A crisis-induced bricolage policy in Australia: ethical contradictions in policymaking in times of crisis

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Abstract
Building on Oliver's (2020) concept of governmentality-effected neglect and applying an ethical lens, this paper examines how ideas and discourse shape migration and social policy during crises, particularly the role of state assumptions in fostering ethical contradictions in policy. We analyse secondary material and original qualitative data from semi-structured interviews with macro-level policymakers, meso-level civil societal actors and individuals at the micro-level directly affected by policy decisions. We argue that the pandemic led to a crisis-induced bricolage of policy, reflecting an ethical void. This approach, rooted in long-standing ideas about the value and role of temporary migrants in Australia, continues to influence policymaking, perpetuating systemic exclusions and reinforcing ethical challenges.

Introduction

Temporary migration is often viewed through the lens of neoliberal capitalism (Boucher, 2008), in which the primary concern is how effectively migrants' skills meet the economic demands of host countries (Boucher, 2020). This governance framework commodifies migrants as sources of labour power (Oliveri, 2012), reducing them to economic assets. As a result, numerous moral hazards arise (Ciupijus, 2010), particularly regarding the marginalisation of temporary migrants, whose rights and welfare are often sidelined in favour of economic efficiency.

Research has recently recognised the importance of understanding moral hazards associated with migration and social policies (e.g. Kilkey, 2017; Margheritis et al., 2024; Shutes, 2016), as well as ethical dilemmas in migration policymaking (Baubock et al., 2022). However, the focus has mostly been on balancing moral imperatives such as refugee protection (Aleinikoff & Owen, 2022) and border

control (Mann & Mourão Permoser, 2022). There thus remains a gap in analysing the ethical reasoning behind the policies that perpetuate these hazards, particularly in understanding the role of embedded state assumptions in creating ethical contradictions in policymaking, as well as the embedded assumptions within polity and society that *lead to* such contradictions.

Adopting an ethical lens to analyse *how* ideas and discourse shape migration and social policy during a crisis can thus yield important insights for policymakers, particularly regarding the broader implications of moral choices for vulnerable populations – such as temporary labour migrants, individuals holding visas that permit employment in Australia on a non-permanent basis (Department of Home Affairs [DHA], n.d.). To contribute to this understanding, we develop a conceptual framework that is informed by Oliver's (2020) conceptualisation of governmentality-effected neglect that combines with Schmidts's (2008) concept of *discursive institutionalism*, which emphasises the centrality of ideas and discourse in shaping institutional behaviour, political outcomes and policy legitimacy to examine how ideas and discourse shaped migration and social policy during the coronavirus disease 2019 (COVID-19) crisis. Governmentality, or rather the dynamics of governmentality, describes the ways in which the state's vision is advanced and consent for this vision is secured from the wider populace (Foucault, 1991).

Informed by this framework, we analyse secondary material of news reports ($n = 71$) and original qualitative data from semi-structured interviews ($n = 15$) with macro-level policymakers, meso-level civil societal actors and individuals at the micro-level directly affected by policy decisions. Australia provides an interesting case study given its relatively recent but wholesale switch towards a demand-led emphasis in migration policy (Hawthorne, 2005).

The findings suggest that the development of crisis policies affecting temporary labour migrants during the COVID-19 pandemic in Australia reflects a form of crisis-induced policy bricolage (Carstensen, 2017). However, while this improvisational response can be understood as a pragmatic reaction to rapidly evolving conditions, the content and effects of these policies also reveal an *ethical void* embedded in long-standing societal and political assumptions about the role and value of temporary migrants. In other words, although policies may have been framed as necessary and responsive to a crisis, they simultaneously enacted a form of *neglect*, overlooking the lived realities and vulnerabilities of those affected. These insights are especially important in a space such as Australia, where a vibrant debate exists about the relevance of temporary migration for post-COVID economic recovery (Committee for Economic Development of Australia [CEDA], 2020; DHA, 2022) and in light of the release of Australia's new vision for its migration system (DHA, 2023).

The article is presented as follows. Firstly, we situate the paper's conceptual approach within this broader landscape of crisis-informed policy theories. We then contextualise the research with a brief historical overview of temporary migration in Australia, which is followed by a description of the methodology used. We integrate the analysis of secondary data (news) with primary data (interviews) when presenting the findings, tracing how dominant discourses and governing rationalities unfold across media representations and stakeholder perspectives

during the early phase of the COVID-19 pandemic. We conclude by reflecting on how the findings inform the conundrum we explore, as well as the ethical implications for policymaking.

