

MYAN Australia

Submission to the Department of
Immigration and Border Protection on
Australia's Humanitarian Programme
2016-17

30 March 2016

The Multicultural Youth Advocacy Network (Australia)

The Multicultural Youth Advocacy Network (MYAN) is the national peak 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 undertakes a range of policy and sector development activities, and also supports young people to develop leadership and advocacy skills to influence the national agenda.

Young people from refugee and migrant backgrounds demonstrate high levels of resilience and resourcefulness and have the potential to be active participants in and contributors to Australian society. However, they face particular barriers to accessing services and opportunities, including language, culture, limited social capital and unfamiliarity with Australian systems and processes (including the service system), racism, and discrimination. These factors can place them at social and economic disadvantage within Australian society, which can mean they are at higher risk of social and economic isolation.

The MYAN believes that a targeted approach to policy and service delivery is essential to addressing these barriers. The MYAN has recently developed the *National Youth Settlement Framework* to support a targeted and consistent approach to addressing the needs of newly arrived young people settling in Australia.

About this submission

The MYAN welcomes the opportunity to contribute to community consultation on Australia's 2016-2017 Refugee and Humanitarian Program.

Children and young people make up the majority of people seeking protection in the world today. The increasing number of children and young people being exposed to the lasting and harmful impacts of forced migration, the uncertainty of an increasingly inaccessible protection regime, and the relatively small number of resettlement places serves as a concern for everyone. This submission looks at the particular vulnerabilities young people face in their search for protection.

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. It has also been informed by a national teleconference convened by the MYAN to coordinate sector contributions to this submission process. Given the focus of the MYAN's work, this submission will respond to the Discussion Paper broadly, with three specific areas: International Protection Challenges and Needs, Australia's Resettlement Program, and Settlement Services.

1. International protection challenges and needs

51% of the world's refugees were under the age of 18 in 2014, the highest figure in more than a decade.¹ In this same year, more than 34,300 new individual asylum applications were lodged by unaccompanied and separated children in 82 countries, yet only 1.2% of cases were submitted for resettlement and less than 1% of those resettled were children or adolescents at risk.² Over the period July 2010 to June 2015 young people represented one fifth of all permanent arrivals to Australia. Almost 90% of these young people however entered Australia via the Family and Skilled stream as the overall number of young people settling in Australia through the Humanitarian Programme declined during this period (from close to 4,000 each year from 2010/11 to 2013/2014 to 3,176 in 2014/15). Given the number of young people seeking protection continues to grow, MYAN believe the Australian Government should be working with those on the ground, with NGOs and with the people who are affected themselves including refugees and asylum seekers, to consider supports and resourcing that can provide adequate protection to young people, including unaccompanied or separated minors.

MYAN recognise that Australia has made efforts in recent years to respond to the increasing number of children and young people seeking protection internationally, most notably through the targeting of unaccompanied 17 year old refugees in Indonesia for resettlement upon turning 18 and through the Unaccompanied Minors Resettlement Pilot out of Indonesia.³ However, we note that official policy remains that Australia will consider referrals from unaccompanied and separated minors on a case-by-case basis only and there remains uncertainty around the continuation of any specific measures to address the protection needs of minors into the future. The MYAN would like to see greater consideration given to young people in Australia's Humanitarian Programme. For example, given their vulnerability, giving young people 'special' status under a specific program and/or more resourcing to the Department of Immigration and Border Protection's offshore and Australian processing offices to identify and consider submissions of young people, particularly unaccompanied and separated minors.

The MYAN would also like the Australian government to consider a small pilot within the resettlement program for unaccompanied minors. The MYAN acknowledges DIBP's role in supporting the existing Unaccompanied Humanitarian Minors Pilot but notes this has predominantly supported young people arriving through Australia's onshore protection component of the Humanitarian Programme. Given established and existing infrastructure (in several states and territories), Australia is well-placed to support a pilot program within the offshore (resettlement) component of the Humanitarian Programme. The increased intake through our resettlement program in response to the Syrian refugee crisis presents a good opportunity to introduce such a pilot.

In addition to resettlement there are a number of approaches Australia could also adopt to address key protection issues and to enhance existing responses to strengthen protection for young people, including unaccompanied and separated minors, in countries of origin and asylum. For example, Australia could review how it supports UNHCR identification and assessment of minors and the requirement for a Best Interests Determination (BID) as a prerequisite for a minor's consideration for resettlement in Australia. This was proposed in recognition of significant challenges associated with completing required registration and assessment of minors in countries of asylum and origin.⁴ The suggestion here was not that such assessments should be discarded out of hand, rather that there is potential to review how realistic current requirements are and to support how these processes are conducted. For

¹ UNHCR (2015) *UNHCR Global Trends: Forced Displacement in 2014*. Available at <http://unhcr.org/556725e69.html>, p. 3

² UNHCR (2015a) *UNHCR Projected Global Resettlement Needs*. Available at <http://www.unhcr.org/558019729.html>

