

# Multicultural Youth Advocacy Network Australia (MYAN)

## *A Migration System for Australia's Future*

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DISCUSSION PAPER

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## About MYAN

Multicultural Youth Advocacy Network (MYAN) is the national peak body representing the rights and interests of young people aged 12-24 from refugee and migrant backgrounds. Our vision is that all young people from refugee and migrant backgrounds are supported, valued, and thriving in Australia.

MYAN works in partnership with young people, government, and non-government agencies across the youth, settlement, and multicultural sectors to ensure the particular needs of young people from refugee and migrant backgrounds are recognised in policy and service delivery. MYAN provides expert policy advice to government, delivers sector development activities, and supports the development of young people's leadership and advocacy skills so they can have their voices heard at the regional, state, and national levels.

## National Youth Settlement Framework

MYAN developed the National Youth Settlement Framework (NYSF) in 2016 to support and measure good practice with young people from refugee and migrant backgrounds. It remains Australia's first and only evidence-based national guide to benchmark good practice in youth settlement and is the only one of its kind globally. With practical tools including assessment guides, the NYSF is designed to equip policy makers and service providers with the skills and knowledge to best support young people from refugee and migrant backgrounds to thrive in Australia.

Since its release, policy makers and practitioners across sectors have used the NYSF to guide policy, program planning, service delivery, and evaluation. More than 1,500 people have participated in professional development on the NYSF in Australia and internationally. The framework was revised in 2020 and includes updated information, a new section on youth work in Australia, new "good practice capabilities", and revised tools and resources to support application of the Framework in practice.

## About this submission

MYAN welcomes the opportunity to provide a response to the Department of Home Affairs' discussion paper on '**A migration system for Australia's future.**' It presents an important opportunity to reflect on Australia's Migration Program and plan for a program that equally: (i) meets the economic needs of Australia, (ii) upholds our global commitments to providing resettlement through the Humanitarian program, and (iii) ensures that economic benefits are balanced with adequate support to migrants and investment in social cohesion.

As Australia plans to recover from the social and economic impacts of COVID-19 and once again responds to existing and emerging migration crises across the world, MYAN believes now is an opportune time to reflect on, and review the existing successes, strengths, and gaps of the current migration program.

This submission provides a national perspective, drawing on 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 and interests of young people (12- to 24-year-olds) from migrant and refugee backgrounds in the Australian Migration and Humanitarian Programs. MYAN is available to discuss this submission in further detail.

## **Background**

Each year young people aged 12-24 make up significant arrival numbers under each Migration Stream in Australia. Young people from refugee and migrant backgrounds are an incredibly diverse group, due to multiple intersecting factors including country of origin, cultural background, migration stream, socioeconomic status, gender, sexuality, faith, and age on arrival, level of English proficiency, prior education, family structures, and workforce experience.<sup>i</sup>

This group of young people have enormous strengths and capabilities, including broad international and cross-cultural knowledge, multilingual skills, adaptability, a strong sense of family and community, high educational aspirations, and a desire to enjoy and uphold the rights and responsibilities of Australia's democratic processes<sup>ii</sup>. They also play an important role in supporting the successful settlement of their families.

Australia has benefited from a very successful migration program spanning many decades. A large cohort of permanent arrivals are young migrants, with two-thirds of permanent arrivals in the last decade aged under 35.<sup>iii</sup> The contribution of migrants to Australia's economy and society has been significant. Almost half of all permanent arrivals to Australia since the turn of the century have been part of the skilled migration program, filling workforce gaps in the Australian economy. Refugee and humanitarian entrants have also made a significant contribution to the Australian economy. Migration has been pivotal to Australia's population growth. The combination of first and second-generation migrants now account for almost half of the Australian population. That growth has been a key driver of Australia's economic success.<sup>iv</sup>

## **Youth settlement support**

The Australian Governments' continued investment in, and support of settlement services has ensured that Australia delivers some of the world's best settlement practice. A noteworthy evolution in Australia's settlement service system is the development of youth specific settlement programmes to support positive settlement outcomes for young people; a response made in recognition of the complexity of adolescent development.