Understanding policy change in crises

Multiple approaches explain institutional change and policymaking, whether due to incremental processes or abrupt changes (Streeck & Thelen, 2005). Our aim here is not to provide an exhaustive review of theories, but rather to demonstrate that policymaking during crises can be approached from various theoretical perspectives, each with distinct implications.

Gradualist theories of institutional change, such as historical institutionalism (Steinmo et al., 1992) and incrementalism (Lindblom, 1959; Pal, 2011), focus on explaining how change typically unfolds – through cumulative shifts, building upon existing institutional structures, without dramatic disruptions (Mahoney & Thelen, 2010; Streeck & Thelen, 2005). These frameworks have been largely applied in social policy and political economy studies that trace how reforms emerge from within existing regimes rather than through disruption (e.g. Deeg & Jackson, 2012; Hagelund, 2014; Schneiberg, 2007). Thus, according to these frameworks, change arises through the reinterpretation, adaptation and layering of existing rules and practices (Streeck & Thelen, 2005).

However, while gradualist theories offer valuable insights into long-term institutional transformation, these frameworks tend to pay less attention to the dynamics of institutional change that unfold owing to exogenous events, such as during or in the aftermath of crises (Carstensen, 2017). Although also rooted in historical institutionalism, critical junctures theory and policy bricolage are most commonly used to investigate how institutions evolve in the face of constraints or disruptions.

Critical junctures theory (Capoccia & Kelemen, 2007) focuses on rare but transformative moments of institutional instability, during which the choices made by actors can decisively shape long-term outcomes. Capoccia and Kelemen (2007, p.348) define critical junctures as 'relatively short periods of time during which there is a substantially heightened probability that agents' choices will affect the outcome of interest', emphasising that these moments are brief relative to the extended, path-dependent processes they set in motion. As Ishkanian (2022) notes, these periods allow for social, political and economic shifts, as new ways of doing and governing become conceivable to policymakers and the broader public. Critical junctures theory has been extensively applied in empirical research to analyse institutional change in moments such as Brexit (Costa-Font, 2017) and the COVID-19 pandemic (e.g. Kopek, 2023; Cruz-Martínez et al., 2023).

Similarly, policy bricolage (Carstensen, 2011; 2017) is a conceptual lens that emphasises endogenous, adaptive change in response to disruptions, through the recombination of existing ideas and rules. This approach builds on Lévi-Strauss's (1967) concept of 'bricolage' – described as making do by applying combinations of 'whatever is at hand' to new problems and opportunities (Lévi-Strauss, 1967, p.17; Baker & Nelson, 2005) – to explain how policymakers reassemble existing

institutional elements to respond to novel challenges, reflecting a mode of change that is both adaptive and incremental. Bricolage has been applied as an analytical lens to policy change across diverse cultural and geographical contexts (e.g. Crespy & Vanheuverzwijn, 2019; Hsieh, 2016; Malinar & de Carvalho, 2024).

While these theories of institutional change offer essential tools for examining crisis-responsive policymaking, they are primarily focused on the mechanisms through which policy evolves. What is often missing from these accounts is an explanation of *why* particular policy shifts occur. These approaches frequently overlook the constitutive role of discourse, including how ideas are constructed, communicated and legitimised, and how these discursive processes shape which interests are included or excluded in policymaking (Béland, 2009; Schmidt, 2008).

To address this gap, we are informed by Oliver's (2020) concept of 'governmentality-effected neglect' in immigration and use *discursive institutionalism* (Schmidt, 2008) to understand how discourse operates within institutions, addressing the deeper question of how these discourses emerge and gain traction. This combined framework enables us to investigate both the discursive construction of policy and the deeper ethical logics underlying it, particularly in the context of temporary labour migration during the COVID-19 pandemic. Table 1 summarises these theories' assumptions and the relevance to the paper's focus.

Governmentality-effected neglect of migrants' social rights

Oliver's idea of 'governmentality-effected neglect' is grounded in Foucault's (1991) concept of governmentality. Here, Foucault combines the ideas of government and rationality to refer to an approach to the study of power that highlights the governing of people through discursive means, such as the configuration of habits, aspirations and beliefs (Li, 2007). Thus, governmentality exposes the meticulous techniques exercised through the procedures, calculations and tactics of institutions to govern a populace using governance rationalities rather than sovereignty alone (Foucault, 1991). Importantly, by drawing attention to the mentalities and rationalities through which governing is made possible (Gordon, 1991), Foucault's (1991) concept of governmentality guides a critical examination of the values, assumptions and subjectivities embedded in policy discourse, particularly how policy becomes a vehicle for normalising exclusion and justifying decisions that affect vulnerable populations (Walters, 2012).

