



SUBMISSION to Department of Immigration and Citizenship (DIAC)

Australia's Refugee and Humanitarian Program 2013-2014

February 2013

1. Introduction

The Multicultural Youth Advocacy Network (Australia)

The Multicultural Youth Advocacy Network (MYAN) is the nationally recognised policy and advocacy body representing multicultural youth issues.

The MYAN works in partnership with government and non-government agencies at the state/territory and national levels to ensure that the particular needs of young people from refugee and migrant backgrounds are recognised, and to support a coherent and consistent approach to addressing these needs in policy and service delivery.

The MYAN believes that a targeted approach to policy and service delivery, including in settlement services, is essential to supporting the social, cultural and economic participation of young people in Australia. The MYAN works across the settlement and youth sectors to achieve this goal, supporting links between these sectors and supporting appropriate responses to the needs of young people from refugee and migrant backgrounds.

About this submission

The MYAN welcomes the opportunity to contribute to DIAC's consultation on *Australia's 2013-2014 Refugee and Humanitarian Program*. This submission provides a national perspective, drawing on the MYAN's breadth of experience working with young people from refugee and migrant backgrounds, their communities and the youth and settlement sectors across Australia.

For specific and more detailed information regarding unaccompanied humanitarian minors, please refer to the MYAN's paper on UHMs released in late 2012, *Unaccompanied Humanitarian Minors in Australia: an overview of national support arrangements and key emerging issues*. This paper captures many of the key issues facing young people in their settlement journey, as well as those facing the settlement sector in providing support to a group with often high and complex needs. The paper also includes a set of recommendations relevant to this consultation and can be found [here](#).

2. Submission

The MYAN understands that balancing the need to protect Australia's borders with our international human rights obligations is a challenging and complex policy and legislative area for government. We commend the government for its' initiatives in recent years to move children and vulnerable family groups out of immigration detention facilities and centres and into community-based accommodation. This expansion of the residence determination program reflects a more humane approach to the treatment of those seeking asylum in Australia. We also commend a number of recommendations of the Expert Panel, including the increase to Australia's humanitarian program intake to 20, 000, and a stronger focus and increased resources to support regional protection.

However, notwithstanding these developments, the MYAN is concerned that some aspects of existing immigration legislation and policy, including many of the recommendations of the Expert Panel, (now incorporated into Australia's Humanitarian Program for 2013-2014), will undermine more humane initiatives of recent years and contravene Australia's human rights obligations as a signatory to a number of UN conventions and treaties (including the 1951 Refugee Convention and the Convention on the Rights of the Child). As such, we are particularly concerned about the negative impact that some policies have on the health and wellbeing of young people, and the implications for the level and type of support required for young people to settle well in Australia.

2.1 RECOMMENDATIONS OF THE EXPERT PANEL ON ASYLUM SEEKERS

2.1.1 Increase humanitarian intake to 20, 000

The MYAN welcomes the Australian Government's decision to increase of the humanitarian intake from 12,750 to 20,000 as part of the recommendations made by the Expert Panel on asylum seekers.

The MYAN believes the government needs to match this increase with additional resourcing of settlement services to ensure that refugee and humanitarian entrants receive the support they need to settle into Australian society – with a focus on strengthening the provision of targeted youth settlement services (particularly if the recent trend of proportionally high numbers of young people arriving through the Refugee and Humanitarian Program continues).

2.1.2 Increased regional focus

Regarding the proposal of increased regional focus in South-East Asia, the MYAN believes Australia should maintain a global approach to resettlement aligned to UNHCR's resettlement referrals while also supporting the development of a robust Regional Protection Framework. The MYAN commends DIAC's work in the establishment of the Regional Support Office in Bangkok, as well as the commitment of resources to support the work of this office.

2.1.3 Link between onshore and offshore components

We support the Expert Panel recommendation to review the linkage between the onshore and offshore components within 2 years. Regarding the continuation of the link between the onshore protection and SHP components – while the MYAN understands that balancing the need to protect Australia's borders with our international human rights obligations is a challenging and complex policy and legislative area for government, we strongly support RCOA's statements regarding this arrangement in its *Discussion Paper* and particularly reinforces the comment that it "risks creating antagonism between refugee communities and confuses Australia's legal obligations under the Refugee Convention" (RCOA, 2012:7). We also believe that the link between the offshore and onshore components compounds negative attitudes perpetuated by the media toward asylum seekers who arrive by boat.