Young people from refugee and migrant backgrounds arrive in settlement countries with a range of capabilities and are important actors in building strong and resilient communities. However, they often face structural barriers and challenges in accessing the support and opportunities required to navigate the demands of settling in a new country.

These barriers add a layer of complexity to the fundamental transitions that take place during adolescence and young adulthood<sup>v</sup>. Compounded by the developmental tasks of adolescence<sup>vi</sup>, and in

addition to gender, sexuality, disability, geography and cultural context, these barriers commonly include:

- Limited or low English language skills.
- Different cultural norms and values surrounding help-seeking or accessing government support.
- Different cultural values/norms in relation to concepts of youth and adolescence.
- Lack of social and cultural capital in the Australian context (e.g., information, networks and conceptual and practical knowledge of the service system or youth-focused programs).
- Racism and/or discrimination—explicit, implicit, structural, or individual.
- Settlement pressures -i.e., practical demands of building a new life in a new country and responsibility for supporting parents and family members in the settlement journey.
- Lack of culturally competent or responsive practice within organisations (in the mainstream or generalist youth sector, services are commonly designed around the experiences of Australian-born, non-immigrant young people, neglecting the cultural and migration/settlement experiences of those from refugee and migrant backgrounds and how these impact on their rights and support/service delivery models).<sup>vii</sup>
- Limited or lack of digital literacy.
- More limited services/opportunities in regional /rural areas.<sup>viii</sup>

Young people from refugee and migrant backgrounds also experience settlement differently to adults and younger children due to their age, developmental stage, role within the family and the role they play in supporting their family and community in the settlement journey. Their settlement needs are distinct from, and sometimes more complex, than those of adults and younger children, and they commonly face more barriers to youth development than those faced by their Australian born, non-immigrant peers.<sup>ix</sup>

These needs often go unrecognised and unmet as they are commonly seen as a sub-set of the broader youth and settlement sectors. Settlement services play a central role in assisting young people from refugee and migrant backgrounds adjust to life in Australia. Young people from refugee and migrant backgrounds require a targeted approach in policy and service delivery to capitalise on their strengths most effectively, address their needs, and ensure they can realise their potential. Achieving good settlement outcomes for young people benefits the whole of society – individuals, families, and communities – and supports cultural diversity, social cohesion, and inclusion

We commend the ongoing commitment of the Australian Government to investing in the outcomes of new arrivals through Australia’s settlement program; however, MYAN would like to propose a stronger focus on more targeted and coordinated youth specific assessment and support across settlement services nationally.<sup>x</sup>

## Response to select Discussion Paper questions

### 1. How do we address the specific needs of regional Australia?

Successful settlement is a long-term process and requires meaningful contributions not just from migrants themselves, but also from receiving communities, local organisations, service providers, and government. There needs to be a more coordinated approach to settlement in regional communities. For regional settlement to be a long-term success, reform is needed to encourage migrants to settle long-term in regional Australia, and to help ensure that communities can provide the services that are necessary to make settlement a long-term success.

MYAN believes that migrant settlement in regional areas including for skilled workers and temporary migrants, has the potential to provide multiple benefits to individuals and communities, both economic and social. These include the stimulation of local economy and ease of pressure on urban infrastructure and services, improved acceptance of diversity resulting in improved social cohesion, and would help to offset the impacts of ageing.<sup>xi</sup>

MYAN's position is that realising these benefits first requires careful planning and an understanding of what works and depends on the capacity of local settlement services to respond, particularly within the domains of employment, education and training, housing and health and well-being. For example, 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>xii</sup> We know that when young people settle in areas experiencing persistent issues around housing affordability, high rates of youth unemployment and low numbers of humanitarian migrants, settlement challenges are exacerbated for these young people.<sup>xiii</sup>

As the settlement experience is unique to each person, services will be most effective when they are tailored, flexible, and responsive to the diverse needs and experiences of migrants.<sup>xiv</sup> MYAN believes that to address the needs of regional Australia and support optimal regional settlement outcomes, people must be settled in areas where:

- There are opportunities for meaningful local work and business opportunities.
- There is adequate stable accommodation available.
- Schools are equipped to respond to the diverse learning needs of migrant children.
- They can maintain links to their culture and community alongside opportunities to participate in civic life.
- Service gaps and response strategies have been identified.
- There are flexible and responsive English language supports available.
- Settlement services are available and have the capacity to provide targeted and flexible support.
- Local community organisations are involved in the planning and delivering of support services.
- Local communities are informed about the migration program, and community concerns have been gauged.<sup>xv</sup>

It is important to take into consideration that the settlement needs of young people will differ from those of adults and children, and young people will need targeted, specialised supports to assist in their navigation of their settlement journey.

