. Even as the lockdown got underway, there was little to no consultation or deliberation with the residents about the logistics and potential health impacts. In halting English, residents and their families or community representatives located outside the apartments described the experience as deeply upsetting, and deeply traumatising. Even when food deliveries belatedly arrived, the food was thoughtlessly impractical or inedible, with deliveries of noodles, pasta or bacon and other pork products placed by masked police officers into the lobbies of the towers, which housed many Muslim migrants. The Victorian Ombudsman, Deborah Glass, later found that the lockdown was justified on public health grounds due to the rising number of Covid-19 cases emerging in the towers. However, the Ombudsman also found that the sudden implementation of the lockdown without warning was not justified and, in fact, caused fundamental breaches of human rights. The Ombudsman concluded the government had assumed the towers were ‘a hotbed of criminality and non-compliance and that the people could not be trusted, if warning was given, not to escape the lockdown’ (Victorian Ombudsman, 2020). The Ombudsman was particularly critical of the attitudes underpinning the action: ‘It is unimaginable that such stereotypical assumptions, leading to the “theatre of policing” that followed, would have accompanied the response to an outbreak of Covid-19 in a luxury apartment block’ (Victorian Ombudsman, 2020).

Demonstrating that this incident was not a random accident, almost a year later, due to an outbreak of the highly infectious Delta variant of Covid-19,

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residents of Sydney’s western suburbs, largely comprising new migrants and the working class, were also treated harshly. For over a year, the New South Wales (NSW) state government had responded to numerous outbreaks without imposing any of the heavy restrictions used in other states. However, by late June 2021, with rising cases of community transmission, particularly in southwestern Sydney, which is highly populated with new migrants and older migrants from non-English-speaking and lower socio-economic backgrounds, a major police operation was launched targeting multicultural areas. The operation saw many hundreds of additional police officers patrolling the streets and malls of Liverpool, Fairfield and Canterbury-Bankstown local government areas. Mounted police were added as reinforcements to the initial blitz, to patrol the main shopping areas in the region. In the following weeks, at the request of the NSW government, hundreds of Australian Defence Force (ADF) soldiers were deployed to help the police combat residents flouting stay-at-home restrictions amid rising case numbers. This was despite concerns raised by multiple community leaders that for many migrants and refugees in Western Sydney, the sight of soldiers walking the streets had the potential to bring back the trauma of their war-torn countries of origin, where the military were often a direct source of threat and harm.

Over several months, hundreds – if not thousands – of fines were handed out for breaches of Covid-19 restrictions, often to residents who had simply not received or understood the public messaging. This high-density part of Sydney has a population of over a million people, where a higher proportion of residents do not speak English as their first language and do not usually receive their news from watching daily press conferences (Davey, 2021). The strong police response, supported by police horses, police dogs, and the aforementioned ADF soldiers, was heavily criticised, especially when compared to the ‘soft touch’ of other outbreak responses in Sydney’s wealthy northern beaches and leafy eastern suburbs. The president of the Lebanese Muslim Association, Samir Dandan, for example, observed that the police had not cracked down as hard on other Sydney areas over the duration of the pandemic and the ‘disproportionate’ response in Sydney’s west would be harmful to the largely migrant community (Kontominas & Taouk, 2021).

As Sydney’s lockdown dragged on for months afterwards, the divide between western Sydney and the rest of the city only worsened. This divide was at its most stark when, on the first weekend of spring, thousands of residents from Sydney’s affluent east flocked to beaches to sunbake and swim – many without the mandatory face-masks, with only token efforts at social distancing – while the largely multicultural communities of Sydney’s west were subject to harsh stay at home orders. In the words of Canterbury-Bankstown mayor Khal

Asfour, ‘we saw the pictures of Bondi and Coogee and the eastern suburbs beaches, and I don’t begrudge anyone that lives close to the beach to be able to go there, but when we’re stuck at home and didn’t have any hours of recreation, it makes my community angry, frustrated’ (Butterworth, 2021). Exacerbating the situation, while thousands sun-baked and surfed on beaches without penalty, large numbers of police officers, as well as the riot squad, responded to reports that between 80 and 100 people were attending a funeral in Sydney’s west, in breach of public health orders, resulting in arrests and fines. Politicians at all levels spoke out about the perceived injustice. Federal Labor MP Linda Burney, whose seat of Barton covers many of the local government areas of concern in western Sydney, said, ‘I’m hearing from people . . . there is an absolute feeling of two cities . . . One where you see people going to the beach. And [another] where you’ve got helicopters flying over you with loudspeakers’ (Butterworth, 2021).