2.2 PRIVATE/COMMUNITY SPONSORSHIP PROGRAM

Regarding the possible private/community sponsorship program, the MYAN's comments are specifically in relation to unaccompanied minors. We would recommend that, due to particular vulnerabilities, this group of young people are only considered for settlement in Australia through this pilot if adequate and appropriate care and support arrangements (in accordance with guardianship legislation) specific to this program, can be provided and monitored. This would require the development of a framework for the support and care of unaccompanied minors specific to this program and the provision of dedicated and adequate resources for carer recruitment, responsibilities and support.

2.3 FAMILY REUNION

It is the MYAN's experience that young people who are separated from family face far greater challenges than those who have the support networks of relatives in Australia. Family reunion plays a critical role in good settlement outcomes for young people, providing vital support network as young people build new lives in Australia and make the transition to adulthood. It can also build a critical scaffold of support around a young person, reducing their need for government-funded services.

The lack of family reunion options can have implications for the physical and mental health of young people, including:

- Feelings of anxiety about their family's safety; guilt that they have been left behind; and feeling responsible for the wellbeing of family overseas.
- Feelings of grief and loss, often leading to depression and isolation.
- A focus on finding immediate (often low-skilled) work at the expense of foundational education (such as English Language acquisition) in order to provide remittances or apply for sponsorship.

It can also impact on a young person's capacity for a long-term view of settlement in Australia or their motivation to build connections to support settlement, including engagement in education, training and employment.

Faster reunification pathways would also reduce the risk of conflict post-reunification, exacerbated by protracted periods of separation.

2.3.1 Changes in eligibility to the SHP for humanitarian entrants who arrived by boat

The MYAN is concerned about how changes to the Special Humanitarian Program (SHP) may limit young people's ability to reunite with family members. For many young people (in particular, unaccompanied minors), the realisation that it will likely take many, many years before their family will be able to join them in Australia (if at all), is inherently traumatic and in addition to the trauma they may have experienced in their journey to Australia (often compounded by the process of seeking asylum).

2.3.2 Family reunion via the Family Stream of the Migration Program

The MYAN is concerned about the prohibitive costs associated with this proposal. The cost barrier is acute for young people proposing to reunite with family members through the family stream of the Migration Program, namely:

- Newly arrived young people are often at significant financial disadvantage, arriving with few or no possessions and may have limited income due to visa entitlements.
- Newly arrived young people may be remitting money to family members overseas. With the pressure to send money to family overseas young people find work (low- skilled or low- paid) at the cost of their education.

2.4 IMPLICATIONS OF ONSHORE PROCESSING ARRANGEMENTS ON SETTLEMENT OUTCOMES

The MYAN would like to make a number of comments in relation to the settlement outcomes of young people who have spent time in community detention while awaiting resolution of their immigration status, with a focus on unaccompanied minors. It is our understanding that some young people will have also spent time in other detention facilities in multiple locations prior to their arrival in community detention, and the granting of a Protection visa.

Once granted a Protection visa and having exited the Community Detention program, the MYAN has observed the following:

- Finding work, appropriate housing and connection to the community is still very limited after the grant of a Protection visa.
- Employment is very difficult to find, especially with proper wages and employee rights.

- Finding full time employment to support family overseas back home can override English and further education. This may impact on the opportunities available to these young people in the future.
- Many young people struggle to find appropriate housing, with some sharing rooms with several others in order to save money.
- UHMs face particular challenges, including those arising from relocating (either due to available employment and/or connections) – refer to the MYAN Paper on UHMs, *Unaccompanied Humanitarian Minors in Australia: an overview of national support arrangements and key emerging issues* (MYAN:2012:13-17).
- As mentioned in this paper, many workers have highlighted the challenges associated with the different levels of support for young people in the community detention program and post the program. These challenges are largely associated with managing young people's (high) expectations of the service system/levels of support they can access upon exit from the community detention program.
- Trauma (either from detention, or compounded by the acute uncertainty of the asylum seeking process) can impact on a young person's capacity to settle well and is compounded by ongoing separation from family and the limited family reunion options.
- Family reunion – as detailed above, many young people have high anxiety about family safety overseas and are trying desperately to bring them here. This often has a big impact on a young person's capacity or motivation to engage in education and training and/or develop links to their community to assist in (medium-long-term) settlement process.

2.5 SETTLEMENT SERVICES

The MYAN welcomes DIAC's work on the development of a settlement framework to support the delivery of settlement services. We particularly welcome the possibilities that this might achieve greater 'whole of government' responses to those arriving in Australia through the Humanitarian Program. We look forward to the progress of this framework in the coming year.