MYAN recommends that the Australian Government reforms the regional settlement support structure so that it attracts and better supports young migrants and encourages them to take a long-term view of regional settlement.

When planning for this reform we recommend that the Australian Government:

1. Introduce a regional skills visa that would serve as incentive for young migrants to work and settle in regional areas. These visas should offer appealing incentives such as requiring work experience but no skills assessment to encourage permanent migration in regional areas. Without this, migrants are likely to continue to seek employment opportunities in the more populated capital cities like Melbourne and Sydney.
2. Support migrants and refugees, including asylum seekers, who express an interest in working in regional communities through upskilling and relocation support.
3. Thoroughly assess regional settlement locations to determine local workforce needs, assess availability of appropriate housing, and to identify service gaps, response strategies, measure community attitudes, and concerns towards migrants.
4. Build the competence of regional employers and industries to retain young migrant workers.
5. Fund regional settlement service providers to provide analysis on settlement outcomes of migrants and refugees in suggested migration locales, to ensure that settlement support and programs in regional towns are prepared for new migrant settlement and are as effective, responsive, and efficient as possible.

## **2. What are the barriers to the participation of migrants in the labour market, including those entering through the family and humanitarian streams and secondary migrants?**

Refugee and humanitarian entrants are a significantly diverse population group; however, we know from our work that the intersection of being both young and more newly arrived from a refugee or migrant background means that this group of young people face additional barriers and challenges to meaningful employment than their Australian-born, non-migrant peers - leaving them particularly vulnerable to long term labour market exclusion.

Barriers to participation in the labour market are well evidenced and include:

- Lack of social/professional networks.
- Lack of culturally appropriate mental health support.
- No/limited local work experience.
- Lack of recognition of qualifications obtained overseas.
- Lack of experience and knowledge in how to apply for jobs.
- Experiences of racism and discrimination and unconscious bias in hiring practices.
- Limited digital literacy/access.
- Level of English language proficiency.
- Minimal or disrupted schooling because of their migration journey.
- Reluctance of employers to hire newly arrived young people or those whose visa status is uncertain or needs to be renewed regularly.
- Unfamiliarity with Australian workplace laws and greater risk of workplace exploitation.

Significant and prolonged youth unemployment and underemployment is not only bad for the Australian economy; it has damaging flow-on effects such as mental ill health and homelessness. Being unemployed, underemployed or Not in Education or Training (NEET) affects the ability of young people to plan for their future and engage in civic life fully. It is likely to result in poor living conditions (in terms of housing, nutrition, and physical safety), isolation from the community and barriers to accessing health care and social services, and negative impacts on emotional and psychological well-being.

Further, the lack of job availability or the lack of secure work for young people delays the typical milestones of adulthood, and potential to become independent, including the need to delay moving out of home, taking on more debt than previous generations by staying in school longer, and being less likely to secure home loans than previous generations. Investment in reforms, supports and services that addresses the employment barriers faced by young people from migrant backgrounds, and facilitates their economic participation has positive implications for their meaningful and long-term participation in the labour market, for their own settlement experiences and futures and for the Australian community and economy more broadly.



The gap in labour force participation for many young migrants represents a significant source of untapped potential. Negotiating systemic employment barriers faced by young migrants will in turn contribute to a stronger economic recovery post COVID-19 and yield economic benefits for Australia as a whole. For example, by modelling parity in labour force participation Australia's pre-eminent economics advisory practice Deloitte Access Economic, were able to predict that policies that successfully create parity of labour force participation between young migrants and the Australian born population could increase the size of the Australian economy by \$44 billion from 20-23 to 2032 and create 54,000 Full-Time Equivalent (FTE) jobs.