'Governmentality' has informed enquiries on the micro (see Ibarra-Colado et al., 2006) and macro (see Warburton & Smith, 2003) levels into the ethics of social policies and processes. Similarly, employing Foucault's concept of governmentality, Oliver (2020) poses the idea of a 'governmentality-effected neglect' in immigration. This describes neglect towards migrants 'where laws are complex, and contexts pressurised and weighted towards disbelief, (and) institutional indifference to arbitrary and incorrect decisions often remains intact' (Oliver, 2020, p.97). When neglect is governmentality-affected, immigrants are stratified into different entry categories according to their origin and motivations to migrate; the difference in status that this subsequently prescribes offers levels of entitlements to benefits and services in education, health service and welfare provision, as well as access to the

Table 1. Theoretical approaches and explanatory potential

Theoretical approach	Core assumptions	Explanation in crisis
Historical institutionalism (Mahoney & Thelen, 2010; Steinmo et al., 1992)	Institutions evolve slowly through path-dependent processes shaped by prior decisions and institutional legacies.	Explains how crises may reinforce existing institutional patterns unless longer-term tensions already exist.
Incrementalism (Lindblom, 1959; Pal, 2011)	Policymaking proceeds through small, pragmatic adjustments rather than comprehensive reform.	Suggests policy change during crises remains cautious and marginal.
Critical junctures theory (Capoccia & Kelemen, 2007)	Crises can produce brief periods of heightened contingency, enabling path-breaking decisions.	Crises are moments of rupture that open windows for transformative, long-term institutional change.
Policy bricolage (Carstensen, 2011; 2015)	Policymakers respond to novel challenges by creatively recombining existing ideas and institutional elements.	Crisis induces adaptive and improvised policy responses, drawing on existing institutional resources.
Discursive institutionalism (Schmidt, 2008)	Ideas and discourse are central to institutional continuity and change; actors use discourse to communicate, legitimise and contest policies.	Explains how crises reconfigure discursive frameworks of urgency, responsibility and deservingness, often legitimising exclusion while allowing continuity in institutional logic.
Governmentality (Foucault, 1991)	Governance is shaped by underlying rationalities and discourses that construct subjectivities and normalise exclusion.	Explains how crises expose and reproduce the moral assumptions and exclusions embedded in policy discourse.

Table 2. Comparison of arrivals in Australia, multiple visa categories

Arrivals in Australia (visa categories)	June 2019	June 2021	Percentage (%) change
Permanent skilled visa	40,210	3,610	91.0%
Temporary skilled visa	19,750	1,320	93.3%
Temporary student visa	47,720	470	99.0%
Temporary work visa	19,000	270	98.6%

Source: ABS, 2021.

labour market (Giralt & Sarlo, 2017; Sainsbury, 2012). Therefore, immigrants' social rights in any given country are mediated by specific migration policies that regulate the conditions whereby newcomers can enter and become members of their receiving societies (Sainsbury, 2006).

The processes of domination over migrants, thus, happen in 'pervasive, subtle, and complex ways (. . .) including through irrational practices' (Oliver, 2020, p.99). There

is an 'irrational rationality' (Ritzer, 1983, p.100) in this process, whereby exclusions are created in common practice rather than stated by law (Oliver, 2020). Although Oliver's focus is on bureaucracy and the capacity of public servants to make timely judgments, Oliver acknowledges that marginalisation also occurs because indifference aligns with the state's broader vision on immigration (2020, p.97).

Informed by Oliver's (2020) conceptualisation, we subsequently use Sainsbury's (2006) analytical approach to examine how these macro-level dynamics impact the more micro-level social rights of temporary migrants. This approach considers migrants' welfare (or lack thereof) in the light of two other policy domains – namely immigration policy and the nature of immigration. Welfare relates not only to the provision and accessibility of universal social services, such as health or education, but also to migrant-specific social services (for example, counselling, job search, legal aid) and ethnic-sensitive social services (such as language assistance) (Giralt & Sarlo, 2017). Immigration policy consists of rules and norms that govern the process by which immigrants can acquire residency, obtain work permits and participate in the economic, cultural and political life of the host country (Sainsbury, 2006). Finally, forms of immigration refer to the 'entry' categories associated with various forms of immigration (Morris, 2003, p.19). These categories – such as labour migrants, family migrants, refugees and asylum seekers – encompass specific rights, which ultimately influence immigrants' access to social benefits (Sainsbury, 2006).

