

# Multicultural Youth Advocacy Network (MYAN Australia)

Submission to:

The Select Committee on Temporary Migration

**‘The impact temporary migration has on the  
Australian economy, wages and jobs, social  
cohesion and workplace rights and conditions.’**

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July, 2020

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## 1. About MYAN

Multicultural Youth Advocacy Network Australia (MYAN) is the national peak body representing the rights and interests of young people aged 12-24 from refugee and migrant backgrounds. 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 in policy and practice. MYAN provides expert policy advice to government, delivers sector development activities, and supports young people to develop leadership and advocacy skills.

## 2. About this submission

MYAN welcomes the opportunity to contribute to the Inquiry into Temporary Migration. 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 a focus on the rights, interests and particular vulnerabilities of young people (12 to 24 year olds) from migrant and refugee backgrounds, who are living in Australia on either **Special Category Visas (subclass 444)**, **Temporary Protection Visas (subclass 785)**, or **Safe Haven Enterprise Visas (subclass 790)**.

We also encourage the Committee to hear directly from young people from refugee and migrant backgrounds, and we are happy to coordinate these meetings.

### 2.1 Key Issues

In response to the terms of reference:

- a. Government policy settings, including their impact on the employment prospects and social cohesion of Australians
- b. Policy responses to challenges posed by temporary migration, and
- c. Any related matters.

MYAN highlights the following issues as relevant to the matters of this Inquiry:

1. The impact of temporary visas on the educational and employment prospects of young migrants living long-term in Australia
2. The impact of deportation policy on young migrants living long-term in Australia, and
3. The impacts of COVID-19 policy responses on young migrants living long-term in Australia on temporary visas

### 2.2 Recommendations

MYAN recommends that the Federal Government:

1. Abolish the temporary protection visa system and reinstate permanent protection visas for all people who are seeking asylum consistent with Australia's international obligations under the 1951 Geneva Convention on the Status of Refugees.

2. Provide all temporary protection visa holders and SCV visa holders with access to settlement services on the same basis as permanent refugee and humanitarian visa holders.
3. Introduce family reunification procedures for all temporary protection visa holders and SCV holders' equivalent to those arriving under the Humanitarian Program.
4. Fund the TAFE/VET sector adequately to ensure that there are appropriate and accessible programs nationally for young people from refugee and migrant backgrounds, including SCV and TPV/SHEV holders.
5. Grant young people on unprotected SCV visas and TPV/SHEV holders' full access to Commonwealth Supported Places, HELP loans and income/study support.
6. Adopt a youth justice approach to respond to anti-social and criminal behaviour amongst the small number of young people from migrant and refugee backgrounds who are engaged in criminal behaviour, and cease using the visa cancellations regime to respond to youth offending.
7. Ensure that all Federal relief packages are accessible to all young people living in Australia during times of crisis/disaster, and as part of the response to COVID-19, including those from refugee and migrant backgrounds on temporary visas.

### 3. Introduction

Each year, young people arrive in Australia on many different categories of temporary visa sub-classes, for many different reasons. Many temporary migrants come to Australia for a specific economic, social, family, or academic purpose, and each of these visas comes with different conditions and timeframes attached. Similarly, employer-sponsored and temporary skilled migration helps to meet short-term skill shortages in Australia.

However, for some young people from refugee and migrant backgrounds residing in Australia on temporary visas, the term 'temporary' is slightly misleading, and is problematic in terms of settlement outcomes for those young people. Some young people are likely to reside in Australia as 'permanent temporary' migrants long-term, or at the very least for an extended period of time. As detailed below, they are excluded from critical (settlement) supports, and face systemic barriers to feasible pathways that would generate more positive social, civic, and economic outcomes for themselves, their families, and the broader Australian community.

MYAN encourages the Committee to consider how Australia can best support this group of young people to participate fully in Australian life during their time here, and make valuable and ongoing contributions to Australia's social, political, and economic life particularly for those for whom a temporary visa is a step towards eventual permanent residency.

### 4. Background

For many young migrants, overcoming barriers and navigating transitions is often compounded by experiences of trauma, and/or the impact of migration on family structure and relationships. These challenges are also exacerbated by the developmental tasks of adolescence. Vulnerability and risk of social exclusion increase at transition points in adolescence and young adulthood, and young people

from refugee and migrant backgrounds commonly face additional and more complex transitions than their Australian-born, non-immigrant counterparts.<sup>i</sup>

Particular challenges include:

- Experiences of racism and discrimination
- Learning a new language and negotiating unfamiliar education and employment pathways, sometimes with a history of disrupted or no formal education
- Negotiating a new culture
- Establishing new peer networks
- Navigating unfamiliar social systems and laws, including new rights and responsibilities
- Negotiating new or changed family structures, roles, responsibilities and relationships in the context of new concepts of independence, autonomy, freedom and child and youth rights
- Negotiating their (multicultural) identity within family and community expectations
- The impact of trauma, and
- Grief and loss associated with separation from peers or family.<sup>ii</sup>

These challenges are exacerbated for young people living, studying, and working in Australia who have temporary visa status. Young people on non-protected Special Category (444) visas (SCV), and Temporary Protection (785) (TPV) and Safe Haven Enterprise (790) (SHEV) visas are likely to reside in Australia long-term (detailed below), but live with heightened uncertainty about their futures, and face particular barriers to positive settlement due to their exclusion from the full social benefits enjoyed by permanent residents and citizens.<sup>iii</sup>

This group of young people have more limited access to services and supports, including critical social security safety nets. As such, young people on these visas are at risk of experiencing greater socio-economic disadvantage, which contributes to widening the gap in social, cultural, and economic participation, and is especially counterproductive for social cohesion outcomes.