We already know of key elements of good practice in employment programs that can assist young people from refugee backgrounds into employment, including:

- Individualised, holistic support/case management.
- Education initiatives that help young people & families to understand career options, pathways and expose young people to a variety of opportunities.
- Targeted programs that support a young person's transition from education to employment
- Access to paid work experience and internships.
- Providing support in the workplace (to both young people and employers)
- Mentoring programs with an employment focus.
- Programs that build 'bridging' social capital (links with industry, employers, professional mentors), and
- Cultural competency amongst services/employers.<sup>xvi</sup>

Future reform of the migration system should promote youth migration to address labour market aging and identify onshore training and upskilling opportunities for others already in Australia. This objective needs to be met by reforms to both the migration system, vocational and higher education programs, and the broader Australian jobs market. MYAN recommends that the Australian Government:

1. Abolish the temporary protection visa system and reinstate permanent protection visas. The temporary nature of these visas contributes to a reluctance of employers to hire people on these visas.
2. Remove employment barriers for the people who have sought asylum and are currently in Australia and identify meaningful opportunities to invest in skills and training to skill up young people who are already living in Australia.
3. Implement changes to qualification, accreditation, and skills recognition processes including cost and timeliness, and ensure recognition of overseas obtained qualifications, skills and experiences in job seeking processes through the provision of bridging courses/programs.
4. Fund a National Multicultural Youth Employment Strategy that maps out pathways and supports that lead to more sustainable employment outcomes for people settling in Australia.

5. Establish Multicultural Youth Employment and Innovation Hubs in metropolitan and regional locations to prepare young people for jobs now and in the future.
6. Invest in collaboration and co-design with young people from refugee and migrant backgrounds to develop innovative new approaches that meet their needs in the modern labour market.
7. Strengthen and implement targeted career advisory programs within the school sector that emphasise VET, apprenticeships, and alternative post-school pathways and include support such as help preparing for job interviews and education enrolment to aid young multicultural people transitioning from school to work.
8. Invest in training and professional development for employment services to address issues of discrimination/unconscious bias and stereotyping.
9. Invest in community-based employment programs to include a mentoring component to help young people from refugee and migrant backgrounds build employability skills, gain work experience, and connect with employment opportunities.
10. Invest in wage subsidy programs that incentivise businesses to employ those who face disadvantage in the job market – including young people from refugee and migrant backgrounds.
11. Explore opportunities to fund paid 6-12 month internships for more marginalised young people, including those who are not engaged in education or training (NEET) in a variety of industries, to prepare them for job readiness in the absence of jobs – including a targeted focus on young people from refugee and migrant backgrounds.
12. Support young people from migrant and refugee background to access scholarships and deferred, low-interest loans (like the current HECS-HELP structure) which would support young people to fulfil their professional ambitions.

Further, MYAN endorses the following recommendation made by the Refugee Council of Australia (RCOA).

“Expanding and extending the Skilled Refugee Labour Mobility Agreement Pilot.

The Skilled Refugee Labour Mobility Agreement Pilot (SRLAP) is in its second year of implementation, with a cap of 200 places.<sup>9</sup> This initiative can be seen as a constructive response to addressing Australia’s skills shortages, as well as providing a durable solution for refugees with relevant skills who may not otherwise be considered for resettlement due to vulnerability criteria, and who may face significant barriers to applying for skilled migrant visas due to their refugee status. Expanding and extending the SRLAP to 500 places in 2022-23 is achievable, particularly in the context of considerable private sector interest in attracting overseas talent and meeting corporate social responsibility targets, and the SRLAP implementing organisation (Talent Beyond Boundaries) having over 40,000 refugees currently listed on their global skills register. Although the pilot is still in its early stages and

requires evaluation and a potential review of existing program design and visa costs, a scaling up of numbers within the parameters of the pilot in close consultation with Talent Beyond Boundaries<sup>10</sup> is a viable short-term proposition. Following a review, the SRLAP could be scaled up to thousands with the support of the private sector, making Australia competitive in talent attraction from diverse sources.”<sup>xvii</sup>