³ Piper & Thom (2014) *Removing the stumbling blocks: Ways to use resettlement more effectively to protect vulnerable refugee minors*. Available at http://www.amnesty.org.au/images/uploads/about/Removing_the_Stumbling_Blocks_Refugees_2014.pdf

⁴ Ibid.

example, the USA, Canada and Norway have attempted to address the latter issue through the funding of specialists in BID and child protection to support and train UNHCR protection officers in conducting assessments with minors in major refugee transit and host regions. Additionally, on the former issue, the USA has provided guidance to UNHCR on referring unaccompanied and separated minor cases to their resettlement programme.⁵

Recommendation 1: *That Australia give greater consideration to exploring how young people, including unaccompanied or separated minors, are considered for inclusion in the Humanitarian Programme.*

Recommendation 2: *That the Australian government introduces an Unaccompanied Humanitarian Minors Pilot within the offshore component of Australia’s Humanitarian Programme, with consideration given to introducing this in the context of an increased resettlement program.*

Recommendation 3: *The government considers potential ways to provide greater support to UNHCR and countries of asylum to register and assess protection needs of minors and young people in countries of asylum.*

1.1 Countries of origin

Concerns have been raised with the MYAN regarding the risk of young people being recruited into armed conflict, notably asylum seeking young people in Jordan into the Syrian conflict.

“Some of Syria’s displaced youth have already passed the point of caring about their futures. Some talk about returning to Syria to fight – searching for a sense of purpose. Instead of looking forward to a future of change and development as normal teenagers would.”⁶

MYAN welcomes the Australian Government’s announcement to resettle Syrian and Iraqi refugees as an additional intake to Australia’s regular resettlement Program, but believes more could be done to support young people caught up in this ongoing crisis.

Recommendation 4: *The MYAN supports RCOA’s recommendation that Australia make additional resettlement commitments of 10,000 places each year for the next three years for refugees displaced by the Syrian crisis.*

The vulnerability of young women in transit, notably in the Great Lakes region, are another specific group of young people of serious concern to the MYAN. UNHCR identified sexual and gender-based violence (SGBV) as priority areas in the Great Lakes region in 2015, highlighting the ongoing extreme risk of SGBV and exploitation to young women and girls amid ongoing conflict in the region. In 2016, UNHCR estimates global resettlement needs to be over 1,150,000, an increase of 22% from 2015. There are now almost 392,000 refugees from the Middle East and North Africa, thousands of Somali refugees caught up in Africa’s largest protracted refugee situation but given little priority for resettlement, and almost 2.6 million Afghan refugees from the world’s largest protracted refugee situation who have lived outside their country for over three decades.⁷ The extent of protracted refugee situations and the growing

⁵ For additional and more detailed recommendations on this topic see, Piper & Thom (2014)

⁶ UNICEF (2014) *Under Siege*. Available at http://www.unicef.org/publications/files/Under_Siege_March_2014.pdf

⁷ UNHCR (2015a)

numbers of those in need of protection in the last decade have intensified calls for resettlement places (see recommendations 5, 8, 11, 14 and 15.)⁸

Recommendation 5: *The MYAN reaffirms RCOA’s recommendation to ensure that resettlement from Africa and Asia continues at a rate appropriate to the scale of need, with the Africa program making up at least 25% of the offshore program.*

1.2 Countries of asylum

Lone or separated young Eritrean women in Sudan and Somalia are a group of young people in countries of asylum MYAN have identified as of particular concern to communities in Australia. Current information from UNHCR suggests that more than 363,000 Eritrean refugees are now spread across 56 countries, with almost two thirds often in very difficult living conditions in Ethiopia and Sudan. A tripling of the number of Eritrean asylum seekers to Europe, predominantly teens and young adults arriving by boat to Italy, highlights the deterioration of conditions for young people seeking asylum in the region.⁹ MYAN understands that camps and informal urban refugee settlements in and around Khartoum were reported as particularly unsafe places for children and young people. More than 1,000 Eritreans are thought to be entering Sudan each month, adding to a population of over 2 million people of concern to the UNHCR, suggesting this situation is not likely to improve soon.¹⁰

MYAN also heard from participants that unaccompanied and separated children in Indonesia remain a group of young people of concern in countries of asylum. As of August 2015, UNHCR Indonesia had registered 3,672 refugee and asylum seeking minors, including 1,133 unaccompanied and separated children, with an apparent recent increase in the number of unaccompanied girls.¹¹ Ongoing difficulties faced in Indonesia include the uncertainty of obtaining a durable solution and lack of national regulation for refugees, as well as restrictive policies and inadequate services. As explained recently by a JRS worker in Java:

“Experiences of asylum seekers vary, ranging from feeling welcomed by friendly Indonesians, to being abused and exploited due to their irregular status. Barred from employment, denied access to education and subjected to a very real fear of arrest and indefinite detention, asylum seekers and refugees struggle to survive without documentation or legal status. As a result, asylum seekers and refugees have to rely on the goodwill of authorities and charity from civil society.”¹²