Access to settlement support, vital social security, and the removal of barriers to higher education and meaningful employment<sup>iv</sup> would have significant benefits for them, their families and communities, and for a more conducive, socially cohesive Australia.

## 5. Young people on Special Category (subclass 444) visa

### 5.1 Background

Introduced in 1994, the Special Category Visa (SCV) (subclass 444) visa is a temporary visa that allows eligible New Zealand citizens to live, work or study in Australia indefinitely. In 2001, Australia made amendments to Australia's Social Security Act 1991, which have had negative effects on the New Zealand citizens who arrived in Australia after 2001. Currently, there are two categories of SCVs: protected SCV and non-protected SCV. These different streams of the 444 subclass affect eligibility and entitlements of the visa holder.<sup>v</sup> New Zealanders who had entered Australia before 26 February 2001 are classified as protected SCV holders, and after that date as non-protected SCV holders.

A Protected SCV holder (or Eligible New Zealand Citizen - ENZC) is a person who:

- Is a New Zealand citizen
- Holds a 444 visa
- Was in Australia on 26 February 2001
- Has lived in Australia for 12 months in the 2 years immediately before this date, or
- Was assessed as a protected SCV holder before 26 February 2004.

A non-Protected SCV holder is a person who:

- Is a New Zealand citizen, and
- Arrived in Australia after 26 February 2001, and
- Holds a 444 visa.

While a New Zealand citizen on a non-protected SCV may live in Australia for their lifetime on this visa, and work and pay income taxes, they do not have the same rights and access to benefits paid for through the tax system as Australian citizens or Australian permanent residents.<sup>vi</sup> They remain indefinite and non-protected temporary residents, without access to the public housing, student support, disability, health, welfare services and special assistance offered in times of disasters that other permanent residents are entitled to. They are also excluded from accessing settlement services. This has the potential to make them more vulnerable to ongoing and long-term experiences of disadvantage and exclusion.<sup>vii</sup>

### 5.2 Young people from Pasifika backgrounds

All SCV visa holders are eligible to remain in Australia indefinitely as long as they meet the eligibility criteria. However, non-protected SCV holders must become permanent residents through the regular migration program before they are eligible to apply for Australian citizenship, to sponsor family members for a permanent visa and to be considered an Australian resident for social security purposes (i.e. to access the full range of social security benefits and income support payments available to Australian citizens and permanent residents).<sup>viii</sup>

Many young people and their families from Pasifika<sup>ix</sup> backgrounds who live in Australia are on a SCV (subclass 444) visa as non-citizens, with little or no access to financial support and subsidised higher

education and training placements in Australia. For many on these visas, the complicated and costly steps that are involved in transitioning to permanent residency are out of reach. This leaves young people and their families in an ongoing state of impermanence. Government policies can determine life courses of young Pasifika from an early age for this category of visa holders, thus having far-reaching effects on their life opportunities and potential.<sup>x</sup>

Currently, New Zealand citizens on non-protected SCV (444) visas<sup>xi</sup>:

- Can live indefinitely in Australia
- Pay income tax
- Receive no unemployment or sickness benefits, or disaster relief, but may be entitled to a one off Youth Allowance, Newstart Allowance or Sickness Allowance payment if they have lived in Australia for at least 10 years
- Are required to pay the National Disability Insurance Scheme (NDIS) levy but receive no access
- Are ineligible for the Higher Education Loan Program (HELP) if they have lived in Australia less than 10 years
- Are ineligible for Austudy
- Are ineligible to vote, and
- Are ineligible to work for the Australian Government or Defence Force.

For young people, these restrictions are often compounded by language and culture, and limited or lack of social capital. Particular issues for Pasifika young people may include:

- English language proficiency (English is usually the second language at home)
- Experiences of discrimination and racism
- Pressures unique to social and cultural circumstances, including family, church and community responsibilities, and duties
- Lack of Pasifika language resources in schools
- Lack of parental familiarity with Australian educational systems, curriculum, and assessment
- Challenges adapting to different education system, including dynamics of classroom discussion and debate, mismatch of teaching and learning styles
- Low level of effective advocacy by parents
- Lack of mentors, and
- Differences in expectations around behaviour between home and school.<sup>xii</sup>

Though they are likely to spend the majority of their lives in Australia, their temporary status as unprotected SCV holders means that young Pasifika and their families are constrained by a lack of access to key supports, and live with the threat of visa cancellation and deportation back to New Zealand. Lack of access to education, key social security and employment support adds layers of difficulty to communities who are already disadvantaged in many ways. It diminishes the potential of Pasifika youth to secure their wellbeing, and it can sustain and inflict disadvantages between generations.<sup>xiii</sup>

## 6. Young people on Temporary Protection Visas (subclass 785) and Safe Haven Enterprise Visas (subclass 790)

The Australian temporary protection process is used to grant protection to asylum seekers assessed as refugees under the Refugee Convention, but who arrived by boat. Temporary Protection Visas (TPVs) and Safe Haven Enterprise Visas (SHEVs) are types of temporary visas available in Australia. TPVs are valid for three years; SHEVs for five (dependent on certain obligations and requirements).