### **3. Are there other ways our migration system can support Australia’s future prosperity and well-being?**

#### **3.1 Family Reunion**

Migrants of varying skill levels have a great deal to contribute to the workforce, and the economic and social fabric of Australia, and the intrinsic value and objective of Australia’s migration program should not rest on economic gain alone. The migration program is also an investment in the social and cultural fabric of the nation and supports greater global stability and prosperity by upholding our international obligations to protect the human rights of all asylum seekers and refugees who arrive in Australia. MYAN encourages reforms that seek to understand the additional benefits of migration beyond the skilled stream to Australia and the importance of investment in family reunion and humanitarian migration long term.

Family reunion remains a significant issue for young people from refugee and migrant backgrounds in Australia. Australia has a strong, positive history of refugee resettlement and a capacity to resettle those most in need. As a signatory to both the New York Declaration for Refugees and Migrants (the New York Declaration) and the Global Compact on Refugees (GCR) 33, Australia has committed to facilitating effective procedures and clear pathways for family reunion and ensuring flexible arrangements that assist reunification.<sup>xviii</sup> However, existing Australian policy on family and partner reunion make it increasingly difficult for young migrants, particularly asylum seekers and refugees, to reunite with their family members in Australia.

MYAN has previously supported calls for a reform to family reunion for young people from refugee and migrant backgrounds. Previous changes to Australia’s migration policy have created significant barriers to people of refugee and asylum seeker backgrounds reuniting with their families. Long wait times, prohibitive costs, and inflexible eligibility criteria significantly impedes young migrants’ access to family reunion, meaning many young people living in Australia are facing the very real prospect of permanent family separation.

While we welcome recent announcements that there will be amendments to Ministerial Direction 80 (which gives the lowest priority to family visa applications of people who sought asylum by sea), we urge the Australian Government to introduce reforms to current Australian family and partner reunion policy to ensure that family reunification mechanisms are timely and efficient to reunite displaced families as early as possible and maximise the benefits of family reunion. We encourage reform in the following areas:

**1. Lengthy waiting times.** The Contributory Parent Visa has a wait time of approximately 6 years for processing, however the Non Contributory Parent Visa (which has lower-but still prohibitive- fees) has an estimated wait time of approximately 30 years for processing.<sup>xix</sup>

**2. The narrow definition of family.** Balance of family tests do not recognise extended families, or family members lost through forced displacements. The definition of 'immediate family' has a restrictive definition based on the Western concept of the nuclear family (husband, wife, and minor children). This does not reflect the family compositions of many migrant communities, where different societal norms and cultural dimensions make it common for a wider network of relationships to be recognised as integral to what is a family

**3. Prohibitive costs.** A significant barrier to family reunion is the excessively high visa charge. Partner visas can cost up to \$10,000<sup>xx</sup>, and the costs of parent visas range from between \$12,000 (non-contributory) and just under \$100,000 (contributory) for both parents.<sup>xxi</sup> The restrictive visa charges for the family stream effectively make family reunion possible only for the financially well off.

**4. Restrictions on family reunion for asylum seekers who arrived in Australia by boat.** The main policy affecting family reunion for refugees and asylum seekers who arrived by boat is Ministerial Direction 80 (Subsection 8(g)). This directive means that for refugees holding permanent protection visas who came by boat, visa applications for their family members are considered the 'lowest processing priority'.<sup>xxii</sup>

Family reunion is an important protective factor for young people settling in Australia. Family reunification plays a significant role in meeting the long-term needs of resettled refugees, and assisting with the settlement process, including adjusting to a new culture and social framework.<sup>xxiii</sup>

Parents and other key family members are a critical and valuable emotional, social, and economic support for young people during their settlement journey, strengthening the capacity of individuals to function in their new countries, facilitating their integration process and promoting social and economic self-sufficiency. Families provide an alternative safety net for young people settling in Australia, providing multiple economic and social benefits.