Concerns were specifically focused on the fact that unaccompanied minors can only reside legally in the community in designated centres. While civil society organisations operate some facilities and Indonesian authorities have recently opened state-owned support facilities for unaccompanied or homeless displaced children and women, the number of registered minors continues to exceed the number of places available resulting in many continuing to be held in immigration detention centres.¹³ In March 2016, Indonesia’s director-general of immigration reported that Indonesia’s 13 immigration detention centres were overcrowded as the number of asylum seekers and refugees to

⁸ UNHCR (2014). Legal avenues to safety and protection through other forms of admission. Available at <http://www.refworld.org/pdfid/5594e5924.pdf>

⁹ UNHCR (2015a)

¹⁰ UNHCR (2015)

¹¹ Masardi (2016) All Alone, *Inside Indonesia*, 124. Available at www.insideindonesia.org/all-alone

¹² Stenger (2016) What the future might hold, *Inside Indonesia*, 124. Available at <http://www.insideindonesia.org/what-the-future-might-hold>

¹³ Ibid.

the country had increased more than five-fold over the past seven years.¹⁴ Australia’s decision in 2014 to reduce the number of refugees resettled from Indonesia and to not take anyone arriving post-July 2014, has impacted on the numbers of refugees living in Indonesia.

In addition, the MYAN is concerned about considerable resource gaps and funding to UNHCR in Indonesia, including for child protection specialists. The result is limited and poor completion of relevant documentation and protection assessments with flow-on effects, particularly for minors when their cases are eventually progressed, in regards to their circumstances as a vulnerable person and their best interests.¹⁵

Recommendation 6: *The Australian Government consider additional support for strengthening child protection capacity within UNHCR and countries of asylum, including guardianship and support for minors in Indonesia and Malaysia.*

The MYAN is also concerned about the way submissions from unaccompanied and separated children in countries of asylum are assessed for Australia’s Special Humanitarian Program – notably, that these applications are not systematically prioritised at Australia’s overseas posts. Concerns shared with the MYAN regarding this highlighted that more attention may currently be focused on the conditions in the country of origin without looking to the section in the submission outlining the circumstances in the country of asylum. This is considered of particular relevance for “vulnerable minors who might not have high profile protection needs linked to their refugee claims but do have legitimate protection needs arising from their current circumstances”.¹⁶

Recommendation 7: *That Australia should maintain a global approach to resettlement aligned to UNHCR’s resettlement referrals while continuing to pursue the development of a robust Regional Protection Framework that has protection for the most vulnerable at its core, with a priority focus on UAMs. (Understanding that priority for the limited places available under the SHP continues generally to be given to applicants proposed by close family members, MYAN makes further recommendations about Australia’s family reunion policies for humanitarian arrivals at 2.1.)*

Recommendation 8: *The MYAN reaffirms RCOA’s recommendation that the annual quota for the Community Proposal Pilot or any replacement program be delinked from the Refugee and Humanitarian Program.*

Recommendation 9: *That unaccompanied minors, due to particular vulnerabilities, are only considered for settlement in Australia through CPP if adequate and appropriate care and support arrangements (in accordance with guardianship legislation) specific to this program, is provided and monitored.*

2. Australia’s Refugee and Humanitarian Programme

2.1 Changes to family reunion access for children and young people who are irregular maritime arrivals

The transfer to Nauru or PNG of all asylum seekers arriving by boat after 19 July 2013 and the pronouncement that there will be “no exceptions to offshore processing” by the Minister shortly thereafter has lead to the indefinite

¹⁴ Topsfield (2016) Indonesia appeals to Australia to accept more refugees, *Herald Sun*, 15 March 2016, p. 8

¹⁵ Piper & Thom

¹⁶ Ibid. p. 38

detention of hundred of children and young people offshore.¹⁷ The MYAN has elsewhere raised concerns regarding the detention and offshore processing of children and young people, specifically with regard to the protection and wellbeing concerns of young people and Australia meeting its international obligations.¹⁸ Specific to this submission however, are additional concerns raised by the handing down of Ministerial Directive 62, under which family members of protection visa holders in Australia receive the lowest priority for processing and for those who arrived by boat after 19 July 2013, there are no options for family reunification. This directive applies equally to young people and unaccompanied minors, regardless of compelling or compassionate circumstances.

Separation from family can add significantly to the challenges of settlement with negative impacts on settlement outcomes, health and overall wellbeing. According to the Department of Social Services (2015), “implications go beyond settling individuals and their family members, to impact the broader Australian community in terms of increased demand for social services and support.”¹⁹ 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. The lack of family reunion options can have implications for young people’s physical and mental health and impact on capacity for a long-term life view or motivation to build connections and skills to support participation, including engagement in education, training and employment.²⁰ Family reunion plays a critical role in good settlement outcomes for young people, providing a vital support network as young people build new lives in Australia and make the transition to adulthood.²¹ Removal of this important support for those resettled in Australia is likely to have significant negative consequences on settlement.