Holders of these temporary visas do not have the same access to social services, rights and residency or citizenship pathways as refugees who hold a (permanent) Protection Visa (PV). They have limited access to support services such as study support and settlement services, which has a significant negative impact on their settlement outcomes, including their employment prospects.<sup>xiv</sup> The key difference between asylum seekers eligible for a Protection Visa and those eligible for a temporary visa is their method of arrival in Australia, not the merit of their protection claim.<sup>xv</sup>

Young people on TPVs and SHEVs commonly have complex and diverse needs due to their experience as asylum seekers seeking protection and vulnerabilities due to the temporary nature of their immigration status. This group of young people commonly experience high levels of stress and a complex mix of mental and physical health issues that often continue beyond the granting of a visa.

Young people on TPVs or SHEVs will have experienced significant challenges prior to their arrival, such as a traumas associated with fleeing their home country, and/or a dangerous journey to Australia.<sup>xvi</sup> Most would have experienced some form of detention since seeking asylum in Australia. Others experience challenges on arrival in Australia, including ongoing stress caused by their uncertain future, financial pressures, and lack of access to health services.<sup>xvii</sup>

For young people who are separated from family, current policy means that these young people also have very little to no chance of family reunion. Separation from family can add significantly to the challenges of settlement and have negative impacts on the health and wellbeing, and education and employment outcomes of young people.<sup>xviii</sup>

Research suggests that asylum seekers with unresolved or temporary visa status are among the most vulnerable groups in Australia.<sup>xix</sup> Research indicates that despite having similar backgrounds and experiences- refugees on TPVs experience higher levels of ‘...anxiety, depression and post-traumatic stress disorder compared to permanent protection visa holders.’<sup>xx</sup> Though found to be owed protection, TPVs do not provide any pathway to permanent residency and SHEVs allow limited scope to obtain permanent residency.

Refugees on TPV and SHEV visas are required to undergo a reassessment of their protection needs at the end of each visa period (three years for TPV holders; five years for SHEV holders).<sup>xxi</sup> The temporary nature of the protection accorded to young people on TPV’s and SHEV’s creates considerable uncertainty about their future and has a direct impact on their ability to make long-term plans, and their capacity to settle in the Australian community. The Australian Human Rights Commission and other academics have noted that the impact of the ongoing uncertainty of their visa status has had a significant impact on the mental health of this group, which includes young people.<sup>xxii</sup>



For young people, being in limbo for long periods of time as asylum seekers and then on temporary protection visas:

- Compounds the effects of trauma and impedes recovery
- Hinders their capacity to establish long term goals and settle, and
- Inhibits their sense of security and belonging.<sup>xxiii</sup>

As they are not permanent residents of Australia, young people on TPVs and SHEVs do not have access to the same services and entitlements as permanent Protection Visas holders or young people who arrive in Australia via Australia's Humanitarian Program.<sup>xxiv</sup> This can place additional pressure on family and community supports and may mean that the needs of this group of young people are particularly complex.<sup>xxv</sup> Additionally, young people on TPV and SHEV visas face a number of restrictions that affect their long-term health and wellbeing including:

- Ineligible for settlement support services through Humanitarian Settlement Services (HSS) or Settlement Grants
- Unable to apply for family reunion
- Excluded from most forms of financial support, including eligibility for a health care card
- Barriers to higher education-no access to as Austudy or Youth Allowance, international student rates and no access to HELP loans, and
- No access to emergency accommodation and limited access to housing.<sup>xxvi</sup>

## 7. Key Issues for Young People on Temporary Visas

Though young people on unprotected SCV visas, TPVs and SHEVs are likely to reside in Australia long term<sup>xxvii</sup>, the temporary nature of their visa status has deep implications for their educational and economic participation, and significant implications for their well-being and sense of belonging. Like all young people, many young people on temporary visas are at a time in their lives when they are contemplating their futures and making crucial preparations to become independent through study, work experience, and employment. The life chances, well-being, and future aspirations of young people on these visas are shaped by their exclusion from, and barriers to, critical social, educational and employment resources.<sup>xxviii</sup>

Barriers that prevent young people on temporary visas from accessing education support prevents them from increasing their skills and contributing to Australia's economy, effectively forcing people into lower-skilled and lower-paid work. Though this group of young people are likely to reside in Australia on a long-term basis, they remain vulnerable to visa cancellations and deportations, which will have long-lasting, devastating impacts on the lives of young people.

### 7.1 Education

Access to targeted and responsive education and training is one of the most significant factors influencing the settlement process for young people. Most young people and their families arrive in Australia with high aspirations, and success in their education is a key goal. Education provides necessary job-related skills and knowledge for young people, as well as supporting their capacity to

become autonomous, have self-confidence and empathy, and be able to problem solve. These skills and assets are increasingly essential for navigating a rapidly changing economic, technological, social, and global environment for young people, including those on temporary visas.<sup>xxix</sup>

However, limited pathways to further education and training are another significant impact of a lack of entitlements for young people living in Australia long term on temporary visas. Barriers to future study options for young people on temporary visas makes it difficult for high school aged young people to remain motivated, and plan for their futures.<sup>xxx</sup> Succeeding in mainstream education and training can be challenging for young people from refugee and migrant backgrounds who already experience educational challenges, including:

- A limited understanding of and familiarity with Australian education and training systems and pathways<sup>xxxi</sup>
- Highly disrupted/minimal/no previous formal education<sup>xxxii</sup>
- Experiences of racism and discrimination, which affects student confidence, wellbeing and learning<sup>xxxiii</sup>
- Difficulty finding space and time to study – including supporting family in the resettlement process, and/or pressure to earn an income<sup>xxxiv</sup>
- Limited opportunities to develop interpersonal skills with peers until sufficient English is learned<sup>xxxv</sup>
- Lack of support for learning at home due to family members having limited English skills,<sup>xxxvi</sup> and
- The age of the young person when they arrive in Australia.<sup>xxxvii</sup>

One of the key benefit of addressing barriers to education is improved employment outcomes. Obtaining or upgrading qualifications will broaden career options for young people on TPVs and SHEVs. For young people who are exiting secondary school and have not yet had the opportunity to undertake further education or skills training, access to tertiary study will be particularly important.<sup>xxxviii</sup>

As well as being an important investment in the future of young people, increasing their education and skills enables them to contribute more productively to the Australian economy. Young people on long-term temporary visas require the same access as their Australian born, non-migrant peers to quality learning opportunities that will expand their future opportunities, unlock their full potential, and result in improved social and economic benefits for both the individual and the broader Australian community.

### Young people on TPV's and SHEV's

Many young people living in Australia on TPVs and SHEVs face significant barriers to tertiary education. This includes their requirement to pay full international student tuition fees, which is vastly unaffordable, and their exclusion from government support such as Austudy and HELP loans. This effectively excludes these young people from higher education and training opportunities, in turn diminishing their employment prospects and undermining positive settlement outcomes.

Though the visa conditions of SHEVs mean that study offers a potential pathway to permanent residency to young people on these visas, due to these barriers, this requirement is challenging for most SHEV holders to meet.<sup>xxxix</sup>

### Young people on non-protected Special Category (subclass 444) visa

Barriers to entering further education and training present a challenge for Pasifika young people, potentially serving as a disincentive for remaining engaged in education. Post-secondary school there will be limited or no support for most young people to continue their education and training. Participation in higher education is much lower for young Pasifika on non-protected SCV visas when compared to those with permanent resident or Australian citizenship status.<sup>xi</sup> This low level of participation is exacerbated by a 10-year wait to qualify for HELP loans and ineligibility for Austudy, which effectively restricts the pursuit of further education and means that many Pasifika young people feel pressured to go straight into any kind of work upon finishing high school.<sup>xii</sup> These barriers expose this group of young people to a cycle of disadvantage as the increasing number of youth with no secondary-school certificate, apprenticeship or tertiary certification contributes to growing levels of unemployment amongst this group of young people.<sup>xiii</sup>

Limiting pathways to further education and training for young people has significant consequences on future employment outcomes and feeds intergenerational disadvantage. There is a need for government and services to work more closely with Pasifika communities to understand what issues are arising because of a lack of access to supports and how these can be addressed – including the long-term, intergenerational impacts of policy, such as eligibility for income support and educational assistance.

## 7.2 Employment

Securing meaningful employment is a crucial step towards successful settlement in Australia. Economic participation in the form of secure employment is fundamental to the successful settlement outcomes for all migrants and refugees, and particularly for young people, who may spend most of their working life in Australia.

Young people's engagement as active citizens in Australian society, including their meaningful economic participation, has significant and long-term benefits for them, their families and communities, and for a diverse, socially cohesive Australia. The transition into paid employment is an important milestone into adulthood, and is essential for building a secure and successful life in a new country. As well as improving their financial circumstances and quality of life, stable employment gives young people greater self-confidence and sense of purpose and broadens their social connections in the community.

Young people from refugee and migrant backgrounds bring to the workforce diverse skills, strengths, and qualities that make them assets to employers and the broader Australian economy. They are often highly motivated to embrace the educational and employment opportunities available in Australia, given these may not have been accessible to their parents' generation or in their country of origin. However, the intersection of being both young and from a refugee or migrant background means that this group of young people face additional barriers in the transition to work compared

with their peers, leaving them particularly vulnerable to labour market exclusion and economic shock.

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These barriers include:

- Lack of bridging social capital – networks to help them ‘get ahead’
- Racism and discrimination, such as unconscious bias
- Unfamiliarity with employment options, pathways and the labour market in Australia
- Difficulty obtaining Australian-based work experience
- Interrupted education, and
- English as an Additional Language.

This is compounded for young people on temporary visas, who - despite having skills and motivation to work - face additional challenges in gaining meaningful employment, which can further feed disillusionment and a loss of self-esteem.<sup>xiii</sup> Supporting all young people's engagement with work has substantial benefits in terms of their future employability, current and future contribution to Australia's economy, and positive social and wellbeing outcomes for the individual, their families, and broader community.<sup>xiv</sup> Ensuring that those most marginalised in the job market – including young people living in Australia long term on temporary visas – are specifically targeted and supported to access meaningful and sustainable employment options, has positive outcomes for all.

Exclusion from the labour market affects the security, and physical and mental wellbeing of young people from refugee and migrant backgrounds, and limits their ability to fully engage, participate, and contribute to the broader community. Investment in supports and services that addresses the employment barriers faced by young people from refugee and migrant backgrounds, and facilitates their economic participation benefits has positive implications for the whole of society.