We would also like to highlight that, while Australia's settlement service system is highly regarded globally, it has faced significant challenges in responding to the implications of increased onshore arrivals, and the implications of recent changes to immigration policy. These challenges include the capacity of the settlement service system to manage an increased volume of clients; the need to make prompt and frequent adjustments to service delivery models; the lack of coordination between services and the need to respond to new client groups with often particularly complex needs (including increased numbers of unaccompanied minors with complex and unclear guardianship and carer arrangements).

While the MYAN acknowledges that DIAC has endeavoured to work with the settlement sector to ensure that systems are put in place to manage these changes, the MYAN would like to see provisions for ongoing improvement in this area under the 2013-2014 Humanitarian Program.

2.5.1 Unaccompanied young people aged over 18

The MYAN would like to highlight the need for increased support to unaccompanied young people who are over 18 or who have turned 18 after arrival in Australia (and therefore no longer eligible for targeted support as unaccompanied minors). This group of young people face a number of specific settlement challenges, including:

- Negotiating Australian systems and processes without adequate orientation (it may be assumed by settlement services that they had received the necessary information while in community detention) or information. This includes information regarding real estate contracts, TAFE systems, university systems, licencing requirements, etc. As a result, they may miss out on opportunities, make poor decisions, or be at higher risk of workplace exploitation.
- While they are considered an adult under Australian law, they may have only been in the country a few years, often have limited English language, and so are struggling with tasks which most Australian born young people would find easier, either due to family support, or better familiarity with Australian systems.
- For those who have arrived in Australia as minors, once they turn 18, they are no longer eligible for the same level or type of support and are often expected to navigate housing, health and education systems alone or with limited support. Often mainstream youth services assume support for this group of young people rests with settlement services and often settlement services are overstretched, without the capacity to provide the intensive support they need. Post 18, it is the MYAN's experience that young people are at higher risk of homelessness as often a carer placement breaks down once carer payments cease.

2.5.2 Recommendations to ensure settlement services best meet the needs of young people, particularly those granted protection onshore (e.g. visa subclass 866 or 1AMet)

The MYAN makes the following recommendations for the 2013-2014 Humanitarian Program in relation to settlement support for those young people granted an onshore Protection visa:

- That funding for settlement services be increased (to allow lower client ratios) in order to meet the intensive support needs of young people who have arrived onshore. The current HSS and SGP capacity makes it difficult for workers in these programs to meet the support needs of young people who have been granted onshore protection, who are commonly separated from family and lack support networks and often require intensive support. (This is also noted in David Richmond's *Review of Humanitarian Settlement Services: Performance Measures and Contract Management*, see, e.g. pp.10-11).
- That stronger partnerships be encouraged between mainstream youth services and settlement services to increase the overall capacity of the sector to meet the needs of this group of young people and harness the various support available. This may require capacity building for mainstream youth services to understand the unique experiences and support needs of these young people and targeted resources to achieve this.
- Greater flexibility in funding (CCS, SGP) to allow young people who have been in Australia 5-10 years to receive settlement support. Young people who have not been able to settle within 5 years often need more intensive support to address their complex

needs. (The MYAN welcomes the recent changes to CCS eligibility to include young people on Orphan visas).

- Better service coordination and clarification regarding support for unaccompanied humanitarian minors across jurisdictions. Responsibility for supporting this group of young people is often unclear (including eligibility for state/territory care arrangements) and there is often a lack of coordinated support (across the settlement services continuum and between mainstream and settlement services). For more recommendations regarding UHMs, please refer p p.12-13 and p.18 in the MYAN paper: *Unaccompanied Humanitarian Minors (UHMs) in Australia: an overview of national support arrangements and key emerging issues*.
- To best meet the needs of young people and ensure that young people receive the support they need to achieve good settlement outcomes, it is important that settlement programs are:
 - Youth-specific, designed and delivered in response to the particular (and often complex) settlement needs of this group of young people;
 - Flexible in their approach, with the capacity to respond to the diverse, and often complex needs;
 - Provide referral pathways into other required services or supports;
 - Provide targeted support to young people to access services and programs (e.g. health, education, arts and culture, social and recreational); and
 - Provide opportunities for young people to actively participate and engage in the community.
- Maintain the youth focus in the HSS program and SGP in order to facilitate more specific settlement support targeting the needs of young people.
- Expand the Refugee Youth Support Pilot to all states/territories in Australia.
- Ensure that settlement services respond to the needs of unaccompanied young people over the age of 18 (particularly those who have arrived through the onshore program) to ensure they receive the targeted support required for good settlement outcomes.
- Ensure that government-funded employment programs, largely JSAs, that often enhance the work of settlement services, are providing the support required to facilitate meaningful and sustainable employment outcomes for young people.

MYAN Contact Details

Nadine Liddy
National Coordinator
nliddy@cmy.net.au