Conversely, policies that deny or delay access to family reunion for young people from refugee and asylum seeker backgrounds have been found to have negative psychosocial, economic, and social consequences,<sup>xxiv</sup> and can negatively affect young people's ability to settle successfully and participate in Australian life.

We encourage the Committee to refer to our previous submissions and policy papers around family reunion. These include:

- [Submission to the Department of Immigration and Border Protection on Introducing a Temporary Parent Visa](#)
- [Submission to Department of Home Affairs on Australia's 2021-22 Migration Program](#)
- [Submission to the inquiry into the processing and granting of visa classes which provide for or allow for family and partner reunions](#)

MYAN believes that family reunion acts as a positive accelerator of integration for both the new arrivals and family members already in Australia, contributes to social cohesion and supports the

positive contributions that all migrants make to the broader Australian community — in both economic and social impact. We make the following recommendations to the Australian Government:

1. Explore the introduction of concessions or exemptions from partner and family visa fees for young people to alleviate the inequity of the current system and allow for more flexible family reunion options for all young people.
2. Reduce wait list times for applicants in recognition of the harm protracted family separation causes. Changes should be made to ensure that where families overseas remain in situations of risk applications are prioritised based on humanitarian need.
3. Prioritise applications of parents and siblings of proposers 25 years and under for processing in recognition of their role as key sources of support and connection for young people living in Australia, which is critical to the settlement process.
4. Remove barriers to accessing family reunion for refugees who arrived in Australia by boat to enable families separated by persecution and conflict to be reunited. Priority should be given to family reunion for young people, including those who arrived as unaccompanied or separated minors.
5. Expand family reunification criteria so that it is culturally sensitive and situation specific. This includes adopting a broader definition of 'family' in the context of family reunification with a view to include young people who are over 18 years old as well as parents of young people over 18 years old, ensuring children and young people from refugee and migrant backgrounds in Australia are unified with their parents and siblings.

### **3.2 International Student Visas**

The Genuine Temporary Entrant (GTE) requirement for prospective international students can be a deterrent to international students who may prioritise countries such as the United Kingdom and Canada, who do not have this requirement, and are therefore seen as more attractive destinations. This has significant economic implications for Australia. International students make a significant contribution to the Australian economy - \$34 billion in 2018 - directly boosting Australian jobs and wages.<sup>xxv</sup>

For those who do apply, student visas are commonly refused due to the GTE requirement, which contribute to an already overloaded merits review system. For example, recent statistics reveal that student visa refusals account for a staggering 34% of lodgements to the Administrative Appeals Tribunal.<sup>xxvi</sup>

Removing the GTE requirement would support the revival of Australia's thriving international education industry by boosting the numbers of international students; and Australia would benefit from the significant economic contribution that international students have to offer and by saving millions by reducing costly and time-consuming AAT and judicial review matters.

#### 4. How can we better prevent the exploitation of migrant workers?

As noted above, young people from refugee and migrant backgrounds face a number of barriers to meaningful employment. For those on temporary visas, they face the added burden of exploitation, illegal work practices including wage theft, and emotional, physical and sexual harassment and intimidation, further exacerbated by experiences of racism and discrimination.<sup>xxvii</sup> Due to the limitations on their working ability, limited employment opportunities, fears of losing their job and the possible impacts on their visas, newly arrived young people are vulnerable to coercion into exploitative working relationships and are often reluctant to report.

The lack of visa options for people being exploited presents a risk to them staying in the exploited situation and reinforces unlawful labour practices. MYAN has heard directly from young people that they have experienced exploitation through unfair working hours, bullying and discrimination, dangerous conditions, cash in hand payments below industry award, and are often required to work for free to keep their job.