There can be no argument that these experiences of injustice, disempowerment and human rights violations are common in developing countries. The severe lockdown of Wuhan, for instance, was generally understood to be part and parcel of China’s hard, yet effective, Covid-19 response. Evidently, third world or developing countries, or even countries under authoritarian rule such as China, do not have a monopoly on such incidents. As described by an anonymous government official involved in the front line of Melbourne’s tower block lockdown, ‘In February I watched television showing the Chinese police nailing up apartment doors in Wuhan and welding people into their buildings to stop the spread of Covid-19. I thought we would never do anything like that here. Then a few months later, I was part of doing pretty much exactly the same. It made me question everything I had given my life to’ (Simons, 2021). Unfortunately, as this incident reveals, disempowerment, coupled with breaches of human rights, can occur for migrants from poor backgrounds in any country, including developed countries such as Australia.

Temporary migrants, largely from underprivileged backgrounds, face an array of barriers, many of them insurmountable, in not only asserting their social and political rights in times of crisis but also in advocating for longer-term policy change that may improve social and health outcomes in their communities. While some may have rights potentially allowing them to forge a pathway to citizenship, they are not always able to act on those rights. They face multiple structural barriers associated with gender, class, race and ethnicity, resulting in widespread inequality. These migrants, who are often living in third-world-like conditions, require more attention in development studies scholarship. Equally, they need to play a more meaningful role in the United Nation’s 2030 Agenda for Sustainable Development. For many of these

migrants, everyday life bears little resemblance to the opportunities and rights of citizens. Often vulnerable to homelessness, ill-health and violence, the status of being temporary and on a low income produces a wide range of social, health and community concerns. The situation is steadily worsening, with sharp increases in violence and ill-feelings towards migrants from disadvantaged backgrounds across contexts and nations, and with a tightening of pathways to citizenship. Moreover, developed countries are both economically dependent on, and seemingly intent on delimiting, the migrant as a social, political and civic actor. This decay in the migrant's status and opportunities across societies is palpable, yet rarely systematically examined within the development studies field.

This element will delineate the state of the temporary migrant and their political rights in Australia, providing the evidence-base needed to enliven policy and practical efforts to prevent the erosion of civic participation and political representation through a unique comparative analysis. The research is informed by Amartya Sen and Martha Nussbaum's theoretical framework of capabilities (Sen 2002, 2005; Nussbaum, 2011). It draws attention to the necessity of migrants to be provided with political rights, and a degree of freedom and agency so that they are not victims of the types of experiences felt by the public housing tenants preceding the city of Melbourne's second wave lockdown, that left them feeling so traumatised by the state. As an interdisciplinary political sociologist, I also aim to generate a constructive interdisciplinary discussion between political science and development studies.

The overall migration–development nexus reveals a predominance of neoliberal approaches of governments in sending and receiving countries and their tendency to focus on the economic benefits of migration at the cost of political rights that will enhance individual freedom, well-being and agency. According to Carney (2007), this injection of neoliberal values has transformed and degraded the coverage of the welfare state. Carney argues that this has marked an abandonment of the acceptance of state responsibility for the victims of economic and social restructuring, or of any serious commitments towards building the contested notion of 'social capital'. One consequence is that the individual migrant, rather than the state, is expected to assume greater responsibility for managing future adverse contingencies within the global political economy.

According to Sen and Williams (1982), such neoliberal arrangements between governments have failed to prioritise rights, freedoms and human agency. Consequently, some approaches to human development have similarly and implicitly accepted a neoliberal development paradigm (Saith, 2006). For example, Saith (2006) argues that both the human development approach and

the related Millennium and Sustainable Development Goals have limited their policy alternatives to interventions that are compatible with the neoliberal policy template. With an overemphasis on the social and economic aspects of migration, the migration–development approach underestimates the significance of political rights in the achievement of individual freedom, well-being and agency. Therefore, there is a need to explore the complexity of the migration–development nexus, the ‘capabilities approach’ to development studies and the need to bolster the importance of political rights and representation, as a means to achieving freedom, well-being and agency. Migrants from low-income backgrounds without a political voice or a pathway to citizenship are more likely to suffer from poor social and health impacts – that are often commensurate with third world conditions – compared to those with political representation and/or citizenship.

The 2020 UNDP report highlights the various types of inequalities that exist within countries such as Australia which, has deep roots in colonialism and racism (UNDP, 2020). These inequalities, and their historic roots, limit the potential of future positive social and political outcomes for new migrants, minimising their ability to meaningfully contribute, let alone affect change. In the same report, there is recognition of the need for a new generation of human development metrics that add planetary environmental pressures to the existing measures of income, health, education, inequality, gender and poverty (UNDP, 2020, p. 227). Within the context of escalating planetary pressures, the multiple voices of climate-exposed temporary migrants need to be included in national and international climate change political debates as agents with a long history of displacement and population mobility (Farbotko & Lazrus, 2012). Yet, without a political voice, their experiences are often silenced in favour of the more immediate needs of the local political economy. While the UN has determined that climate change temporary migrants should not be returned home, it is unlikely that governments in receiving countries will accept climate refugees as permanent migrants with a pathway to citizenship.