In addition to the impacts on settlement, Australia holds important obligations under a number of international legal instruments to protect a child’s best interests. This includes family reunification as specifically outlined under articles 5, 9 and 18 of the *Convention on the Rights of the Child*. UNHCR has further articulated the importance of family reunion, noting;

*“respect for the right to family unity requires not only that states refrain from action which would result in family separation, but also that they take measures to maintain the unity of the family and to reunite family members who have been separated”*²²

Over a decade ago the introduction of temporary protection and the removal of access to family reunion was a specific focus of national introspection:

¹⁷ RACS (2014) *Fact sheet: Chronology of legal changes affecting asylum seekers*. Available at <http://www.racs.org.au/wp-content/uploads/RACS-FACT-SHEET-Chronology-of-legal-changes-affecting-asylum-seekers-26-May-2014.pdf>

¹⁸ MYAN (2010) Submission to the Legal and Constitutional Affairs Committee: Migration Amendment (Detention Reform and Procedural Fairness) Bill 2010. Available at

<http://myan.org.au/file/file/MYAN%20AYAC%20Migration%20Reform%20Bill%20Aug%202011%20Final.pdf>; MYAN (2010)

Submission to Senate Inquiry on Commonwealth Commissioner for Children and Young people bill. Available at

<http://myan.org.au/file/file/policy/MYAN%20Senate%20NCCP%20Inquiry%20final.pdf>

¹⁹ Department of Social Services (2015) Submission to Productivity Commission: Pathways to participation for migrants Productivity Commission Inquiry Migrant Intake into Australia, Submission June 2015. Available at

www.pc.gov.au/data/assets/pdf_file/0006/190815/sub062-migrant-intake.pdf.

²⁰ MYAN (2012) UHMs in Australia: An overview of national support arrangements and key emerging issues

<http://www.myan.org.au/file/file/MYAN%20UHM%20Policy%20Paper%20Sept%202012.pdf>

²¹ RCOA (2012) *Humanitarian Family Reunion: The building block of good settlement*. Available at www.refugeecouncil.org.au

²² AHRC (2004) *A last resort? National Inquiry into Children in Immigration Detention*. Available at

https://www.humanrights.gov.au/sites/default/files/document/publication/alr_complete.pdf

“The absence of family reunion options is a particularly alarming prospect for the young people. It can significantly compound their anxiety about their prospects of future happiness and set back case support goals of helping them to deal with past trauma and embrace a more positive outlook.”²³

The MYAN remains concerned that some 12 years on, noting that the effective impact of this policy was to keep young people separated from their families for as long as they have protection concerns.

Recommendation 10: *That the Australian Government review changes to access to family reunion for irregular maritime arrivals and provide all Protection Visa holders access to all family reunion options to enable families separated by persecution and conflict to be reunited, with priority given to family reunion for young people, including those who arrived as unaccompanied or separated minors.*

In addition to the removal of access to family reunion for IMAs, the MYAN believes that the significant cost of family visa applications is a financial barrier that is particularly acute for newly arrived young people. Young people are often at significant financial disadvantage soon after arrival in Australia, often having disrupted education, limited employment history, few possessions and no savings. This insecurity can be exacerbated by continuing to remit money to support family members overseas and the pressure to raise the necessary money to sponsor family to come to Australia. The MYAN believes the cumulative result for many young people is that they attempt to find work (often low- skilled or low- paid) at the cost of their education.

Recommendation 11: *The MYAN supports RCOA’s recommendation to allocate at least 5,000 additional places under the Family Reunion program for refugee and humanitarian entrants, with concessions relating to fees and some documentation requirements.*

Recommendation 12: *The MYAN further recommends that the Australian Government restore funding for professional migration advice services to support refugee and humanitarian entrants in lodging family reunion applications.*

2.2 Temporary visas

The MYAN shares concerns raised across the settlement and asylum seeker, youth, health and family sectors of the detrimental impacts of the reintroduction of temporary protection visas (TPVs) upon already vulnerable refugees. Specifically of concern to the MYAN are the impacts this policy is likely to have on the long term health and wellbeing of young people.

The temporary nature of the protection accorded to people under this policy creates considerable uncertainty at a time when young people, recognised as refugees and in need of protection, should be building their futures. TPVs were previously the subject of considerable public debate, research and review in Australia where they were found to compound the effects of trauma and sense of safety among young people, impeding recovery and capacity to rebuild their futures courtesy of the generation of enormous instability, impacting a young person’s capacity to establish long term goals, security and sense of self and belonging.²⁴

²³ Ibid.

²⁴ See AHRC (2014) *The Forgotten Children: National Inquiry into Children in Detention*. AHRC, Sydney; AHRC (2004) *A last resort? National Inquiry into Children in Immigration Detention*. AHRC, Sydney. Available at <https://www.humanrights.gov.au/>. These

A specific concern raised in relation to the provision of temporary visas to young people is the identification of gaps in support when transitioning onto these visas and the resulting disruption to education. While families may be accessing support while on a bridging visa, when they submit applications for a SHEV the support they were receiving under the previous program ceases and no handover or transitional supports are in place to enable them to effectively transition. Given a significant number of families and young people will be among the almost 30,000 current BV holders who will transition to a temporary visa, likely a SHEV, in the near future, the MYAN has concerns regarding the impact this will have on families and young people (in the absence of supports and services to make the transition).