### Young people on TPVs and SHEVs

The employment outcomes for temporary protection visa holders are impacted by their temporary status and limited eligibility for support labour market integration support, which has the potential to place, and keep temporary protection visa holders in low skilled, low-paid jobs, and vulnerable to workplace exploitation.<sup>xv</sup> For example, due to their visa insecurity, they may be at risk of exploitation if they feel they have to accept precarious or unsafe conditions of employment due to their lack of access to more stable employment options.<sup>xvi</sup>

For young people on SHEV visas who must work in regional areas for up to 5 years to make them eligible to *apply for* permanent residency, these barriers to employment are intensified in regional areas. Finding work in regional areas is particularly challenging due to limited English language classes, and a lack of specialist support services like torture and trauma counselling.<sup>xvii</sup>

### Young people on non-protected Special Category (subclass 444) visa

Financial strain and poverty are significant concerns for many families in the Pasifika community living in Australia. Due to their migration status, many people with Pasifika backgrounds are living in Australia who are not eligible to most social security benefits or payments. Added to this, many Pasifika families (particularly in regional areas)<sup>xviii</sup> have skills and experience that limits employment

opportunities to lower-paid sectors, and work that is highly casualised and seasonal.<sup>xlix</sup> As a result, income can fluctuate, hours can be long, and the pressure to support families that are often larger and include extended relatives can place significant financial strain on families. Young people are often start working as soon as possible to support the family, resulting in early disengagement from education, even if for low wages and an insecure employment future.<sup>l</sup> The increasing number of youth with no secondary-school certificate, apprenticeship, or tertiary certification contributes to growing levels of unemployment in these populations.

Socioeconomic disadvantage, combined with limited access to services and social security benefits can increase the risk of young people experiencing family breakdown/ intergenerational conflict, homelessness, possible exploitation and/or disengagement from the wider community, which leads to more serious issues.<sup>li</sup> Providing opportunities for unprotected SCV, TPV and SHEV holders to access higher education and training, develop their skills, secure sustainable employment and establish a meaningful career pathway will help to address these issues, improve their opportunities and ensure that they are able to make positive social and economic contributions in Australia during their time here.

## 8. Visa cancellations and deportation

Along with the anxiety and insecurity wrought by living on a temporary visa, young people also live with the knowledge that they can be deported. Due to changes to the Migration Amendment Act 2014, Australia has the power to deport temporary residents on grounds they do not meet the character test<sup>lii</sup> (including reckless driving, association with an individual or group suspected of being involved in criminal activity, and making threats to another person), for being sentenced to 12 months or more in jail, or at the discretion of the home affairs minister in the name of national security.

Even if they have lived and worked in Australia for decades and gained permanent residency, under these rules temporary residents will have their visas cancelled automatically, and a visa cancellation on these grounds prevents deportees from returning to Australia. This is particularly problematic for young people who, as long-term residents, may have spent a significant proportion of their lives in Australia—and for New Zealand citizens in some cases, the entirety—and have no significant ties to their country of origin or familial, social or economic support there once removed from Australia. They are likely to be separated from family members, potentially infringing upon the rights of the child and creating increased vulnerability within the family.<sup>liii</sup>

It is well documented that adolescents are more susceptible to peer influence and risk-taking behaviour than are adults, because of this stage of their biological, mental, and emotional development.<sup>liv</sup> For most young people, offending is episodic, transitory, and unlikely to continue into adulthood<sup>lv</sup> as they 'grow out' of offending and have 'law-abiding lifestyles as young adults'.<sup>lvi</sup> Given that these consequences of forced removal and/or detention are so grave, MYAN believes that risk reduction approaches to addressing offending among all young people residing in Australia must focus on diversion and rehabilitation rather than removal or detention – in recognition 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.<sup>lvii</sup>

MYAN does not support the use of the character test leading to visa cancellation as a tool for addressing issues arising from young people's engagement in criminal offending. We are of a strong belief that any young person, including young people of migrant and refugee background who have broken the law or committed a crime should be dealt with by the youth justice system.

While MYAN does not call for the abolition of the visa cancellations system completely, we believe that in using such a procedure, there must be consideration for individual circumstances of young people before reaching a decision. This requires a thorough, clear, and consistent process, which should be undertaken by specifically trained personnel/experts that have an understanding of the impact of settlement on young people as well as an understanding of adolescence as a critical transitional period in a person's lifespan.<sup>lviii</sup>

## 9. The economic impact of COVID-19

Everyone living in Australia should be able to meet their basic needs, including access to food, housing, and healthcare. The unprecedented economic impacts of COVID-19 will disproportionately affect people already living on low incomes or with insecure work, including casual employees and long-term temporary visa holders, and others who are not eligible for income support. Inclusive socio-economic measures are vital in protecting young people who are already at a higher risk of social and economic exclusion.

The negative impacts of COVID-19 have been exacerbated for young people living in Australia with temporary visa status due to pre-existing barriers. Many of these are not new issues- yet these pre-existing and longstanding structural barriers to economic, social, and civic participation, as outlined in this submission, have been magnified by COVID-19.

MYAN acknowledges the enormous challenges that the Australian Government, as well as state/territory governments, continue to face during this pandemic. The initial response to the outbreak of the virus has so far protected our nation from catastrophic health impacts, such as those experienced by similar countries around the world. This crisis requires unprecedented measures to ensure the social and economic wellbeing of all Australians is protected. It has also highlighted the entrenched disadvantage that exists for many in Australia - those who are more vulnerable simply because they do not have the same opportunities to stay safe, healthy, and connected.

