

Multicultural Youth Advocacy Network (MYAN Australia)

Submission on the Consultation Draft of Labor's National Platform

May 2018

About MYAN

The Multicultural Youth Advocacy Network (MYAN) is the national peak body representing multicultural youth issues.

MYAN works in partnership with young people, government and non-government agencies at the state and 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. 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 can 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.¹ These factors can place them at a social and economic disadvantage within Australian society, which can mean they are at higher risk of social and economic isolation. MYAN believes that a targeted approach to policy and service delivery is essential to addressing these barriers. As a multicultural society, Australia can provide more spaces for young people from refugee and migrant backgrounds to find a sense of belonging in their new country and community.²

The MYAN has developed the *National Youth Settlement Framework*³ to support a targeted and consistent approach to addressing the needs of newly arrived young people settling in Australia.

Key Recommendations

MYAN recommends that the Labour's National Platform includes;

- Specific commitment to end detention of children and young people in immigration detention onshore and offshore.
- Specific reference and commitment to youth justice approaches with a focus on rehabilitation and diversion in 'justice' and 'custody and sentencing' sections of the Platform when responding to antisocial behaviour of small numbers of young people.

¹ VicHealth, Data61, CSIRO & MYAN (2017) *Bright Futures: Spotlight on the wellbeing of young people from refugee and migrant backgrounds*. Melbourne: Victorian Health Promotion Foundation, p. 13. Available at: <http://www.myan.org.au/file/file/Bright%20Futures%20Spotlight%20on%20the%20wellbeing%20of%20young%20people%20from%20refugee%20and%20migrant%20backgrounds.pdf>

² VicHealth, Data61, CSIRO & MYAN (2017) *Bright Futures: Spotlight on the wellbeing of young people from refugee and migrant backgrounds*. Melbourne: Victorian Health Promotion Foundation, p. 13. Available at: <http://www.myan.org.au/file/file/Bright%20Futures%20Spotlight%20on%20the%20wellbeing%20of%20young%20people%20from%20refugee%20and%20migrant%20backgrounds.pdf>. Also see, Mansouri, F & Kirpitchenko, L 2016, 'Practices of active citizenship among migrant youth: Beyond conventionalities', *Social Identities*, vol. 22, no. 3, pp. 307–23.

³ MYAN (2016) *National Youth Settlement Framework*. Melbourne: Multicultural Youth Advocacy Network (MYAN). Available at: [http://www.myan.org.au/file/file/Youth%20Settlement%20Framework%2031%20March%202016\(1\).pdf](http://www.myan.org.au/file/file/Youth%20Settlement%20Framework%2031%20March%202016(1).pdf).

- Commit to continued investment for youth specific and flexible settlement services and develop a National Youth Settlement Strategy.
- Commit to increase the intake into the Unaccompanied Humanitarian Minors Program.
- Invest in a national youth peak body.
- Make reference to the New York Declaration under ‘Australia’s Responsibility as an International Partner’ section and commitment to further the efforts envisioned under the Global Compact on Refugees.

The recommendations made within this document refer to the paragraphs under Chapter 9 of the Labor’s National Platform (referred from here on as ‘the Platform’) Consultation Draft.

Recommendations

Recommendation 1: Insert specific commitment to end detention of children and young people in immigration detention onshore and offshore.

MYAN welcomes Labor’s commitment to improving detention conditions and access to health and education services while in immigration detention in paragraph 244. However, MYAN recommends that a clear statement is added to the Platform which commits ending immigration detention of all children and young people onshore and offshore detention facilities. This statement would be in line with Australia’s international obligations as a party state to the Convention on the Rights of the Child, as well as the other international human rights mechanisms⁴.

MYAN reiterates and echoes UNHCR’s position “that *child should not be detained* for immigration related purposes, irrespective of their legal/migratory status or that of their parents, and *detention is never in their best interests*.”⁵

Recommendation 2: Insert specific reference and commitment to youth justice approaches with a focus on rehabilitation and diversion in ‘justice’ and ‘custody and sentencing’ sections of the Platform when responding to antisocial behaviour of small numbers of young people.

The broad literature on youth offending recognize that factors deriving from socio-economic disadvantage and exclusion may leave youth at increased risk of offending behaviour.⁶

Consistent with the Convention on the Rights of the Child (to which Australia is a signatory), all young people should be treated as young people first under the law, which in Australia includes

⁴ Convention on the Rights of the Child, art. 37; Universal Declaration of Human Rights, arts. 3 and 9; International Covenant on Civil and Political Rights, art. 9.

⁵ UNHCR (2017) *UNHCR’s position regarding the detention of refugee and migrant children in the migration context*. Available at: <http://www.refworld.org/docid/5885c2434.html>, p. 2.