Research context: temporary labour migration in Australia

In the 1990s, Australia's migration program shifted to a demand-driven model, in which migrants were selected on the basis of targeted skills needed to fill labour market gaps (Phillips & Spinks, 2012). This approach offered a flexible workforce that operated as a contradictory 'tap' (of labour) that could be turned on and off in response to political-economic interests (Castles, 2000), to accelerate capitalist growth while minimising labour costs (Burawoy, 1976).

Notwithstanding, the debate surrounding temporary migration in Australia has undergone significant swings, particularly in response to shifting political, economic and institutional pressures (Hugo, 2014). In the early 2000s, the temporary skilled program came under intense scrutiny, with some employers being accused of misusing the scheme to displace Australian workers (see Clibborn & Wright, 2018). Drawing on narratives of integrity and worker protection, unions gained public and political traction, prompting reviews of the policy (Deegan, 2008). The Migration Legislation Amendment (Worker Protection) Act 2008 was then enacted to 'put teeth, integrity and grunt into the (temporary labour migration) process' (Commonwealth of Australia, 2008, p.50). Even though there remained a great deal to criticise (Howe, 2014), it appears that, at a higher level, there was a focus on creating a policy regime focused on ensuring labour rights for temporary labour migrants. In fact, when the 2013 global financial crisis threatened Australia's economic stability, migration-led population growth became a central pillar of the government's crisis-avoidance strategy, proclaimed as a means to stimulate the local economy and create new employment opportunities (Weller, 2017). In line with broader Organisation for Economic Co-operation and Development (OECD)

trends, policy changes also aimed to attract full-fee-paying international students, who were offered a relatively smooth transition into the domestic skilled labour force, having been educated and trained in Australia (Hugo, 2014).

Thus, when the COVID-19 pandemic reached Australia in 2020, temporary migrants – particularly skilled workers and international students – found themselves caught in a deeply contradictory policy landscape. Their perceived contributions to the economy clashed with a regulatory regime that stratified their entitlements, rendering them largely ineligible for state support (Sainsbury, 2012). These contradictions, however, were underpinned by embedded sentiments about temporary migrants that enabled the Australian government to easily turn off the 'tap' of migration intake (Castles, 2000). This was enacted by imposing strict border measures (as shown in Table 1). The aim of exclusion inherent in these policies was reinforced by discourse from key public figures, including the Australian Prime Minister Scott Morrison, who advised temporary visa holders that they should 'go home' (Gibson & Moran, 2020).

> Australia must focus on its citizens and its residents to ensure that we can maximise the economic supports that we have.

While several countries introduced emergency support measures during the pandemic that explicitly included migrant workers, such as wage subsidies, healthcare access and visa flexibility (ILO, 2021) and the United Nations (2020) called for all states to uphold migrant rights, framing inclusive policies as both an ethical and pragmatic necessity, Australia adopted an exclusionary stance. By stratifying temporary migrants into a 'useful' category on the basis of skill (Boucher, 2020) and using this to minimise their access to polity and society (Giralt & Sarlo, 2017; Sainsbury, 2012), temporary migrants were exposed to not just moral but economic and psychosocial hazards.

Research methods
Research approach
Given our focus on examining how ideas and discourse inform policy decision-making during crises, discursive institutionalism (Schmidt, 2008) informed both our conceptual understanding and our approach to methodology. Sainsbury's (2006) analytical framework guides the policy domains on which we focus our inquiry: migrants' welfare, migration policy (entitlements) and migration categorisation.

This study was part of a project funded by the World University Network examining the impact of COVID-19 on the regulation of migration in Australia, China and the UK. The study was conducted in accordance with the ethics approval received from the University of Western Australia.

Secondary data collection and analysis
We collected seventy-one newspaper articles published from 19 March 2020 (when the borders closed in Australia) to 30 June 2020. This timeframe was selected for

both empirical and analytical reasons. First, this period marks Australia's early response to the COVID-19 pandemic, a stage in which decisions are made rapidly under high uncertainty, often without the usual deliberative processes (Boin et al., 2006). Capturing this critical early window allowed us to analyse how the state framed the place of temporary migrants within the national response, and how such discursive constructions were reflected in and mediated through the press.

Second, this three-month secondary data analysis aimed to unpack a 'vision from the wider populace' (Foucault, 1977/1991, p.139). News texts are not merely reflections of events but active participants in shaping discourse and policy meaning, playing a key role in framing social issues, legitimising policy responses and reproducing dominant ideologies (Richardson, 2007). Newspaper articles were sourced using the database Factiva, an international database of media sources generated by Dow Jones. In our Factiva search, we included articles published by the top-eight newspapers in Australia. After analysing the content of outputs from several different word combinations, we used a combination of 'COVID' AND 'visa' before deepening the search using the subject term 'human migration'. A further cross-check was conducted of all articles using the keywords 'COVID' and 'visa'.

