
MYAN Australia

Submission to the Department of Immigration and Border Protection on Introducing a Temporary Parent Visa

Response to the Discussion Paper

31 October 2016

The Multicultural Youth Advocacy Network (Australia)

The Multicultural Youth Advocacy Network (MYAN) is the national peak body on multicultural youth issues – Australia’s only national voice representing the needs and interests of young people from refugee and migrant backgrounds.

The MYAN works in partnership with young people, government and the non-government sectors to promote the interests of young people from refugee and migrant backgrounds, and to support a targeted approach to addressing these in policy and service delivery.

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 believe that a targeted approach to policy and service delivery is essential to addressing these barriers and support the development of young people’s skills and networks to engage in advocacy and influence the national agenda.

About this submission

The MYAN welcomes the opportunity to provide a submission on the Discussion Paper and contribute to this discussion on Australia’s Family Migration Program.

Over 25% of young people in Australian are from a CALD background, while almost one in every five new arrivals to Australia each year are aged between 12 and 25 years. The MYAN is concerned that current protracted wait times, prohibitive costs and increasingly inflexible requirements for family reunion mean that many young people from refugee and migrant backgrounds living in Australia today are likely to be permanently separated from their parents and families. This submission focuses on the particular concerns and challenges being faced by young people in their efforts to access family reunion.

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 consultation with the MYAN’s networks and affiliated organisation’s, who provided contributions to this submission process. Given the focus of the MYAN’s work, this submission will respond to the Discussion Paper broadly, with responses to specific questions noted where applicable.

The MYAN is available to discuss this submission and recommendations in further detail.

“Despite the changes that many of us go through in our own relationships as our lives evolve, the relationships with our own parents and siblings can remain a dependable source of love and support, just as parents themselves continue to value their relationships with their children after they have left the parental home.”¹

Overview

In previous written submissions² the MYAN has supported calls for a review of current access to family reunion for young people from refugee and migrant backgrounds. This is because the MYAN believe that the current system for supporting family reunion is failing – current policies do not support family reunion, even though we know family is extremely important to young peoples’ health and wellbeing, their capacity to settle well and to become active participants in and contributors to Australian society. Long wait times³, prohibitive costs, stringent documentation requirements and inflexible eligibility criteria means many young people living in Australia are facing the very real prospect of permanent family separation.

The MYAN was pleased to see the family migration programme subject to significant attention in the most recent Productivity Commission report on the *Migrant Intake into Australia*. Indeed, the current Discussion Paper seeking input on Federal Government plans to introduce a new temporary visa for parents from 1 July 2017, follows the release last month of the Productivity Commission’s report with a stated aim of addressing the challenges of the current system.

However, this Discussion Paper is heavily focused on the report’s announcement that permanent parent migration is costing the Australian community billions. As a result, the ‘solutions’ aim solely to address family reunion as a ‘financial burden’ on the nation, rather than to explore if the existing system is failing to ensure the best interests of young people and how their right to access family reunion can be achieved. The MYAN is concerned that the proposed solutions actually work to place access to family reunion even further out of reach for young people from refugee and migrant backgrounds – by limiting the number of permanent parent visas made available each year; increasing the costs of applying for and supporting (via a contributory visa) a parent to come to Australia; and, through the introduction of a long stay (up to five years with potential for renewal) temporary parent visa as an alternative, rather than a pathway, to permanency.

What has not been raised are the existing barriers to family reunion for many migrants and refugees, including young people, and the impact of protracted, and potentially permanent, family separation on the Australian community.⁴ The MYAN Australia believe that this proposed solution does not address the multiple barriers young people from refugee and migrant backgrounds face in accessing reunion with their parents, and is actually likely to make it even more difficult for them to reunite with family over time.

