



SUBMISSION to Refugee Council of Australia (RCOA):

RCOA Submission on Australia's 2013-2014 Refugee and Humanitarian Program

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The MYAN welcomes the opportunity to contribute to RCOA's consultation on *Australia's 2012-2013 Refugee and Humanitarian Program*. This submission provides a national perspective, drawing on the MYAN's breadth of experience working with young people from refugee and migrant backgrounds, their communities and the youth and settlement sectors across Australia. Given the focus of the MYAN, this submission will respond to questions 3-5; 7-9; 11-15.

RECOMMENDATIONS OF THE EXPERT PANEL ON ASYLUM SEEKERS

3. What comments, questions or concerns do you have about the recommended changes to the composition of Australia's Refugee and Humanitarian Program (i.e. the immediate increase in numbers to 20,000, increase in refugee quota to 12,000, increased regional focus on South-East Asia, and continuation of the link between the onshore protection and SHP components)?

- The MYAN welcomes the Australian Government's decision to increase of the humanitarian intake from 12,750 to 20,000 as part of the recommendations made by the Expert Panel on asylum seekers.
- The MYAN believes the government needs to match this increase with additional resourcing of settlement services to ensure that refugee and humanitarian entrants receive the support they need to settle into Australian society – with a focus on strengthening the provision of targeted youth settlement services (particularly if the recent trend of proportionally high numbers of young people arriving through the Refugee and Humanitarian Program continues).
- Regarding the proposal of increased regional focus in South-East Asia - the MYAN believes Australia should maintain a global approach to resettlement aligned to UNHCR's resettlement referrals while also supporting the development of a robust Regional Protection Framework.
- Regarding the continuation of the link between the onshore protection and SHP components – while the MYAN understands that balancing the need to protect Australia's borders with our international human rights obligations is a challenging and complex policy and legislative area for government, we strongly support RCOA's statements regarding this arrangement in its *Discussion Paper* and particularly reinforces the comment that it "risks creating antagonism between refugee communities and confuses Australia's legal obligations under the Refugee Convention" (p.7). We also believe that the link between the offshore and onshore components compounds negative attitudes perpetuated by the media toward asylum seekers who arrive by boat. We support the Expert Panel recommendation to review the linkage between the onshore and offshore components within 2 years.
- The MYAN would also like to propose exploring the development of a special category for UHMs under the humanitarian program – i.e. that this group of young people have 'special' status under a specific program, similar to the existing 'Women at Risk' program.

4. What role do you think a private/community sponsorship program should or could play within Australia's Refugee and Humanitarian Program?

- Our only comment in relation to the possible private/community sponsorship program is in relation to unaccompanied minors. We would recommend that, due to particular vulnerabilities, this group of young people are only considered for settlement in Australia through this pilot if adequate and appropriate care and support arrangements (in accordance with guardianship legislation) specific to this program, can be provided and monitored.

5. What comments, questions or concerns do you have about the changes to asylum policy recommended by the Expert Panel (including reinstating offshore processing, the Malaysia Agreement, extending excision to all of Australia, reviewing refugee status determination (RSD) processes and considerations for turning back boats in the future) and the implementation of these?

- The MYAN is concerned for the wellbeing and rights of children and young people who will be transferred to a regional processing country as a result of the Expert Panel's recommendations.
- The MYAN seeks clarity on how Australia will meet its obligations to these young people under the Refugee Convention and Convention on the Rights of the Child – both in offshore processing locations and in the transfer to these locations. We are particularly concerned about the implications of the recent changes to the Immigration (Guardianship of Children) (IGOC) Act 1946 to remove the Immigration Minister's guardianship responsibilities to unaccompanied minors in the transfer to offshore processing locations.
- The MYAN would like to see greater clarity and detail on how the rights and wellbeing of young people and unaccompanied minors will be protected. Are they considered in the categorisation of asylum seekers who have special needs or are highly vulnerable and if so, how are their needs to be protected and rights upheld in accordance with the Expert Panels' recommendations?

7. What comments, questions or concerns do you have about the changes in eligibility to the Special Humanitarian Program (SHP) for humanitarian entrants who arrived by boat? What do you think are the main implications of these changes?

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

- 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.
- 8. What do you see are the main barriers to humanitarian entrants proposing to reunite with family members through the family stream of the Migration Program (i.e. through partner, child, parent or other family stream visas)? What could be done to make the family stream of the Migration Program more accessible to humanitarian entrants?**
- The cost barrier is acute for young people proposing to reunite with family members through the family stream of the Migration Program, namely:
 - Newly arrived young people are often at significant financial disadvantage, arriving with few or no possessions and may have limited income due to visa entitlements.
 - Newly arrived young people may be remitting money to family members overseas. With the pressure to send money to family overseas young people find work (low- skilled or low- paid) at the cost of their education.
- 9. What other issues or observations would you like to highlight concerning the experiences of family separation and the opportunities for family reunion for refugee and humanitarian entrants? What do you think needs to happen to ensure the timely reunification of refugee families?**

In addition to the issues raised in Ques. 7:

- It is the MYAN's experience that young people who are separated from family face far greater challenges than those who have the support networks of relatives in Australia. Family reunion can build a critical scaffold of support around a young person, reducing their need for government-funded services.
- Conversely, young people who are separated from family often experience a number of issues that negatively impact on their mental health, wellbeing and education.
- The effects of family separation on young people include:
 - Feelings of anxiety about their family's safety; guilt that they have been left behind; and feeling responsible for the wellbeing of family overseas.
 - Feelings of grief and loss, often leading to depression and isolation.
 - A focus on finding immediate (often low-skilled) work at the expense of foundational education (such as English Language acquisition) in order to provide remittances or apply for sponsorship.
- Faster reunification pathways would reduce the risk of conflict post-reunification, exacerbated by protracted periods of separation.

ONSHORE PROCESSING AND SETTLEMENT OUTCOMES

11. What are your observations of people's ability to settle once granted a Protection visa (visa sub-class 866)? Have you observed differences between the settlement experiences of people who settled after extended time spent in closed detention and those released into the community on a bridging visa or in community detention prior to the grant of a Protection visa?

The MYAN's response relates to young people who have spent time in community detention while awaiting resolution of their immigration status, with a focus on unaccompanied minors. It is our understanding that some young people will have also spent time in other detention facilities in multiple locations prior to their arrival in community detention, and the granting of a Protection visa.

Once granted a Protection visa and having exited community detention, the MYAN has observed that:

- Finding work, appropriate housing and connection to the community is still very limited after the grant of a Protection visa.
- Employment is very hard to find, especially with proper wages and employee rights
 - Finding full time employment to support family overseas back home can override English and further education. This may impact on the opportunities available to these young people in the future.
- Many people struggle to find appropriate housing, with some sharing rooms in order to save money.
- UHMs face particular challenges, including those arising from relocating (either due to available employment and/or connections) – refer to the MYAN Paper on UHMs (pp.13-15, 17).
- As mentioned in this paper, many workers have highlighted the challenges associated with the different levels of support for young people in the community detention program and post the program. These challenges are largely associated with managing young people's (high) expectations of the service system/levels of support they can access upon exit from the community detention program.
- Trauma (either from detention, or compounded by the acute uncertainty of the asylum seeking process) can impact on a young person's capacity to settle well and is compounded by ongoing separation from family and the limited family reunion options.
- Family reunion is a major issue, with many having high anxiety about family safety overseas and trying hard to bring them here. This often has a big impact on a young person's capacity or motivation to engage in education and training and/or develop links to their community to assist in (medium-long-term) settlement process.

12. What local programs or initiatives are working well to support people in the community awaiting the resolution of their Protection application? What supports do you think should be made available to people on bridging visas or in community detention to enhance their settlement prospects if a Protection visa is granted?

The MYAN welcomes the expansion of community-based detention arrangements as a more humane approach to supporting asylum seekers and believes that generally the support arrangements in this program are working well. The MYAN has recently provided training to

Community Detention workers and has observed that it is critical to ensure that workers receive the necessary training and support to meet the, often high and complex, needs of unaccompanied minors living in community detention.

The MYAN would like to see improvements to the transition in and out of community detention. As noted in the MYAN's recent paper on Unaccompanied Humanitarian Minors in Australia, a number of services have highlighted gaps in transitional arrangements for young people exiting community detention, raising concerns that the current transition arrangements do not always provide the support that young people need at a time of heightened vulnerability. Further, transitional care plans often lack important information in relation to support needs, including health, both mental and physical.

Many workers also highlighted the challenges associated with the different levels of support for young people in the community detention program and post the program. These challenges are largely associated with managing young people's (high) expectations of the service system/levels of support they can access upon exit from the community detention program.

13. What changes do you think could be made to settlement services (i.e. HSS, SGP, AMEP or CCS) to best adapt services to the needs of people granted protection onshore (visa subclass 866)?

- The MYAN believes that the current HSS and SGP capacity makes it difficult for workers in these programs to meet the support needs of young people who have been granted onshore protection, who are commonly separated from family and lack support networks and often require intensive support. (This is also noted in David Richmond's *Review of Humanitarian Settlement Services: Performance Measures and Contract Management*, see, e.g. pp.10-11)
- In relation to the needs of UHMs, responsibility for supporting this group of young people is often unclear (including eligibility for state/territory care arrangements) and there is often a lack of coordinated support (across the settlement services continuum and between mainstream and settlement services).
- The MYAN recommends that settlement services' funding be increased (to allow lower client ratios) in order to meet the intensive support needs of young people who have arrived onshore.
- The MYAN also recommends that stronger partnerships be encouraged between mainstream youth services and settlement services to increase the overall capacity of the sector to meet the needs of this group of young people and harness the various support available.
 - This may require capacity building for mainstream youth services to understand the unique experiences and support needs of these young people.
- Refer to other issues regarding the needs of UHMs in the MYAN paper: *Unaccompanied Humanitarian Minors (UHMs) in Australia: an overview of national support arrangements and key emerging issues*. (see p.12-13 and p.18 for specific recommendations). The report can be found [here](#).
- The MYAN also recommends greater flexibility in funding (CCS, SGP) to allow young people who have been in Australia 5-10 years to receive settlement support. Young

people who have not been able to settle within 5 years often need more intensive support to address their complex needs.