The MYAN is also concerned about how the transition to SHEVs will further disrupt the education of young people, especially those over the age of 18. While education models in regional Australia may provide supports similar to those currently accessible in major metropolitan areas, concerns remain about the availability and expertise of secondary supports (i.e. legal, mental health) in regional Australia to meet the complex needs of young people on temporary visas. Such concerns are founded in the belief that such transitions are already likely to cause significant disruption to young people and families required to shift to a new school or education provider and the breaking of established networks and supports they have in their current locations. Further to this, the experience of young people over the age of 21, who already face challenges accessing appropriate education options (see 3.2 for more on this), is likely to be exacerbated in regional areas where a lack of demand means fewer alternative, flexible options for this particular group of young people are available.

The MYAN would also emphasise concerns raised by RCOA from the community about the reduction in support available to people who transition to temporary visas and the potential longer term impact this policy is likely to have. These concerns relate not only to individual health and wellbeing, but to the broader community with regard to both community harmony (through creation of a two-tiered settlement system with quite different access to supports) and longer term settlement outcomes for a large group of potential permanent residents, who will receive significantly less supports in the crucial stages of settlement.

Recommendation 13: *That the Australian government, review the eligibility requirements for temporary visa holders to apply for permanent residency, considering the feasibility and practicality of such requirements being achieved and how they will likely impact upon potential permanent residents' capacity to make a 'good start' settling into life in Australia.*

2.3 Australia's offshore programme

The MYAN believes that the growing nature and scale of the refugee crisis, coupled with the ongoing promotion of the successes and necessity of Australia's Migration Programme (of which the refugee and humanitarian component is identified as crucial) are compelling reasons to increase the overall numbers under the Refugee and Humanitarian Programme. However, the MYAN considers it essential that the government match any 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 ensuring targeted youth settlement services and supports are appropriately resourced.

reports encompass a range of materials, resources and commentary on the nature and impact of Australia's immigration detention of children.

Recommendation 14: *The MYAN supports an increase of the offshore resettlement programme to 20,000 places in 2016-17 and expansion of the program progressively in coming years towards an annual programme of 30,000 places, emphasising the need to include special consideration for resettlement of young people, particularly unaccompanied and separated minors.*

A related concern is the continuation of the link between the onshore and offshore protection components of Australia's migration program. 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 are concerned that the current system risks creating antagonism between refugee communities and confuses Australia's legal obligations under the Refugee Convention. The MYAN believes that the link between the offshore and onshore components of the programme can lead to inter-community tension and serves to compound negative attitudes towards asylum seekers who arrive by boat.

Recommendation 15: *That the Australia Government remove the link between the onshore and offshore components of Australia's Humanitarian Programme.*

A further suggestion for consideration in the Refugee and Humanitarian Programme 2016/17 relates to the information provided to HSS providers upon the arrival of young refugees to Australia. In a 2014 report from Amnesty and the University of Sydney, strengthened communication between cultural orientation trainers and HSS providers, through standard forms or referral documentation, was identified as a potential measure for dramatically improving referral information about newly arrived refugees. Such an information exchange was seen as a means for dramatically improving current issues related to insufficient or poor information about new arrivals, particularly young people, and could considerably reduce issues (and costs) associated with provision of basic needs and on arrival supports.²⁵

Recommendation 16: *That the Government review how to improve the detail and quality of referral information provided to Humanitarian Settlement Services about new arrivals entering Australia through the offshore Refugee and Humanitarian Programmes.*

3. Settlement services

3.1 Extension of settlement services youth supports and programs to 12-15 age group

The MYAN has identified a current gap in Settlement Services funding for youth programs and supports to young people aged 12 to 15. While it was acknowledged that programs like the Reconnect Specialist Program serviced this age group, as do most youth services and support programs in Australia, youth are defined for the purposes of Settlement Services as people between the ages of 15 and 24. The restriction of youth program funding under Settlement Services to young people over the age of 15 means that young people in the early phase of adolescence, a critical phase of emotional, social and physical growth and development, are currently excluded from programs and supports targeted to specifically support young people in their settlement journey. As a result, the needs of this cohort are potentially unmet and go overlooked.

²⁵ Piper & Thom, pp. 42-43

The MYAN would also like to see the inclusion of the 12 to 15 age group in the definition of youth within Humanitarian Settlement Services. Young people in this age group are increasingly presenting to services with complex and challenging needs however under current program guidance their particular needs are potentially overlooked. This is especially relevant in relation to the assessment of individual needs and provision of targeted supports to young people currently captured in Youth Sub-Plans, which are not currently undertaken with the 12 to 15 year old age group.

The MYAN recommends broadening the definition of young people within settlement services to include 12 to 15 year olds while highlighting ongoing concerns among services of the persistent challenges with actualising supports to young people, especially as identified in Youth-Sub Plans, within current settlement services funding.²⁶ The MYAN thus reinforce the importance of adequate training and resourcing of services providing supports to young people to ensure their needs are identified and appropriately addressed.