¹ AIFS, 2016, <https://aifs.gov.au/publications/modern-australian-family>

² MYAN Australia publications and submissions are available from www.myan.org.au

³ Current wait times for a Parent (non-contributory) Visa are up to 30 years according to the Department of Immigration and Border Protection (<https://www.border.gov.au/Trav/Brin/Fami/Capping-and-queuing/Parent-visa-queue>)

⁴ In their submission to this proposal, the Refugee Council of Australia (RCOA) begin to explore the many and varied ways that family separation is costing the Australian community, and the burden this is placing on some very vulnerable members of our community.

Key points

- 1. This proposal comes amid a broader shift in the Government’s language and approach to measuring the value of family migration to Australia. Both the Productivity Commission report and this Discussion Paper apply an almost exclusive economic lens to weigh the value (and cost) of parent migration to the Australian community.**

Most strikingly, this shift underplays the significant cost of family separation on young people settling in Australia and the risk of a long term impact on their capacity to become active and engaged Australian citizens.

Parents are a critical support for young people during their settlement journey and family reunification is one of nine internationally accepted goals for successful settlement of refugees.⁵ A lack of family reunion options can have implications for young peoples’ physical and mental health and impact on their capacity for a long-term view of settlement in Australia or motivation to build connections to support settlement, including engagement in education, training and employment.⁶ In fact, research shows that access to family reunion is an important protective factor and policies that deny or delay access to family reunion for young people from refugee backgrounds have been found to have negative psychosocial, economic and social consequences.⁷

Furthermore, this shift ignores Government approaches to the centrality of the family in all other areas of policy and community life, including recognition for the family as a critical social structure important not only to the individual but the broader community and the nation. The MYAN is concerned that the Discussion Paper dismisses as incomparable to the ‘financial burden’ the value of any social and cultural capital, or other non-economic contributions, parents make.

In this regard, the MYAN Australia strongly agree with concerns expressed by the Federation of Ethnic Community Councils Australia (FECCA) earlier this year “that overlooking the benefits of family migration may lead to the system being heavily skewed to skilled migration” and that such an approach in Australia’s migration programme is poorly considered and devalues the important role family reunion plays in successful settlement. The MYAN also support FECCA’s reiteration, reinforced by the Refugee Council of Australia (RCOA) and the Settlement Council of Australia (SCOA) that the benefits of parents’ contributions are felt beyond the individual sponsor to the broader community and are extremely valuable to social cohesion in Australia.

- 2. Young people from refugee and migrant backgrounds face numerous barriers to reunification with parents under Australia’s current migration system. This proposal will not address these barriers.**

The MYAN is concerned that current policy fails to respond to the needs and interests of young people when it comes to family, specifically parent, reunion. Barriers include challenges providing supporting documentation and meeting strict eligibility criteria, prohibitive costs and low prioritisation of parents for family reunion.

⁵ UNHCR (2002) cited in CMY (2006) *Settling In: Exploring Good Settlement for Refugee Young People in Australia*, p. 11. Available from www.cmy.net.au

⁶ MYAN (2013) *Unaccompanied Humanitarian Minors (UHMs) in Australia: an overview of national support arrangements and key emerging issues*, p.12. Available from <http://www.myan.org.au/file/file/MYAN%20UHM%20Policy%20Paper%20Sept%202012.pdf>

⁷ Kenny and Mojtahedi (2012) ‘Refugee and Asylum Seeking Children and Family Reunion in Australia’ p. 14, in Crock (ed.) *Creating New Futures: Settling Children and Youth from Refugee Backgrounds*. Federation Press; Annandale, NSW.

While young people who arrive via the Humanitarian Programme may apply for a ‘split family’ visa, there are a number of inflexible requirements linked to this visa type, not least that the applicant must be under 18 years to nominate their parents as immediate family.⁸ Along with a range of other evidentiary requirements, processing delays, limited support to access specialist migration advice and assistance to navigate the process and prepare materials present additional barriers to young people accessing this visa successfully.⁹ For those unable to access family reunion through the Humanitarian Programme, of the 57,400 places in the Family Programme in 2016/17, there are 8,675 visas available for parents. Again however, inflexible requirements, such as meeting the balance of family test, can present barriers for young people.