The computer software Leximancer supported part of the data analysis. Leximancer is a conceptual network builder that algorithmically identifies key themes, concepts and ideas and allows graphic representations of the relationships among concepts (Weitzman, 2000). In this study, Leximancer was used to visually analyse patterns in media discourse, particularly in terms of dominant concepts, their frequency and their relational clustering within the newspaper dataset. This enabled the researchers to identify and graphically represent the ideas underpinning public narratives about temporary migrants during the early phase of the pandemic.

Primary data collection and analysis

The selection of interviewees in phase 2 was purposeful (Onwuegbuzie & Leech, 2007), designed to ensure representativeness across institutional, organisational and individual levels. Using a key informant strategy (Kumar et al., 1993), participants ($n = 15$) were selected to capture a range of perspectives that shaped and reflected the governance of temporary migration in Australia. This included macro-level policymakers, meso-level actors (such as industry bodies, unions and migrant advocacy groups) and micro-level individuals directly affected by policy decisions (skilled temporary migrants and international students). The aim was not statistical generalisability, but to capture a diversity of discursive positions that illustrated how policy subjects are constructed and governed (Walters, 2012).

Given the complexity of studying social processes reflected in the interaction between policy and its effects (Gehman et al., 2018), qualitative analysis of interview data was essential to capture the divergent perspectives of different stakeholders. We conducted content analysis (Weber, 1990) to identify, categorise and interpret key themes voiced by participants across macro-, meso- and micro-level positions, with the support of NVivo software for systematic coding and classification of recurring concepts (Weitzman, 2000).
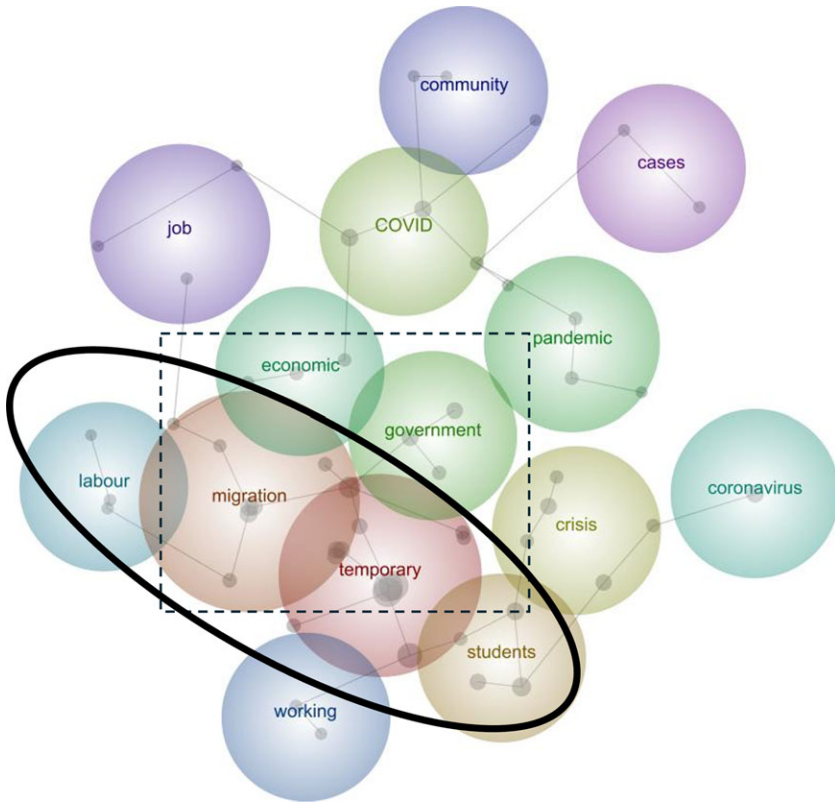
Figure 1. Leximancer output: analysis of Australia's mainstream media in semester 1 of 2020.

Research findings

Media coverage: a snapshot of changes in the regulatory system

The concept map below (Figure 1), extracted from Leximancer, provides a visual representation of the media coverage of visa- and migration-related issues during Australia's initial response to the pandemic. This analysis was relevant because media treatment of complex topics has long been considered to shape social constructions of reality and to impact social discourse and policy (Gamson et al., 1992).

Relevance of international students

The main concepts from the seventy-one newspaper articles analysed are represented on this concept map (Figure 1) in terms of their frequency and relationship. This concept map shows an overlap between the themes 'labour', 'migration', 'temporary' and 'students' (highlighted with a solid oval line), which suggests a strong centrality on the temporariness of student visas and reflects the fact that, when the pandemic hit Australia, international students were addressed by the media as temporary migrants.[1] Its relevance, given its warm colour on the map,

also suggests that they were a group that received particular attention from media coverage, potentially because of the way they were affected by the crisis and the policy changes that were enacted.