### Job Insecurity and Income Support

Young people living in Australia on long-term temporary visas, including non-protected SCV, TPV and SHEVs-already navigating barriers to economic, social, and civic inclusion, support and opportunities- have been hit hard by the economic fallout of the COVID-19 health pandemic.<sup>lix</sup>

The economic fallout of COVID-19 was swift and harsh. Lockdown orders resulted in widespread economic insecurity and extensive job loss - for some, entire households suddenly found themselves without an income. Significant numbers of temporary visa holders in the Australian community have lost work, and have been unable to secure work and an income to cover essential living expenses.

COVID-19 is having an immediate and significant impact on young people's employment and it is Australia's youth population will carry the economic burden of COVID-19 in the long-term. Young people on unprotected SCVs, TPVs, and SHEVs who already face numerous barriers to secure and meaningful employment due to the intersection of youth, refugee or migrant background and the temporary status of their visas, will be disproportionately affected by COVID-19-related job losses, underemployment, and exclusion from financial safety nets. TPV and SHEV holders may be eligible for income support under certain conditions, but are not eligible for JobKeeper, and unprotected SCV holders are eligible for a one time, 6-month JobSeeker payment only if they have lived in Australia without a break for at least ten years and have not previously accessed a one-off income support payment.

Though there is Government funded emergency relief, available through the Red Cross for temporary migrants including TPV and SHEV holders, this is a short-term crisis strategy designed for one-off, limited payments to alleviate critical needs, and is not a substitute for targeted, ongoing income support for vulnerable people in need of continuing assistance. Everyone needs access to a financial safety net and employment support, regardless of their visa status or how long they have been living in Australia.

It is time to address the structural disadvantage and drivers of inequality that impact all young people living in Australia-including young people on temporary visas. Right now, we have an opportunity to address longstanding socio-economic inequities – to meet both immediate needs and to rebuild a fairer, better society. There is a significant opportunity in the face of this crisis to build new partnerships and capitalise on the goodwill and cooperation across sectors and all levels of government.

## 10. Recommendations

MYAN recommends that the Federal Government:

8. Abolish the temporary protection visa system and reinstate permanent protection visas for all people who are seeking asylum consistent with Australia's international obligations under the 1951 Geneva Convention on the Status of Refugees.
9. Provide all temporary protection visa holders and SCV visa holders with access to settlement services on the same basis as permanent refugee and humanitarian visa holders.
10. Introduce family reunification procedures for all temporary protection visa holders and SCV holders' equivalent to those arriving under the Humanitarian Program.
11. Fund the TAFE/VET sector adequately to ensure that there are appropriate and accessible programs nationally for young people from refugee and migrant backgrounds, including SCV and TPV/SHEV holders.
12. Grant young people on unprotected SCV visas and TPV/SHEV holders' full access to Commonwealth Supported Places, HELP loans and income/study support.
13. Adopt a youth justice approach to respond to anti-social and criminal behaviour amongst the small number of young people from migrant and refugee backgrounds who are engaged in

criminal behaviour, and cease using the visa cancellations regime to respond to youth offending.

14. Ensure that all Federal relief packages are accessible to all young people living in Australia during times of crisis/disaster, and as part of the response to COVID-19, including those from refugee and migrant backgrounds on temporary visas.