Cost is another important consideration. Under the Family Programme, there are two types of parent visa, the Non-Contributory Parent Visa (which costs between \$5,000 and \$10,000 VAC and has an estimated wait time of approximately 30 years for processing) and the Contributory Parent Visa (which requires a VAC of between \$50,000 and \$100,000 and has a wait time of around two years for processing).¹⁰ Notably, of the 8,675 (or so) parent visas offered in 2015/16, only 1,500 were made available to non-contributory parent visa holders.

The burden of the VAC is not the only cost associated with this visa. Most family visas further require an assurance of support (AoS), and include added expenses, such as those incurred undergoing medical checks and meeting documentation requirements. While these costs already present a barrier to young people accessing family reunion, this paper proposes adding to these prohibitive costs further by including bonds and insurance for family members (in addition to AoS). Under this proposal, should parents fall ill or experience injury while in Australia on this visa and young people can’t pay, they would then incur a Federal Government debt. For most young people, who are often still studying or are in entry-level or early career roles, these costs are simply out of reach. For those who manage to meet these financial requirements, there is the potential that they over stretch, desperate to reunite with their families, resulting in a long-term burden on young people who are only just starting out.

Additionally, the Discussion Paper states that “(p)riority in the Family stream is provided to partners and children of Australians...”. Prioritisation of children and spouses over parents means that despite 1 in 5 new arrivals being 25 years or younger, places in the family program are not being allocated to enable young people from refugee and migrant backgrounds to bring together their family unit, which includes their parents, when settling in Australia.

3. The decision not to offer pathways to permanent places on the calculation that a parent’s ‘estimated lifetime cost’ is too great and would be ‘permanently impacting the budget’ is underpinned by misleading assumptions when it comes to young people from refugee and migrant backgrounds.

For most young people, parents are not “People who first arrive in Australia at the end of their working life”. In fact, for many under 25s, their parents are in the prime of their working life. The assumption underpinning this proposal and the focus on economic costs of parent migration (and the potential decision to limit or ‘cap’ the number of places available to parents) is founded on the idea that all parents are a burden because they won’t be able to make economic and fiscal contributions to the nation over their life. The MYAN is concerned that this assumption ignores the many parents of young people from refugee and migrant backgrounds who would likely be contributing many years of their working life in Australia, and the range of additional benefits they bring as supporters and networks for their children.

⁸ See Kenny and Mojtahedi for detailed overview of barriers to family reunion for young people seeking asylum in Australia.

⁹ Ibid. pp. 6-7

¹⁰ The Productivity Commission report also suggests a doubling of the contributory parent visa fee, see p. 483.

Further, the idea that parents are burdens ignores the range of other potential contributions they are likely to make, including indirect economic benefits as well as social and cultural capital. For example, in the Discussion Paper child minding is described as a social benefit to the nation, however, child minding by grandparents is also recognised as providing an indirect economic benefit. Grandparents undertaking child minding duties enable new parents to return to the work force sooner, without placing further pressure on our childcare system. Grandparents are described by the Australian Institute for Family Studies as having “a vital role in many families”, from supporting young people to enriching children's lives through a wider family network.

4. The MYAN is concerned that, despite numerous international instruments recognising the importance of family unity and calling for its protection, Australia has limited accessible options for children and young people to act as sponsors or proposers for their parents through either the Family Migration Program or the Refugee and Humanitarian Program.