Recommendation 17: *That the definition of youth in Settlement Services be expanded to include young people aged 12 to 15. This would bring these programs into line with existing Australian definitions of youth and would ensure young people in the early phase of adolescence, a critical phase of emotional, social and physical growth and development, are included in targeted programs and services supporting young people in their settlement journey.*

Recommendation 18: *That increased funding to settlement services be considered to allow lower client ratios and targeted supports in order to meet the needs of young people.*

Recommendation 19: *That the government encourage targeted training and support of settlement providers to ensure the needs of young people are adequately addressed along the settlement services continuum – in the HSS program as well as Settlement Services. This includes accessing training and support through the MYAN’s National Youth Settlement Framework.*

3.2 Increased focus on health programs for humanitarian youth arrivals

Mental health

Young people from refugee backgrounds face a number of mental health risk factors in addition to those of the general population. These include experiences of racism and discrimination, negotiating issues of belonging and identity in a cross-cultural context; and, for young people from refugee backgrounds, pre-settlement experiences of trauma or torture and/or trauma and/or experienced through periods spent in immigration detention in Australia. Building a young person’s sense of social connection and inclusion in the Australian community is an important component of building resilience in relation to mental health.

²⁶ This was noted in the June 2015 Department of Social Services report of the evaluation of Humanitarian Settlement Services (HSS) and Complex Case Support (CSS). This was also previously highlighted by MYAN as a concern, specifically with regard to how insufficient resourcing within HSS, including the Settlement Grants Program, can make it difficult for workers in these programs to meet the support needs of young people, including those who have been granted onshore protection, who are commonly separated from family and lack support networks and often require intensive support. (See for example, MYAN (2012) *Submission on Australia’s Humanitarian Programme 2012-2013*. Available at <http://myan.org.au/file/file/MYAN%20RCOA%20Submission%202013-2014%20Final.pdf>). DSS (2015) *Evaluation of the Humanitarian Settlement Services and Complex Case Support Programmes*. Available at www.dss.gov.au/settlement-and-multicultural-affairs/publications/evaluation-of-humanitarian-settlement-services-and-complex-case-support-programmes

Recommendation 20: *That funding is allocated to both mental health programs that provide targeted supports to newly arrived young people from refugee and refugee-like backgrounds and to support mainstream agencies to better meet the needs of this group of young people.*

Sexual health

The needs of newly arrived young people from refugee backgrounds in relation to sexual and reproductive health are often overlooked by youth and settlement services and programmes. Young people with refugee backgrounds have specific needs due to their pre-migration refugee experience, displacement and the challenges settling in Australia. The experience of settlement can introduce and/or alter the influences a range of factors (e.g. gender, socio-cultural frameworks, socio-economic status) have on how newly arrived young people learn about sex, their experience of relationships and sexual activity, and their attitudes towards risk and protective behaviours. There is currently enormous inconsistency across Australia in sexual health programs to young people from refugee backgrounds in terms of the existence and types of programs (i.e. sexual health programs are not provided in every state/territory). The provision of sexual health education and information within youth focused Settlement Services funding²⁷ is identified as an important inclusion in the programme in 2016-17.

Recommendation 21: *That youth-specific sexual and reproductive health programs are encouraged in Settlement Services.*

3.3 Renewed focus on education and work skills for young people aged 16 – 25 on temporary visas

Young people in the post-compulsory school age (16-24 year olds) from refugee backgrounds face many challenges in accessing and engaging in education and employment. As a country that highly values education, one significant way Australia can improve supports to refugee young people is to provide a system of education and training that enables young people to access opportunities to build their future. A number of issues regarding how young people are supported to access and engage in education and training were raised with the MYAN for this submission.

Access to secondary schooling for over 18s

The MYAN is concerned about current education policy with regard to young people on temporary visas, which gives schools discretion over the enrolment (and continued enrolment) and payment of fees for those over the age of 18. While the MYAN understands that, in many cases, schools continue to enrol and waive fees for students up to the age of 21, this is not guaranteed and is typically not the case for young people who are over 21 years. There is significant concern about the continuity of education for young people turning 18 while in high school education and about the serious lack of alternative options for finishing high school outside of the school system for those capable but unable to pay the high cost of fees or to enrol due to their age.

Access to post-compulsory education and training

In addition to accessing opportunities to complete high school for those over the age of 18, there are also a number of barriers to participation in education for temporary visa holders outside of the schooling system. Along with further education and training for employment, ('standard') programs that provide additional English language courses as

²⁷ https://www.dss.gov.au/sites/default/files/documents/09_2015/families-and-communities-settlement-services-programme-guidelines.pdf For the purposes of the Settlement Services Activity, youth are defined as people between the ages of 15 and 24 years.

pathways to further education and training beyond AMEP and high school, are typically out of reach for temporary visa holders because they are not offered within the existing fee waiver or loan schemes available to temporary visa holders, meaning most people seeking asylum and refugees on temporary visas are required to pay international student rates to attend TAFE and university. The costs of these fees can be in the thousands of dollars, effectively preventing them from furthering their education.