⁶ MYAN (2017), *Submission to the Joint Standing Committee on Migration: Inquiry into Settlement Outcomes*. Melbourne: Multicultural Youth Advocacy Network (MYAN), p. 44-45.

consideration of diversion and rehabilitation options. A young person's visa or residency status should not negate or minimise consideration of these options first.⁷

It is well documented that adolescents are more susceptible to peer influence and risk-taking behaviour than are adults, as a result of their stage of physical, mental and emotional development.⁸ For most young people, offending is episodic, transitory and unlikely to continue into adulthood.⁹ As a result, approaches to addressing offending among young people focus on diversion and rehabilitation – recognising that young people are likely, with appropriate intervention, to be successfully diverted from this behaviour, especially if underlying factors placing them at risk are addressed.

Youth justice issues require a youth justice response. The broad youth justice literature has driven the development of a very specific and targeted approach to responding to youth offending in Australia that focuses on early intervention, diversion, rehabilitation and age-appropriateness. These approaches are built on evidence that shows punitive measures are likely to worsen the likelihood of reoffending among young people by further isolating them from the community, rather than addressing the underlying factors impacting offending behaviour.¹⁰ Such approaches are also consistent with the principles of the Convention on the Rights of the Child and other associated human rights covenants to which Australia is a party, and thus apply equally to young people from refugee and migrant backgrounds.

Shifts in youth offending over time, including downward trends in overall youth crime in Victoria and across Australia, demonstrate that while youth justice systems may experience challenges and crises, these are not new and in the main current approaches have demonstrated that they are flexible and capable of responding.¹¹

In line with the above information, MYAN recommends that specific reference to the adopting youth justice approaches with a focus on rehabilitation and diversion in 'justice' and 'custody and sentencing' sections of the Platform is made. Such reference is needed especially in paragraph 228.

Recommendation 3: Commit to continued investment for youth specific and flexible settlement services and develop a National Youth Settlement Strategy

MYAN welcomes the reference to practical settlement services in paragraph 40, however believes that settlement services should also be flexible given diverse and varying individual needs of refugees

⁷ Additionally, the *Racial Discrimination Act 1975 (Cth.)* Part II, Section 5, adds to the broad prohibition of racial discrimination the term 'immigrant status'. This provision makes it possible for persons who experience unfair treatment due to their immigrant status, a relatives or an associates, to obtain protections under the Act.

⁸ Hemphill, S. A. & Smith, R. (2010). *Preventing youth violence: What does and doesn't work and why? An overview of the evidence on approaches and programs*. Report prepared for the Australian Research Alliance for Children and Youth, Canberra.

⁹ JSS (2015). *An escalating problem: Responding to the increased remand of children in Victoria*. Melbourne: JSS.

¹⁰ Sentencing Council of Victoria (2016). *Reoffending by children and young people in Victoria*. Melbourne: Victorian Government; Williams, Toumbourou, Williamson, Hemphill, Patton (2009). *Violent and antisocial behaviours among young adolescents in Australian communities An analysis of risk and protective factors*. (Prepared for the Australian Research Alliance for Children and Youth (ARACY)). Canberra: ARACY.

¹¹ Victorian youth offending rates have fallen significantly among some groups previously singled out as 'problematic', such as those born in Somalia. See MYAN (2017) *Submission to the Joint Standing Committee on Migration: Inquiry into Settlement Outcomes*. Melbourne: Multicultural Youth Advocacy Network (MYAN), p. 69-70. For overview, see Sutherland & Millsted (2016). *In Fact: Downward trend in number of young offenders, 2006 to 2015*. Published online by CSA. Available at www.crimestatistics.vic.gov.au.

and migrants arriving in Australia. MYAN suggests that the wording in this paragraph includes the term 'flexible' to highlight the diversity of needs of new arrivals.

MYAN also believes that strong references are needed for continued investment in youth specific settlement services, which is currently missing in the Platform.

In 2016-17, young people (aged 12 to 24) continued to make up an important percentage of arrivals under the Humanitarian Programme (23%) and comprised 15% of all arrivals under both Humanitarian and Migration Programmes.¹²

Needs of young people in settlement differ from those of adults and this must be reflected within the Australian Government funded settlement services.

Young people from refugee and migrant backgrounds arrive in Australia with strengths and capabilities and they need access to support and opportunities to ensure greater settlement outcomes in Australia - this includes pathways to education and employment; recognition of formal and non-formal skills and qualifications acquired overseas.¹³ They are often highly motivated to succeed in education and embrace the opportunities available to them.¹⁴ However, they also face particular challenges in accessing the support and opportunities they need to navigate the demands of building a new life in a new country.¹⁵

The Australian Government has recognised for some time that the needs of young people in settlement are unique and addressing them requires a targeted approach. There have been some important youth initiatives in Australian settlement services in recent years, including: the introduction of Youth Sub-Plans in the Humanitarian Settlement Services Programme; youth specific services in the then Settlement Grants Programme; the Unaccompanied Humanitarian Minors Programme; funding for MYAN as one of three peak bodies in settlement services (a globally unique model); and investment in youth focused-approaches through Complex Case Support, the Adult Migrant English Program (AMEP), and the Youth Transitions Support Pilot (YTSP).¹⁶

One of the many ways Australia has distinguished itself as a world leader in settlement has been the investment in youth approaches in settlement services, and structures that support this. While these are important developments, improvements could strengthen and better coordinate this investment through continued commitment to youth-specific settlement services.