“The importance of family is recognised in all cultures and traditions and is acknowledged in international human rights law.”¹¹

Australia is a signatory to the Convention of the Rights of Child (CRC). The CRC is an international legal instrument protecting the rights of children and ensuring their best interests are upheld at all times. The CRC lays out a set of inalienable rights, which by definition should always be upheld in their entirety. As a result of ongoing efforts to increase deterrent measures to asylum seekers arriving by boat, Australia has progressively limited options for children and young people arriving in Australia as irregular maritime arrivals to act as sponsors for their parents. This directly contradicts Article 3 of the CRC, and a number of other international covenants and treaties to which Australia is a signatory, that recognise the importance of the family unit.¹²

¹¹ The MYAN refers here to the work of Kenny and Mojtahedi (op cit.) in relation to how Australian law and policy currently work to ensure that children and young people seeking asylum in Australia are prevented from achieving their right to family reunion

¹² Ibid.

Recommendations

In addition to the questions posed in the Discussion Paper, the MYAN would like to reiterate ways that Government could make family reunion more accessible to young people, including those from refugee backgrounds. We propose three key recommendations to this end:

1. Creation of a dedicated humanitarian allocation of family visas.

Young people over the age of 18, who have parents with humanitarian claims, are not prioritised under current policy because they do not meet the definition of 'immediate family' under the split family provision. Supporting recommendations made by RCOA, the MYAN believe that places in the family programme should be allocated to refugee and humanitarian entrants, including the parents of young people, with more accessible visa requirements explored for these entrants.

2. Reinstate concessions and priority-processing for all minors applying for family reunion.

The MYAN has previously expressed concern about Government decisions that have limited young people's access to family reunion. Namely, the decision to remove concessions for minors who arrived by boat, the exclusion from access to family reunion for those who are now temporary visa holders, and the decision to give applications by these minors the lowest priority for processing, including unaccompanied minors.

3. Introduce needs-based concessions for certain people proposing relatives.

Building on the suggestion by the Refugee Council of Australia (RCOA) to provide concessions to those sponsoring family members in humanitarian need, the MYAN further suggest consideration of the provision of more flexible family reunion options for all young people. This would include:

- offering concession rates or exemptions to young people proposing/sponsoring parents. This recognises the potential serious long term impacts of financial burdens placed on young people so early in their lives by: the high VAC (visa application charge) and AoS (assurance of support), and of a Federal Government debt, should they incur one. This proposal aims to prevent the creation of further barriers to young peoples' full participation in the Australian community later in life.
- offering work rights and not imposing strict bond and health restrictions on the parents of young proposers/sponsors. This acknowledges that most young people have parents who are of working age and who are likely to be in the workforce for at least 15 to 20 years after arrival.
- prioritise parents for family reunion from young proposers/sponsors - young people are less likely to have a spouse or children and these are the family members currently receiving priority. Parents and siblings of proposers 25 years and under should be prioritised - recognising their role as key sources of support and connection critical to the settlement process.

The MYAN is available to discuss this submission and recommendations in further detail.

References

CMY (2006) *Settling In: Exploring Good Settlement for Refugee Young People in Australia*, p. 11. Available from www.cmy.net.au

Kenny and Mojtahedi (2012) 'Refugee and Asylum Seeking Children and Family Reunion in Australia' p. 14, in Crock (ed.) *Creating New Futures: Settling Children and Youth from Refugee Backgrounds*. Federation Press; Annandale, NSW.

MYAN (2013) *Unaccompanied Humanitarian Minors (UHMs) in Australia: an overview of national support arrangements and key emerging issues*, p.12. Available from <http://www.myan.org.au/file/file/MYAN%20UHM%20Policy%20Paper%20Sept%202012.pdf>

See also:

Productivity Commission <http://www.pc.gov.au/inquiries/completed/migrant-intake/report/migrant-intake-report.pdf>

FECCA <http://fecca.org.au/wp-content/uploads/2015/12/REDUCED-FECCA-submission-Draft-report-on-Migrant-Intake.pdf>

DIBP <https://www.border.gov.au/Trav/Brin/Fami/Capping-and-queuing/Parent-visa-queue>

DIBP <https://www.border.gov.au/ReportsandPublications/Documents/discussion-papers/discussion-paper-introducing-tem-visa-parents.pdf>