> There are more than 500,000 international students in Australia, many of whom have lost their jobs during the pandemic (. . .). The difficult dilemma faced by international students was outlined this week by NT Chief Minister Michael Gunner, who said many had 'fallen between the cracks'. 'They don't necessarily qualify for money from the Australian Government,' he said. 'They can't get a job at the moment, they just can't. They can't go home – the planes have stopped – and their parents are probably in a bit of financial distress wherever the family is staying.' (Gibson & Moran, *ABC News*, 3 April 2020).

> The government's decision to relax visa rules for 20,000 international nursing students could provide vital support to an overstretched health system (. . .) The government will relax work conditions for nursing students to allow them to work more than 40 hours a fortnight as part of a wide-reaching response to the COVID-19 outbreak. (Wooton, *The Australian Financial Review*, 20 March 2020).

Newspaper articles during this period repeatedly reported on the dramatic effects of the dynamics of exclusionary policies on international students. Positioned by the media as both essential temporary labour and excluded non-citizens, their migration status conveyed embedded limitations on entitlements and access to welfare (Sainsbury, 2006). This was highlighted as a broader issue of social justice, raising questions about the fairness and ethicality of policies that failed to account for non-citizens' contributions:

> 'I am relying on my friends – the ones who still have jobs – to buy me groceries to eat and to help me cover rent. I will have to pay them back eventually' (. . .) Mr Subedi, who has worked and studied in Australia for three years, said that as taxpayers, the nation's estimated one million foreign workers should also be eligible for the government's coronavirus financial assistance payments. (Caisley, *The Australian*, 13 April 2020).

Centrality of market need

Figure 1 also shows an overlap between the themes 'economic' and 'government', and 'migration' and 'temporary' (highlighted in a dotted square). This overlap reflects a discourse about migration policies at the time of the pandemic that was articulated in light of market needs rather than social or humanitarian factors. Much of the discourse from government representatives regarding policy changes was driven by (or justified with) economic considerations, as reflected in the extract below.

> Government will 'reset' the permanent migration program in its October budget, which could involve an unusual change to the mix between skilled and

family reunion migrants as it tries to restart the economy (Acting Immigration Minister Alan Tudge, quoted by Koziol, *The Age*, 23 May 2020).

This evidence substantiates our initial thesis that policies in Australia during this crisis were narrowly focused on economic utility, potentially overlooking the social and personal dimensions of migration. This instrumental view of migrants, as temporary, economically useful and easily adjusted within policy settings, demonstrates how the form of immigration (e.g. skilled versus family migrants) influenced entitlements and social inclusion (Sainsbury, 2006). The limited attention to migrants' personal and social dimensions, as well as the absence of concern for their wellbeing, highlights the marginal position of welfare in policy decisions (Sainsbury, 2006). Still, although this analysis suggests some level of 'ethical blindness' in decision-making, as an inability of the policymaker to see the ethical dimension of decisions at stake (Palazzo et al., 2012), it does not allow us to fully understand the perspective of different stakeholders involved in the governance of temporary migration to Australia or affected by it. This focus, thus, guided our qualitative inquiry.

Deliberated and shortsighted: the voices of stakeholders

When Australia closed its borders and imposed lockdowns, there were significant restrictions on both domestic and international trade, resulting in a consequent decline in employment and hours worked. The Australian Government acted quickly to institute labour subsidy measures as a stimulus for continued economic activity, known as the JobKeeper (a wage subsidy paid to eligible employers to keep people employed) and JobSeeker payments (financial assistance for those seeking work). However, even though temporary migrants pay taxes on their earnings at the same rate as Australian residents, those on temporary visas were explicitly excluded from being recipients of these schemes. As a stakeholder noted:

> We had these temporary migrants whose labour we had exploited all these years, in achieving our gross domestic product, without giving them access to any of the taxpayer-funded services. And all of a sudden, we were left with this group of people here, who were not entitled to any of the benefits that other groups were receiving . . . so it brought into stark focus the issues around how we've been treating these people (P01 – representative of a non-governmental organization [NGO] for multicultural affairs).