To explore these broad issues in more detail, taking Australia as an exemplar of a dynamic that has unfolded across immigrant-receiving polities, I explain how government policies have helped to generate a politically disempowered underclass that has, ironically, helped form the nation’s economic backbone. I first begin with a background of the political economic context underpinning temporary migration and its impact on migrants from developed countries such as Australia. In the second section I look at the migration–development nexus in settler societies and how the ‘capabilities approach’ developed by Sen and Nussbaum, with its strengths and limitations, provides a useful framework for understanding the migration–development nexus and the issues that face

migrants from developing countries. While the UNDP human development reports emphasise several positive economic impacts for both origin and destination countries, what is often missing in these economic accounts of development and migration are the individual political experiences of migrants themselves, many of whom have limited or no pathways to citizenship.

In the final section, I draw on qualitative interviews and focus group discussions with migrant actors from Southeast Asia. In Australia, a significant proportion of poor migrants are from Southeast Asia and are, collectively, more likely to face social and political discrimination because of their race, ethnicity or religion (Pietsch, 2018). On the whole, they have migrated to Australia either as students or through temporary worker programs (Hugo et al., 2015). Many temporary migrants often work in low-paid insecure jobs, are income poor and struggle to access permanent residency or citizenship pathways. In addition, they can be locked out of the social and political benefits of capital gains, capital income and intergenerational transfers that are pre-eminent among the established political class and a major cause of growing inequality (Adkins et al., 2019).

2 The Migration–Development Nexus

Temporary migration schemes are generally supported and promoted by governments as a way of addressing short-term economic gaps in the labour market in the country of destination, and by contributing substantially to remittances in the country of origin. The scholarship on the topic consistently refers to labour migration as a ‘win-win’ solution or, if the process involves repeat or circular temporary migration, a ‘triple win’ solution:

It offers destination countries a steady supply of needed workers in both skilled and unskilled occupations, without the requirements of long-term integration. Countries of origin can benefit from the inflow of remittances while migrants are abroad and skills upon return. The migrants are also thought to gain much, as the expansion of circular migration programs increases the opportunities for safer, legal migration from the developing world (Agunias & Newland, 2007, p. 1).

In pursuit of at least the first two wins of the so-called triple win, temporary migration programs often involve a great deal of collaboration between origin and destination countries (Plewa, 2007). For instance, the development-oriented migration policies supported by the International Organization of Migration (IOM) are frequently designed in a way to address the economic needs of both countries of origin and destination countries. Wages stemming from migrant labour in destination countries, and the subsequent transfer of

private funds or remittances to enhance the development of countries of origin, are a key feature of the migration–development nexus. While the IOM recognises the link between migration and economic, social and cultural development, as well as the right of freedom of movement, the absence of political rights in the country of final destination means that migrants have little agency in improving their own conditions, albeit with some ability, through remittances, to enhance development in their countries of origin. In other words, migrants are forced to ‘trade off’ their own human rights for the social and economic development priorities of their countries of origin and destination.

In development studies there have been attempts to address the human rights violations and worsening conditions of temporary migrants in developed countries. For instance, there have been many reports released by national and multilateral organisations which focus on the benefits of the linkages between migration and development (OECD, 2019; IOM, 2020; ILO, 2021). However, the most well-known attempts to build collaboration and compliance in countries have been the Millennium Development Goals (MDGs) and the SDGs. In terms of the MDGs, there were over eighteen targets and forty-eight indicators specified in the MDG template. However, the MDGs located development in the third world, even though, as discussed earlier, there is significant poverty and deprivation experienced by temporary migrants in advanced economies.

In reference to the MDGs, Saith (2006) argues that the human development approach taken by the MDGs had limited its policy recommendations to those that fall within the neoliberal development agenda. Migration, for example, was viewed as critical for economic growth and poverty alleviation, but there was little focus in the MDG agenda on migrant rights. Moreover, while the words ‘participation’, ‘empowerment’ and ‘poverty reduction’ often gain considerable purchase in the language of mainstream development, few migrants from temporary migrant backgrounds have had opportunities to participate meaningfully in political institutions where their voices can be heard on the policies that impact their day-to-day lives (Cornwell & Brock, 2005). This is reflected in the global response to the SDGs, adopted by the United Nations in 2015, which, is focused on documenting national or state activities or processes, with a cursory nod to non-governmental or, in the case of the migrant experience, community input. As the SDGs pivot to addressing the Covid-19 pandemic, there is a real need to re-examine the existing development theories and policies to include political rights, membership and belonging. Such a call for action is not new (see, for example, Preibisch et al., 2016), but has gained greater salience now that the UN has been more focussed on the global pandemic response.