Support to study for over 18s

A range of concerns have been raised with the MYAN in relation to young people on SHEVs undertaking courses which take more than 18 months to complete not being able to receive income support for this period. While study is promoted as a potential pathway to permanent residency for people on SHEVs, in reality this requirement is seen as highly improbable for the vast majority of SHEV holders to meet. In particular, the expectation that young people would transition from high school on SHEVs without concession rates, CSP and higher education loans access, or income support, and continue further study and training to meet SHEV requirements was seen as unrealistic. Concerns focused on the probability that this would seriously limit tertiary education opportunities for these visa holders and highlighted the challenges young people would likely face finding work in regional Australia without recognised skills and in an already challenging job market. This further limits their chances of meeting eligibility requirements to apply for permanent residency.

Adequate English language skills

Feedback to MYAN on current settlement services also highlighted that while many AMEP participants have clear aspirations to transition into work and further training, the program does not adequately support achievement of these goals.²⁸ In fact, the proficiency level at which young people become ineligible for, and must exit, the AMEP — functional English — is generally considered insufficient for employment, VET or higher education.²⁹ As highlighted in the recent evaluation of AMEP, one of the current challenges of AMEP is that while participants are eligible for up to 510 hours of tuition “clients entering with higher levels of proficiency are likely to stop being eligible for the AMEP before they reach 510 hours if they achieve functional English”³⁰ yet do not have sufficient English language skills to enter employment or further education. In contrast, for those entering AMEP with lower levels of proficiency, the cap on hours serves an important function by placing a limit on both the individual and total level of resourcing allocated to the AMEP, but in doing so also “implicitly accepts that not all participants will achieve functional English”.³¹

Challenges for young people in accessing AMEP

The MYAN also raises additional issues for young people specifically in relation to AMEP. In particular, the requirement of 15 to 17 year olds to enroll and commence an AMEP course within 12 months of their visa commencement date or arrival into Australia. The MYAN is aware of concerns about a growing number of young people in the 15 to 17 age group who had been enrolled in school upon arrival but were being referred to AMEP more than 12 months later, when their eligibility for the program had expired. Greater engagement with and information to

²⁸ MYAN have elsewhere provided detailed comment on the need for appropriate education options, including supported transitions from English Language classes to further education and training. See, Liddy (2012) Multicultural Young People in Australia: Exploring structural barriers to education and employment, *Australian Mosaic*, Issue 32. Available at www.myan.org.au/resources-and-publications/121/

²⁹ ACIL Allen Consulting (2015) AMEP EVALUATION, for the Department of Education and Training, Melbourne. Available at https://docs.education.gov.au/system/files/doc/other/amep_evaluation_report_-_for_public_release.pdf, p. xiii

³⁰ Ibid. p. iv

³¹ Ibid.

schools about this important eligibility requirement and the importance of identifying English language needs early to ensure young people can access AMEP is critical. The MYAN also supports a potential review of the time limit on eligibility for 15 to 17 year olds within which enrolment could take place; given all AMEP classes must cease five years after arrival or visa commencement date anyway.

The provision of AMEP youth classes have been acknowledged as an important alternative for young people who find it difficult to remain engaged in classes designed for the adult cohort. However, the challenge in meeting the minimum numbers to run classes for the small number of young people who find that mainstream school cannot meet their needs. While it is anticipated that a large number of young people gaining eligibility to AMEP under the SHEV scheme in the near future will potentially address this issue in the short term, alternative offerings were considered important to ensuring young people still have access to AMEP when a youth class does not have sufficient numbers.

Recommendation 22: *That temporary visa holders receive income support under ‘standard’ programs, to ensure that they are not excluded from further education and training.*

Recommendation 23: *That consideration is given to the expansion of access to fee supports and eligibility requirements for post-compulsory schooling / post-AMEP options for temporary visa holders.*

3.4 Education needs of humanitarian young people

A key ongoing concern of the MYAN is the persistence of structural barriers preventing the education needs of young people from refugee and migrant backgrounds being adequately met. Newly arrived young people face a range of challenges stemming from their experience of migration that hinder their access and engagement in education and/or training pathways. The added burden of structural barriers in the settlement context can make achieving an education or attaining the requisite skills (including English language) to enter the workforce, seem insurmountable. The MYAN believes that the absence of a national framework to oversee or guide funding allocations and access to English as a Second Language (EAL) support (including accountability in relation to funding allocations) for newly arrived young people is a particular barrier that needs to be addressed. It is vital that newly arrived young people have access to appropriately targeted and consistent educational and vocational support throughout settlement. This requires coordinated services and supports that guide young people as they navigate this important transition from school and education into the labor market.