Many temporary migrants, including those with student visas, either lost their jobs or faced reduced work hours. Although they were encouraged to do so by the prime minister (Gibson & Moran, 2020), many found themselves unable to return home owing to their limited income status. As fears of impending job losses emerged across several economic sectors, embedded nationalist discourse emphasising that Australian workers should have a 'first go at jobs' resurfaced to influence considerations in government and civil society actors regarding temporary labour migration policy (Galloway, 2020). An employer association representative

described this discourse as 'the new driving mantra' influencing government policy about temporary labour migrants:

> I was speaking with someone from the Department of Public Affairs the other day who said in no uncertain terms that the Commonwealth's policy (Australia is a member of the British Commonwealth) is, you know, Australian jobs for Australians in the first instance. And that is going to be their driving mantra for some time (P05 – representative of employer association).

The findings suggest that key decision-makers were aware, to some extent, of the significant and detrimental impacts of COVID-19 policies on migrants. Several meso-level stakeholders, including a state government representative, acknowledged the ethical and material consequences of a system that effectively dehumanised and marginalised specific categories of migrants excluded by governance (Oliver, 2020). This awareness was coupled with a broader critique of the policymaking process, perceived as being morally and experientially detached from the realities faced by migrants:

> COVID-19 and subsequent border closures have affected all types of migrants, especially humanitarian entrants, international students, Working Holiday Makers and backpackers, Temporary Protection Visa, Safe Haven Enterprise Visa and Bridging Visa Holders in terms of uncertainty regarding their stay in Australia, job loss, increased risk of homelessness, poverty and mental health issues (P09 – government representative, state level).

> You would think the policy people just missed it entirely! But when you look at who writes policy, it's often people who don't have qualifications in migration law (. . .) They don't have an awful lot of life experience, so they don't get the huge picture (P10 – migration agent).

These meso-level stakeholders also emphasised that migrants should have been supported out of ethical responsibility and because retaining them would have long-term economic benefits for businesses. Their discourse reflected an intersection of economic pragmatism with moral obligation, as they reinforced the importance of aligning ethical and economic interests to ensure the long-term sustainability of Australian businesses, particularly those dependent on skilled migrant labour:

> From what we understand, it was a very deliberate policy decision to say, 'you need to go home if you can'. It's very short-sighted, they're here because they're filling a very distinct skill need and they should be supported to stick around because there is a longer-term benefit (from temporary migrant labour). I mean we thought it was a 'no-brainer' that you do support those migrant workers that are facing hardship. It's the right thing to do and it has longer, better long-term outcomes for Australian businesses (P05 – representative of an employer association).

The emphasis on the 'deliberate' nature of the government's decision to ask temporary migrants to return home also suggests the perception of an intentional disregard for migrants' contributions and rights. This deliberate exclusion underscores the ethical shortcomings of policy responses during the pandemic. This neglect highlights the state's prioritisation of short-term political and economic considerations over moral responsibility, amplifying the ethical blind spots that left these workers vulnerable and unprotected during a crisis.

Discussion

High levels of inequality, aggravated by ongoing crises such as the COVID-19 pandemic, have imposed significant human and economic costs globally on temporary labour migrants (ILO, 2023). In Australia's post-pandemic recovery, government responses that aggravated inequalities have been well-documented, including their implications for multiculturalism (Phillips, 2024), housing (Petter & Howard, 2024) and migration policies (De Lazzari et al., 2022). Research has discussed the neglect of non-citizens, such as temporary labour migrants, during the pandemic (Farbenblum & Berg, 2020) and how the precarity and vulnerability they experienced have exacerbated inequalities (Coffey et al., 2020).

In this research, we shift the focus to how ideas and discourse influenced migration and social policy during the pandemic, and how this crisis exposed critical ethical shortcomings in Australia's treatment of temporary migrants in social and migration policies. Informed by Oliver's (2020) conceptualisation of governmentality-effected neglect, we draw on discursive institutionalism (Schmidt, 2008) to explore how macro-level dynamics and discourse influence the more micro-level social rights of temporary migrants (Sainsbury, 2006). In considering the three policy domains proposed by Sainsbury (2006) – migrants' welfare, migration policy and categorisation – findings expose that welfare services, including access to healthcare, legal aid and job support, were restricted for temporary migrants, leaving them vulnerable during times of crisis; migration policies reinforced this exclusion by legally limiting migrants' social rights; and entry categories in the country dictated the extent of benefits accessible to each group.

The pandemic's governance logic stratified temporary migrants by legal status and perceived economic utility, reducing individuals to administrative categories rather than recognising their human condition. While visa categories have long shaped entitlements and labour market access (Azevedo & Casado, 2025; Morissens & Sainsbury, 2005; Triandafyllidou, 2022), the crisis context amplified these effects. Drawing on discursive institutionalism (Schmidt, 2008), we argue that this exclusion was not only embedded in institutional arrangements but also discursively legitimised through appeals to fiscal responsibility, national interest and crisis urgency. This way, the discourse surrounding crisis policymaking served a coordinative function within institutions while simultaneously performing a communicative function to the public (Schmidt, 2008) – framing exclusion as both necessary and rational. This reinforced a policy paradigm in which temporary migrants were marginalised through a logic that appeared efficient, but carried significant ethical consequences.