A recent study undertaken by the Migrant Justice Institution found that out of a survey of over 8,000 international students working in Australia, the majority were underpaid. One in four earned less than half the minimum casual hourly wage. Nine in ten suffered wage theft in silence and took no action including because they did not want 'problems that might affect my visa'. Nine in ten believed many or most other migrant workers were underpaid, and 91% of those with self-reported poor or fair English were paid below the minimum casual hourly wage.<sup>xxviii</sup>

The government must confront the reality that migrant workers cannot safely report exploitation, and the existing enforcement mechanisms are inadequate to address the problem. Australia needs a skilled migration scheme that protects workers against exploitative practices, sets a high bar for their treatment, and builds confidence in Australia's migration programs. MYAN recommends that the Australian Government introduce significant reforms in this area, including the introduction of stricter laws and policies around wage theft and improved mechanisms for young workers to report workplace exploitation without risk or fear that this will put their own visa or livelihood at risk. We recommend that the Australian Government:

1. Introduce a temporary visa for vulnerable persons to help those who have been, or are being, subjected to exploitation.
2. Introduce penalties for companies who fail to comply with Australia's Modern Slavery Act.
3. Remove the 40-hour fortnightly work limitation on student visas which makes them more vulnerable to exploitation.
4. Make Temporary Skilled Worker visas portable, which would allow temporary skilled migrants to switch sponsoring employers more easily should they find a better job once in Australia.
5. Provide fast-tracked pathways for exploited workers to recover unpaid wages.

6. Ensure the Fair Entitlements Guarantee offers equal protection to all workers, including those on temporary visas.
7. Introduce measure that ensure effective visa protections to those who report exploitation to the Fair Work Ombudsman or make claims through the courts.
8. Invest in labour market reforms that ensure that all workers are protected with adequate job contracts, employment security, and sick leave benefits.
9. The Australian Government should also better enforce the rules for employers that sponsor temporary skilled migrants, such as paying the sponsored wage and complying with Australian workplace laws.

## **5. How can we prevent a ‘permanently temporary’ cohort within the migration program?**

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 their whole lives or at the very least for an extensive period yet are excluded from critical settlement supports, social, educational and employment 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.

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>xxix</sup> 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>xxx</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.
- Grief and loss associated with separation from peers or family.<sup>xxxix</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, but live with heightened uncertainty about their futures, and face barriers to positive settlement due to their exclusion from the full social benefits enjoyed by permanent residents and citizens.<sup>xxxix</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>xxxix</sup> would have significant benefits for them, their families, and communities, and for a more conducive, socially cohesive Australia.

#### ***Non-protected Special Category (444) visas (SCV) and young people from Pasifika backgrounds***

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>xxxix</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>xxxix</sup>

Many young people and their families from Pasifika<sup>xxxix</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>xxxix</sup>

Currently, New Zealand citizens on non-protected SCV (444) visas<sup>xxxix</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.
- Differences in expectations around behaviour between home and school.<sup>xxxix</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.. This situation diminishes the potential of Pasifika youth to secure their wellbeing, and it can sustain and inflict disadvantages between generations.xl A critical factor here is the potential many have to become citizens but face financial and knowledge barriers to this pathway – a simple reform would be for the government to waive the cost of a citizenship application for eligible young people, and to undertake a targeted education campaign to inform 444 visa holders and their children of their rights and potential eligibility for citizenship.

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

Holders of TPV and SHEV 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>xli</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>xlii</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.

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>xliii</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>xliiv</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>xliv</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>xlvi</sup> Additionally, young people on TPV and SHEV visas face a number of restrictions that affect their long-term health and wellbeing including:

- Being ineligible for settlement support services through Humanitarian Settlement Services (HSS) or Settlement Grants.
- Exclusion 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.
- No access to emergency accommodation and limited access to housing.<sup>xlvii</sup>

We encourage the Committee to refer to our previous [Submission to the select committee on temporary migration](#).

MYAN encourages the government to consider reforms that 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. To prevent a permanently temporary cohort, we recommend that the 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. Waive the cost of a citizenship application for eligible young people and undertake a targeted education campaign to inform 444 visa holders and their children of their rights and potential eligibility for Australian citizenship.
3. 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.

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/pandemic, including those from refugee and migrant backgrounds on temporary visas.

## ENDNOTES

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- <sup>vi</sup> Including but not limited to: identity development and formation; negotiating interdependence with/within family, peers, community and broader society and major social role transitions; emotional, physical, and cognitive development, and sexual maturation. MYAN (Australia) 2016, *National Youth Settlement Framework*, 2<sup>nd</sup> Edition, pg. 15.
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