- <sup>i</sup> CMY (2011) *Migrant And Refugee Young People Negotiating Adolescence In Australia*. CMY: Carlton.
- <sup>ii</sup> MYAN (2016) *National Youth Settlement Framework*. 2nd Edn.
- <sup>iii</sup> Young people on SCV (444) can remain in Australia indefinitely; TPV holders for a minimum of three years and SHEV holders for a minimum of 5 years.
- <sup>iv</sup> MYAN (2018) *Submission to Department of Home Affairs on Managing Australia's Migrant Intake*. MYAN: Carlton.
- <sup>v</sup> Love, S and Klapdor, M (2020) *New Zealanders in Australia: a Quick Guide* Available at: <https://www.aph.gov.au/About Parliament/Parliamentary Departments/Parliamentary Library/pubs/rp/rp1920/Quick Guides/NewZealandersInAustralia>
- <sup>vi</sup> Love, S and Klapdor, M (2020) *New Zealanders in Australia: a Quick Guide* Available at: <https://www.aph.gov.au/About Parliament/Parliamentary Departments/Parliamentary Library/pubs/rp/rp1920/Quick Guides/NewZealandersInAustralia>
- <sup>vii</sup> CMY (2018) *An Overview Of Key Issues Facing Pasifika Young People in The Casey And Wyndham Area* CMY: Carlton
- <sup>viii</sup> CMY (2019) *Young People on Special Category (444) Visas: Entitlements and Referral Pathway Options* CMY: Carlton
- <sup>ix</sup> The United Pasifika Communities of Victoria (UPCOV) use the word 'Pasifika' to include Maori and Pacific Islanders. Communities involved in this organisation are: Samoa, Cook Islands, Tonga, Niue, Maori, Kiribati, Tuvalu and Fiji. 'Pasifika' is used by UPCOV rather than 'Pacific Islander' as it includes the Maori community. Source: Youth Referral and Independent Person Project (YRIPP) (2012) Reading Module 5: Issues for Refugee and Migrant Young People, 2012. CMY: Carlton. (See also Rose, Quanchi & Moore (2009) A National Strategy for the Study of the Pacific. AAAPS: Brisbane. Accessed 23.3.18 from <https://communication.arts.uq.edu.au/files/975/AAAPS%2520National%2520Report%25202009.pdf>, p. 109)
- <sup>x</sup> Moosad, L., 2019. *Temporary Futures, Permanent Constraints: Wellbeing of Pasifika Youth in Australia*. PACIFIC YOUTH, p.273.
- <sup>xi</sup> Jensen, M (2020) *Coronavirus has exposed the silent struggle of New Zealanders living in Australia* ABC News 2 April, 2020 Available at: <https://www.abc.net.au/news/2020-03-31/new-zealanders-living-in-australia-silent-struggle-coronavirus/12060174>
- <sup>xii</sup> CMY (2019) *Young People on Special Category (444) Visas: Entitlements and Referral Pathway Options* CMY: Carlton
- <sup>xiii</sup> Moosad, L., 2019. *Temporary Futures, Permanent Constraints: Wellbeing of Pasifika Youth in Australia*. PACIFIC YOUTH, p.273.
- <sup>xiv</sup> AHRC (2020) *Submission to the Select Committee on Temporary Migration: The Impact Temporary Migration Has on the Australian Economy, Wages and Jobs, Social Cohesion and Workplace Rights and Conditions* Australian Human Rights Commission
- <sup>xv</sup> Andrew & Renata Kaldor Centre For International Refugee Law (2020) *Temporary Protection Visas (Tpvs) and Safe Haven Enterprise Visas (Shevs)* Available at: [https://www.kaldorcentre.unsw.edu.au/sites/default/files/Research%20Brief\\_TPV\\_SHEV\\_Aug2018.pdf](https://www.kaldorcentre.unsw.edu.au/sites/default/files/Research%20Brief_TPV_SHEV_Aug2018.pdf)
- <sup>xvi</sup> Australian Red Cross (2017) *Falling Through The Gaps: The Experiences Of People Living in Australia on Uncertain Visa Pathways*
- <sup>xvii</sup> MYAN (2018) *Submission to the National Children's Commissioner on Australia's Progress on Children's Rights Under the Convention on the Rights of the Child* MYAN: Carlton
- <sup>xviii</sup> DSS (2015) *Pathways to Participation for Migrants Productivity Commission Inquiry Migrant Intake into Australia* Available at: [https://www.pc.gov.au/\\_data/assets/pdf\\_file/0006/190815/sub062-migrant-intake.pdf](https://www.pc.gov.au/_data/assets/pdf_file/0006/190815/sub062-migrant-intake.pdf)
- <sup>xix</sup> Australian Red Cross (2017) *Falling Through The Gaps: The Experiences Of People Living in Australia on Uncertain Visa Pathways*
- <sup>xx</sup> Andrew & Renata Kaldor Centre For International Refugee Law (2020) *Temporary Protection Visas (Tpvs) and Safe Haven Enterprise Visas (Shevs)* Available at: [https://www.kaldorcentre.unsw.edu.au/sites/default/files/Research%20Brief\\_TPV\\_SHEV\\_Aug2018.pdf](https://www.kaldorcentre.unsw.edu.au/sites/default/files/Research%20Brief_TPV_SHEV_Aug2018.pdf)
- <sup>xxi</sup> Asylum Seeker Resource Centre (n.d.) *Permanent Protection: Policy Statement* Available at: <https://www.asrc.org.au/policies/permanent-protection/>
- <sup>xxii</sup> Australian Human Rights Commission (2019) *Lives on Hold: Refugees and Asylum Seekers in the 'Legacy caseload'* Available at: <https://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/lives-hold-refugees-and-asylumseekers-legacy> and Procter, N. G., Kenny, M. A., Eaton, H., & Grech, C. (2018). *Lethal Hopelessness: Understanding and Responding to Asylum Seeker Distress and Mental Deterioration*. International journal of mental health nursing, 27(1), 448-454
- <sup>xxiii</sup> MYAN (2019) *2019 Federal Election Policy Platform* Available at: [myan.org.au](http://myan.org.au)
- <sup>xxiv</sup> Refugee Council of Australia (2015) *Barriers to Education for People Seeking Asylum And Refugees in Temporary Visas* Available at: <https://www.refugeecouncil.org.au>
- <sup>xxv</sup> MYAN (2018) *Submission to Department of Home Affairs on Managing Australia's Migrant Intake*. MYAN: Carlton.
- <sup>xxvi</sup> MYAN (2020) *Covid-19 and Young People from Refugee and Migrant Backgrounds: Policy Platform* Available at: [myan.org.au](http://myan.org.au)
- <sup>xxvii</sup> SCV holders are able to remain in Australia indefinitely, TPV and SHEV holders at minimum 3 and 5 years. After this period, TPV and SHEV holders will likely remain eligible for a further period of temporary protection or will apply successfully for a non-humanitarian visa.
- <sup>xxviii</sup> Moosad, L. (2019) *Temporary Futures, Permanent Constraints: Wellbeing of Pasifika Youth in Australia*. PACIFIC YOUTH, p.273.
- <sup>xxix</sup> VicHealth & CSIRO (2015) *Bright Futures: Megatrends Impacting the Mental Wellbeing of Young Victorians Over the Coming 20 Years*. Victorian Health Promotion Foundation, Melbourne.
- <sup>xxx</sup> Refugee Council of Australia (2015) *Barriers to Education for People Seeking Asylum And Refugees in Temporary Visas* Available at: <https://www.refugeecouncil.org.au>
- <sup>xxxi</sup> CMY (2018) *State of the Sector: Out-Of-School-Hours Learning Support 2018*. CMY: Carlton
- <sup>xxxii</sup> Ibid.
- <sup>xxxiii</sup> The Multicultural Youth Australia Census 2017-18 found that almost half of multicultural young people had experienced some form of discrimination or unfair treatment in the last 12 months (48.7%) MYAN Australia (MYAN), BSL, MDA, ACS, CMRC, LMA, Foundation House (2018) *English Language Acquisition for Young People from Refugee and Migrant Backgrounds: Reflections from Youth Transition Support Providers*. Carlton: Melbourne. P. 13
- <sup>xxxiv</sup> CMY (2018) *State of the Sector: Out-Of-School-Hours Learning Support 2018*. Carlton: Centre for Multicultural Youth.
- <sup>xxxv</sup> Ibid.
- <sup>xxxvi</sup> Ibid.