The capacity for new and vulnerable migrants to participate in host-country politics differ markedly in western countries, with some countries depriving non-citizens of any formal means of political participation (IDEA, 2018). The means to participation depends heavily on citizenship and electoral laws in each country. There are more than forty-five countries which give voting rights to non-citizens, especially at the local level (Pedroza, 2014; Ernest, 2015). While a very small number of countries allow non-citizens to vote in national elections – namely New Zealand, Malawi and Uruguay – most only permit voting in elections for local, state or regional elections such as EU parliamentary elections (Ernest, 2015, p. 863). This is despite the United Nations Human Rights Council’s assertion that ‘effective participation in decision-making processes, particularly those which have an impact on minorities, is a precondition for the full and equal enjoyment of the human rights of persons belonging to minorities’ (UNHRC, 2010, p. 2). They argue that ‘the denial of citizenship has been used by states to exclude minorities from the enjoyment of their rights’ and therefore governments should ‘consider allowing non-citizens belonging to minorities to vote, stand as candidates in local elections, and be members of the governing boards of self-governing bodies, while making sure that access to citizenship is regulated in a non-discriminatory manner’ (UNHRC, 2010, p. 16).

New Zealand is a notable case study by international standards for their liberal and inclusive system of electoral rights, whereby those who are defined as non-citizen ‘permanent residents’ and who have lived in New Zealand for at least a year can vote in national elections under Section 73 of the Electoral Act 1993 (Barker & McMillan, 2016, p. 7). The other significant feature of New Zealand’s franchise laws are the seven separate seats for Māori to ensure adequate political representation in national elections (Barker & McMillan, 2016, p. 13). However, like Australia, New Zealand is experiencing an increase in the number of temporary migrants who are not offered a pathway to permanent residency and citizenship.

Even though non-citizens may not be able to vote across all levels of government, there are often opportunities to participate in non-formal forms of political participation such as advocating on an issue in their host country, participating in peaceful protests on certain policies or actively participating on social media by commenting on or sharing political ideas. However, these opportunities are often constrained by poverty, restrictions on mobility, weak institutional protections, fear of losing one’s visa or experiences of discrimination and racism. Cumulatively, these concerns block or hamstring access to political representatives and established networks. Furthermore, according to Pedroza (2014), non-citizen or ‘denizen’ enfranchisement matters because ‘voting is the only universal form of political participation that, independently

of the formulae to aggregate votes, recognizes an equal voice for each person in the *demos*' (p. 26). While some may choose not to vote in countries without compulsory voting, the right to vote is crucial as for migrants, it 'implies recognition as equals in the political community' (Pedroza, 2014, p. 26). This also safeguards non-voters of vulnerable stigmatised groups such as asylum seekers – often denied basic human rights – from being the object of political campaigns, instead of the clientele (Pedroza, 2014, p. 26). The overall circumstances of temporary migrants are often far from positive, especially since there has been a remarkable convergence in policymaking in wealthier destination countries in the region which have significantly escalated border security and surveillance, while also experiencing an increasing demand for cheap labour with limited protections.

Australia provides a good case study to examine the impact of the increasing denial of long-term pathways towards permanent residency and political rights in a developed country. Since 2011, temporary migrants have comprised the bulk of migrant flows to Australia (Boucher & Gest, 2018). Temporary migrants in Australia make up the majority of overseas arrivals in Australia (62.1 per cent) (ABS, 2021). Until the mid-1990s Australia's immigration policy focused almost exclusively on permanent settlement as opposed to temporary migration. However, this changed dramatically with the introduction in 1996 of a skilled temporary worker visa (Subclass 457). In 2018, the Australian Government replaced the 457 visas with Temporary Skills Shortage (TSS) visas (Subclass 482). Applicants are required to have two years with relevant work experience, be proficient in English and remain in the same job. Employers can also sponsor workers on the TSS visa through a labour agreement involving the federal government.

Skilled temporary migrants are ranked under categories which prioritise those who have occupational skills on the Priority Migration Skilled Occupation List (PMSOL). All other applicants on temporary visas are placed at the bottom of the list and can wait for years for an outcome, even though they may meet the requirements of permanent residency. For instance, family applicants are placed in a queue and may have to wait for years before they reach the front of the queue, with many applicants waiting more than ten years (Australian Department of Home Affairs, 2022). Many temporary migrants do not leave Australia when their visas expire. Instead, they tend to transfer to another visa type while they wait in the queue for an outcome on their permanent residency application (Mares, 2012). Many temporary migrants wait in limbo or move to regional areas with the hope of being able to transition to a permanent visa after three to five years. One avenue has been through the Regional Sponsored Migration Scheme Subclass 187