The findings from this research reveal that temporary skilled migrants, international students and meso-level stakeholders perceived the policy shifts during the pandemic as 'deliberate' and 'regressive' – an approach that abandoned those it had long relied upon. These actors described the decision-making during this period of crisis as 'shortsighted', not only in its lack of foresight about long-term societal consequences but also in its failure to uphold principles of justice. These perceptions point to more than a case of ethical blindness (Palazzo et al., 2012); rather, they suggest the presence of an *ethical void* – as a systemic and active disregard for moral responsibility in the treatment of vulnerable groups because the rationalities of governmentality proceed unchecked and reflect a deeper, embedded, moral vacuum.

We therefore suggest that, in Australia, in response to the pandemic, policymakers engaged in a *crisis-induced bricolage of policy* (Carstensen, 2011; 2017) in which the 'resources at hand' (Baker & Nelson, 2005; Lévi-Strauss, 1967, p.17) were the available mental structures, pre-existing rules and exclusions that have been embedded in Australia's sentiment for decades. Those 'resources' included not only institutional processes but also pre-existing discursive structures and exclusionary logics that have long shaped Australian migration policy, as a deeply embedded view of temporary migrants as economically instrumental rather than socially entitled (Castles, 2000). Importantly, these ideas appeared to override post-2008 policy developments intended to safeguard the labour rights of temporary migrants, resulting in contradictions between stated protections and the policy response during the crisis. In this environment, the urgency of action eclipsed moral reasoning.

The harmful implications of this *ethical void* are many, including the normalisation of exploitation, where migrants are seen as cheap labour and denied basic rights; the marginalisation of their voices; and the institutionalisation of structural inequities. It is crucial to emphasise these consequences, as the assumptions that underpinned this *ethical void* in policymaking remain. Even in the aftermath of the COVID-19 pandemic, these embedded assumptions that overlook ethical considerations continue to influence the process of sense-making around temporary migration in the country. This is the case, for example, with the changes to Australia's temporary graduate visa programs that took effect in July 2024.[2] Among these, the reduction of the maximum age limit for most applicants from 50 to 35 years significantly narrowed access to post-study work rights. This shift particularly disadvantaged mature-age international students – many of whom undertake postgraduate study as part of mid-career reskilling or migration planning – by effectively excluding them from opportunities previously available to transition into skilled employment or permanent residency pathways. These modifications impacted an estimated 20,000 international students already in the country when the changes were enacted (Carasi, *SBS News*, 14 October 2024). Thus, the implications of an ethical void extend beyond the pandemic. They risk normalising inequality in the very fabric of migration governance.

From a theoretical perspective, the conceptualisation we offer in this paper is particularly well-suited to analysing the ethical contradictions of social policy-making in various contexts and historical moments, where narratives of deservingness and exclusion are central to the treatment of vulnerable groups.

Similar to Oliver (2020), we draw on Foucault's (1991) governmentality to explain how policies governing migrants are shaped by rationalities of rule – this is, how rational policy tools (e.g. visa categories, eligibility rules) can produce morally troubling outcomes. However, while Oliver (2020) focuses on the outcomes of everyday bureaucratic dysfunctions that shape public servants' decision-making, we extend the concept of governmentality-effected neglect to incorporate the role of the discourse embedded in the broader vision of migration.

Conclusion

This research has examined how Australia's migration and social policy responses during the COVID-19 pandemic laid bare structural inequalities and ethical failings in the treatment of temporary migrants. Despite their economic contributions and essential roles in Australia's society, temporary migrants – including international students – were systematically excluded from social protections, exposing an institutional discourse and a policy framework that marginalised non-citizens. Through the lens of Oliver's (2020) concept of governmentality-effected neglect and Sainsbury's (2006) policy domains, our findings show that public discourse and migration categorisation mechanisms systematically reinforced exclusionary outcomes for social rights and welfare.

Notes

1 In Australia, students can be considered temporary migrants. Their visa allows them to work for twenty hours per week. However, in recognition that international students provide an easy-to-access source of labour to manage skills shortages, the Australian government relaxed this restriction in June 2022; international students could work on unrestricted hours until June 2023. See https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/student-500/temporary-relaxation-of-working-hours-for-student-visa-holders.

2 More information in this visa stream is available from: https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-graduate-485/changes.

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