¹² MYAN (2018). *Youth Settlement Trends in Australia: A Report on the Data 2016-2017*. Melbourne: Multicultural Youth Advocacy Network (MYAN), p. 6. Available at: [http://www.myan.org.au/file/file/MYAN%20Youth%20Settlement%20Trends_2016-2017%20Final\(2\).pdf](http://www.myan.org.au/file/file/MYAN%20Youth%20Settlement%20Trends_2016-2017%20Final(2).pdf)

¹³ VicHealth, Data61, CSIRO & MYAN (2017) *Bright Futures: Spotlight on the wellbeing of young people from refugee and migrant backgrounds*. Melbourne: Victorian Health Promotion Foundation, p. 9. Available at: <http://www.myan.org.au/file/file/Bright%20Futures%20Spotlight%20on%20the%20wellbeing%20of%20young%20people%20from%20refugee%20and%20migrant%20backgrounds.pdf>.

¹⁴ See Gifford, Correa-Velez & Sampson (2009). *Good Starts for recently arrived youth with refugee backgrounds: Promoting wellbeing in the first three years of settlement in Melbourne, Australia*. Melbourne: La Trobe Refugee Research Centre, p. 15.

¹⁵ MYAN (2017) *Submission to the Joint Standing Committee on Migration: Inquiry into Settlement Outcomes*. Melbourne: Multicultural Youth Advocacy Network (MYAN), p. 12.

¹⁶ MYAN (2017) *Submission to the Joint Standing Committee on Migration: Inquiry into Settlement Outcomes*. Melbourne: Multicultural Youth Advocacy Network (MYAN), p. 13.

MYAN recommends that as a new paragraph the Platform commits to developing a National Youth Settlement Strategy. MYAN has prepared a draft National Youth Settlement Strategy as part of its Submission to the Joint Standing Committee on Migration: Inquiry into Settlement Outcomes in 2017.¹⁷

Recommendation 4: Commit to increase the intake into the Unaccompanied Humanitarian Minors Program.

MYAN recommends that the Platform under paragraph 263 commits to increase the intake into the Unaccompanied Humanitarian Minors (UHM) Program.

This would build on the existing expertise and infrastructure in government and the NGO sector in delivering the Program over many years.¹⁸ It would also demonstrate Australia's leadership in the context of unprecedented numbers of forcibly displaced children and young people, and the need for increased resettlement places. Australia's UHM Programme is globally significant, with the U.S. being the only other state providing resettlement places for unaccompanied minors. Importantly, it represents the use of resettlement as a strategic tool for addressing the needs of some of the most vulnerable refugees.

Recommendation 5: Invest in a national youth peak body.

MYAN welcomes that the Platform refers to maintaining the Minister for Youth in paragraph 202.

MYAN recommends that the Platform under a new paragraph commits to funding for a national youth peak body, which has been discontinued for the last years.

Recommendation 6: Include reference to the New York Declaration for Refugees and Migrants under 'Australia's Responsibility as an International Partner' section and commitment to further the efforts envisioned under the Global Compact on Refugees (GRC) and strengthen Australia's role engaging in GRC and CRRF.

MYAN recommends that the Platform makes a specific reference to the New York Declaration for Refugees and Migrants of 2016 and the Global Compact on Refugees (GCR) process.

Australia has already been involved in the GCR process actively and has been funding the rollout of pilots of Comprehensive Refugee Response Framework (CRRF) in Uganda and Ethiopia.¹⁹

MYAN believes that Australia has a unique role in its region and globally to contribute and champion these processes. In line with the statements in the Platform reflecting Australia's importance in

¹⁷ MYAN (2017) *Submission to the Joint Standing Committee on Migration: Inquiry into Settlement Outcomes, Additional Information: A National Youth Settlement Strategy Working Draft*. Melbourne: Multicultural Youth Advocacy Network (MYAN). Available at <https://www.aph.gov.au/DocumentStore.ashx?id=ab5d8794-4bfa-47c4-8a03-2a2c60183bc6&subId=464602>

¹⁸ MYAN (2017) *Submission to the Joint Standing Committee on Migration: Inquiry into Settlement Outcomes*. Melbourne: Multicultural Youth Advocacy Network (MYAN), p. 13-14. Available at: <https://www.aph.gov.au/DocumentStore.ashx?id=b368e61d-0c0d-4010-a181-cfd52397a1e2&subId=464602>.

¹⁹ Kaldor Centre for International Refugee Law (2017) *Interview with Jamie Isbister: DFAT and the Global Compacts (Audio Podcast)*. Available at: <http://www.kaldorcentre.unsw.edu.au/resource/podcast-interview-jamie-isbister-dfat-and-global-compacts>

providing protection to people in need, as seen in paragraphs 242 and 245, specific reference and commitment to further the efforts envisioned in the New York Declaration and GCR would reiterate this message and continued commitment to these processes.