- Given the shifting demographics and needs of young people arriving via the onshore program, the MYAN believes there needs to be further investigation about the settlement needs of this group of young people (which we acknowledge are complex and diverse), and identify specific needs or changes to settlement services.

14. What local programs do you think are working well to support people who have received Protection visas? Please give specific examples of new or innovative projects or programs.

The MYAN would like to further investigate and identify state-specific programs that are working well to support young people who have received Protection visas. The MYAN would broadly advocate for programs that are:

- Youth-specific, designed and delivered in response to the particular (and often complex) settlement needs of this group of young people;
- Flexible in their approach, with the capacity to respond to the diverse and often complex needs;
- Provide targeted support to young people to access services and programs (e.g. health, education, arts and culture, social and recreational); and
- Provide opportunities for young people to actively participate and engage in the community.

Specific programs include:

Ucan2 (Victoria)

Ucan2 aims to increase the social, education, training, and employment opportunities for young people from refugee backgrounds during their first fifteen months of resettlement in Australia. Run in partnership between Centre for Multicultural Youth, Foundation House and the Adult Multicultural Education Service (AMES), Ucan2 connects young people with volunteers to practice English and learn about Australia, while providing psychosocial support in dealing with trauma.

Positive outcomes include greater connection to the Australian community, practicing English and learning about Australian culture and work practices.

Refugee Youth Support Pilot (RYS) (QLD, VIC, SA)

The Refugee Youth Support Pilot (RYS) provides housing and support to unaccompanied humanitarian minors who have a permanent protection visa. It aims to strengthen their ability to live independently and build a positive future in Australia. This 12 month pilot is funded by the Department of Immigration and Citizenship (DIAC) is being delivered by MDA in QLD, MYSA in SA and CMY in Victoria. While the service delivery models vary from state-to-state, the focus of the Pilot is on transitioning older UHMs to independence over an extended period, particularly through an emphasis on the development of practical skills such as decision making and personal organisation, as well as the provision of education and employment support. RYS is funded by the Department of Immigration and Citizenship (DIAC).

Reconnect Newly Arrived Specialist (NAYS) (national)

The Reconnect Newly Arrived Youth Specialist Service offers case management support to young people aged 12 to 21 who are newly arrived and/or from refugee backgrounds. While service delivery models vary from state-to-state, NAYS services uses family focused early intervention

strategies to help stabilise young people and to improve their level of engagement in work, education/training and the community. Services offered include counselling, group work, mediation and practical support to young people and their families to help break the cycle of homelessness.

15. What do you think are the main challenges in housing and employment for people both on bridging visas and those who are granted onshore Protection visas? What is working well?

- Re. housing challenges for UHMS - the MYAN is concerned about the lack of a nationally consistent approach to the care and support of UHMs, which often results in a lack of targeted support for this group of young people and young people at risk of unsuitable accommodation arrangements and/or homelessness. This is often a result of young people moving interstate in search of employment and/or young people needing more intensive support than what is available through HSS or SGP. Please refer to the MYAN's recent paper on UHM for further information regarding housing - *Unaccompanied Humanitarian Minors (UHMs) in Australia: an overview of national support arrangements and key emerging issues* – in particular pp.12 – 14.
- Lack of affordable, safe, secure housing for young people and their families. With limited and long waiting lists to access public housing, young people are increasingly reliant on private rental properties. There are numerous barriers for young people accessing private rental properties including low incomes (Centrelink rent assistance is not granted until a lease has been signed), negative stereotypes held by landlords about refugee young people and often limited language and self advocacy skills.
- Re. employment:
 - Lack of recognised skills, lack of Australian work experience, and especially lack of networks and contacts.
 - There is a lack of work opportunities for newly arrived young people in Dandenong, the region of highest settlement of 866 visa holders in Melbourne, including much needed part time work opportunities which can assist young people to support themselves and sometimes their families while they are studying.
 - There are few programs or services to link people to direct employment or broker opportunities (i.e. most programs only provide skills such as résumé and interview support)
 - Lack of engagement in education and training pathways for many young on 866 visas impacts on their ability to secure employment (i.e. some young people have limited English language proficiency) .The immediate issues of finding work to support family overseas overrides education needs. However, low levels of English disadvantage young people in finding work. Additionally, as mentioned in Ques.11, the mental health impacts of the asylum seeking process and/or detention (e.g. sleep disorders, depression, anxiety – also compounded by separation from family and the limited options for family reunion) has consequences for engagement in education and/or training for many young people sleep issues, depression and anxiety.

What is working well?

These issues are often overcome through the provision of youth-specific/targeted and intensive support. This support is provided through the programs mentioned above. The MYAN would like to see mainstream programs like Youth Connections (with a focus on supporting young people in education and training transitions) better meet the needs of newly arrived young people on 866 visas.