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- <sup>xxxvii</sup> MYAN Australia (MYAN), BSL, MDA, ACS, CMRC, LMA, Foundation House (2018) *English Language Acquisition for Young People from Refugee and Migrant Backgrounds: Reflections from Youth Transition Support Providers*. Carlton: Melbourne.
- <sup>xxxviii</sup> Ibid.
- <sup>xxxix</sup> Ibid.
- <sup>xl</sup> Moosad. L (2019) *Temporary Futures, Permanent Constraints: Wellbeing of Pasifika Youth in Australia*. PACIFIC YOUTH, p.273.
- <sup>xli</sup> Ibid.
- <sup>xlii</sup> CMY (2018) *An Overview Of Key Issues Facing Pasifika Young People in the Casey And Wyndham* CMY: Carlton
- <sup>xliii</sup> McMahon, T. (2016) *Working It Out: A Rapid Review of the Evidence around Employment among Refugees and Temporary Protection Visa Holders in the Australian Labour Market*.
- <sup>xliv</sup> MYAN (2018) *Submission to Department of Home Affairs on Managing Australia's Migrant Intake*. MYAN: Carlton
- <sup>xlv</sup> McMahon, T. (2016) *Working It Out: A Rapid Review of the Evidence around Employment among Refugees and Temporary Protection Visa Holders in the Australian Labour Market*.
- <sup>xlvi</sup> AHRC (2020) *Submission to the Select Committee on Temporary Migration: The Impact Temporary Migration Has on the Australian Economy, Wages and Jobs, Social Cohesion and Workplace Rights and Conditions*
- <sup>xlvii</sup> Reilly, A (2018) *The Vulnerability of Safe Haven Enterprise Visa Holders: Balancing Work, Protection and Future Prospects* [2018] UNSWLawJl 30; (2018) 41(3) UNSW Law Journal 871
- <sup>xlviii</sup> Lee. H and Nishitani. M (2019) *The Forgotten People in Australia's Regional Settlement Policy are Pacific Islander Residents* The Conversation, 27 May, 2019
- <sup>lix</sup> Chenoweth (2014) *Pacific Islanders and Education: Is Australia an 'Unlucky Country'?* The Conversation, 10 February 2014.
- <sup>l</sup> Ibid.
- <sup>li</sup> CMY (2018) *An Overview of Key Issues Facing Pasifika Young People in the Casey And Wyndham* CMY: Carlton
- <sup>lii</sup> Section 501 of the Migration Act 1958 applies a 'character test' to all non-citizens holding or applying for an Australian visa. Under this provision, if the Minister or a delegate is not satisfied that a non-citizen passes the 'character test' they may—and in some cases must—cancel or refuse to grant a visa to the person.
- <sup>liii</sup> Love. S and Klapdor. M (2020) *New Zealanders in Australia: a Quick Guide* Available at: [https://www.apf.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp1920/Quick\\_Guides/NewZealandersInAustralia](https://www.apf.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1920/Quick_Guides/NewZealandersInAustralia)
- <sup>liv</sup> 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.
- <sup>lv</sup> JSS (2015) *An Escalating Problem: Responding to the Increased Remand of Children in Victoria*. Melbourne: JSS.
- <sup>lvi</sup> Richards, K (2011) *What makes juvenile offenders different from adult offenders? Trends & issues in crime and criminal justice series, no. 409*. Australian Institute of Criminology. According to Richards, "Research on adolescent brain development demonstrates that the second decade of life is a period of rapid change, particularly in the areas of the brain associated with response inhibition, the calibration of risks and rewards and the regulation of emotions ... It appears that adolescents not only consider risks *cognitively* (by weighing up the potential risks and rewards of a particular act), but socially and/or emotionally ... It has been recognised that young people are more at risk of a range of problems conducive to offending—including mental health problems, alcohol and other drug use and peer pressure—than adults, due to their immaturity and heavy reliance on peer networks ... Progression through puberty has been shown to be associated with statistically significant changes in behaviour in both males and females and may be linked to an increase in aggression and delinquency."
- <sup>lvii</sup> MYAN (2020) *Inquiry into the Migration Amendment (Strengthening the Character Test) Bill 2019*. Available at: [myan.org.au](http://myan.org.au)
- <sup>lix</sup> CMY & MYAN (2020) *Submission to the Select Committee on COVID-19 Inquiry into the Government's Response to COVID-19* [myan.org.au](http://myan.org.au)