Recommendation 24: *That the Australian Government develop nationally consistent definitions, measurements and cost structures for English language provision to newly arrived young people that are tied closely to the education needs of students.*

Recommendation 25: *That the Australian Government, in any future programs that support young people in education engagement or transitions, fund specialist programs that meet the specific needs of young people from refugee and migrant backgrounds.*

Summary of Recommendations

Recommendation 1: *That Australia give greater consideration to exploring how young people, including unaccompanied or separated minors, are considered for inclusion in the Humanitarian Programme.*

Recommendation 2: *That the Australian government introduces an Unaccompanied Humanitarian Minors Pilot within the offshore component of Australia's Humanitarian Programme, with consideration given to introducing this in the context of an increased resettlement program.*

Recommendation 3: *The Australian government consider potential ways to provide greater support to UNHCR and countries of asylum to register and assess protection needs of minors and young people in countries of asylum.*

Recommendation 4: *The MYAN supports RCOA's recommendation that Australia make additional resettlement commitments of 10,000 places each year for the next three years for refugees displaced by the Syrian crisis.*

Recommendation 5: *The MYAN reaffirms RCOA's recommendation to ensure that resettlement from Africa and Asia continues at a rate appropriate to the scale of need, with the Africa program making up at least 25% of the offshore program.*

Recommendation 6: *The Australian Government consider additional support for strengthening child protection capacity within UNHCR and countries of asylum, including guardianship and support for minors in Indonesia and Malaysia.*

Recommendation 7: *That Australia should maintain a global approach to resettlement aligned to UNHCR's resettlement referrals while continuing to pursue the development of a robust Regional Protection Framework that has protection for the most vulnerable at its core, with a priority focus on UAMs. (Understanding that priority for the limited places available under the SHP continues generally to be given to applicants proposed by close family members, MYAN makes further recommendations about Australia's family reunion policies for humanitarian arrivals at 2.1.)*

Recommendation 8: *The MYAN reaffirms RCOA's recommendation that the annual quota for the Community Proposal Pilot or any replacement program be delinked from the Refugee and Humanitarian Program.*

Recommendation 9: *That unaccompanied minors, due to particular vulnerabilities, are only considered for settlement in Australia through CPP if adequate and appropriate care and support arrangements (in accordance with guardianship legislation) specific to this program, is provided and monitored.*

Recommendation 10: *The MYAN recommends that the Australian Government review changes to access to family reunion for irregular maritime arrivals and provide all Protection Visa holders access to all family reunion options to enable families separated by persecution and conflict to be reunited, with priority given to family reunion for young people, including those who arrived as unaccompanied or separated minors.*

Recommendation 11: *The MYAN supports RCOA's recommendation to allocate at least 5,000 additional places under the Family Reunion program for refugee and humanitarian entrants, with concessions relating to fees and some documentation requirements.*

Recommendation 12: *The MYAN further recommends that the Australian Government restore funding for professional migration advice services to support refugee and humanitarian entrants in lodging family reunion applications.*

Recommendation 13: *That the Australian government, review the eligibility requirements for temporary visa holders to apply for permanent residency, considering the feasibility and practicality of such requirements being achieved and how they will likely impact upon potential permanent residents' capacity to make a 'good start' settling into life in Australia.*

Recommendation 14: *The MYAN supports an increase of the offshore resettlement programme to 20,000 places in 2016-17 and expansion of the program progressively in coming years towards an annual programme of 30,000 places, emphasising the need to include special consideration for resettlement of young people, particularly unaccompanied and separated minors.*

Recommendation 15: *That the Australia Government remove the link between the onshore and offshore components of Australia's Humanitarian Programme.*

Recommendation 16: *That the Government review how to improve the detail and quality of referral information provided to Humanitarian Settlement Services about new arrivals entering Australia through the offshore Refugee and Humanitarian Programmes.*

Recommendation 17: *That the definition of youth in Settlement Services be expanded to include young people aged 12 to 15. This would bring these programs into line with existing Australian definitions of youth and would ensure young people in the early phase of adolescence, a critical phase of emotional, social and physical growth and development, are included in targeted programs and services supporting young people in their settlement journey.*

Recommendation 18: *That increased funding to settlement services be considered to allow lower client ratios and targeted supports in order to meet the needs of young people.*

Recommendation 19: *That the government encourage targeted training and support of settlement providers to ensure the needs of young people are adequately addressed along the settlement services continuum – in the HSS program as well as Settlement Services. This includes accessing training and support through the MYAN's National Youth Settlement Framework.*

Recommendation 20: *That funding is allocated to both mental health programs that provide targeted supports to newly arrived young people from refugee and refugee-like backgrounds and to support mainstream agencies to better meet the needs of this group of young people.*

Recommendation 21: *That youth-specific sexual and reproductive health programs are encouraged in Settlement Services.*

Recommendation 22: *That temporary visa holders receive income support under standard programs, to ensure that they are not excluded from further education and training.*

Recommendation 23: *That consideration is given to the expansion of access to fee supports and eligibility requirements for post-compulsory schooling / post-AMEP options for temporary visa holders.*

Recommendation 24: *That the Australian Government develop nationally consistent definitions, measurements and cost structures for English language provision to newly arrived young people that are tied closely to the education needs of students.*

Recommendation 25: *That the Australian Government, in any future programs that support young people in education engagement or transitions, fund specialist programs that meet the specific needs of young people from refugee and migrant backgrounds.*