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Australian Government Department of Employment and Workplace Relations

Dear Ms Schenk,

**Submission to discussion paper on Draft Best Practice Principles and Standards for Skilled Migration Assessing Authorities.**

Multicultural Youth Advocacy Network Australia (MYAN) welcomes the opportunity to provide a submission to the discussion paper on the *Draft Best Practice Principles and Standards for Skilled Migration Assessing Authorities*.

MYAN strongly agrees with the need to improve the efficiency, accessibility, affordability and fairness of assessment authority processes. We consider that the draft proposed principles and standards are of value in showing the sector what 'good' looks like. However, if the principles and standards are to work as intended to drive better outcomes, we consider it essential that there be greater government oversight of skilled migration assessment authorities: to provide the regulatory backbone necessary to harness the draft proposed principles and standards.

### 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. Our vision is that all young people from refugee and migrant backgrounds are supported, valued and thriving in Australia.

Young people from refugee and migrant backgrounds make up almost half of Australia's youth population.<sup>1</sup> MYAN works in partnership with young people, government, and non-government agencies across the youth, settlement and multicultural sectors at the state and territory and national levels 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.

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<sup>1</sup> Australian Bureau of Statistics (2016) <https://www.abs.gov.au>

## MYAN responses to questions about the draft principles and standards

### 1) Which standards will improve outcomes? Why/why not?

In order to answer the question whether the draft standards (as a whole or individually) are likely to improve outcomes, it is first essential to better understand how the government intends to use the standards to monitor and manage the assessing authority sector in the context of its enhanced assurance model.<sup>2</sup> This is because while standards are necessary to improve outcomes, they are not sufficient. To truly drive improvements, the standards must be co-ordinated with an outcomes-based regulatory approach to incentivise assessing authorities to make the necessary changes, and take appropriate action when they do not.

MYAN notes this is consistent with the calls from peak bodies including FECCA and SCOA for government oversight of the skills assessment bodies in Australia and for the establishment of a Fairness Commissioners to ensure that skills recognition practices comply with principles of fairness and transparency.<sup>3</sup> MYAN considers that, in order for regulatory intervention to drive improvements to outcomes, the government's approach should include:

- clarity for all stakeholders about what outcomes must be improved; and
- an effective mechanism to monitor progress against those outcomes, and hold assessment authorities accountable for poor outcomes including harm caused to applicants.

An international example of this approach can be found in the establishment in Canada of the Office of the Fairness Commissioner, which correlated with a 59% increase in foreign trained licensed professions (ten years after the establishment of the office).<sup>4</sup>

MYAN considers that taking this outcomes-based regulatory approach to the enhanced assurance model would provide the backbone necessary to harness the standards so that they do drive improvements to outcomes as intended.

**Accordingly, MYAN urges the Government to:**

- **use an outcomes-based approach regulatory in its enhanced assurance model that includes mandatory requirements and an accountability mechanism.**

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<sup>2</sup> [Discussion Paper September 2023 Draft Best Practice Principles and Standards for Skilled Migration Assessing Authorities](#) at p3.

<sup>3</sup> Settlement Council of Australia (2022), *Submission: Employment White Paper* at <https://scoa.org.au/submission-employment-white-paper/>; FECCA (2022), *A Migration System for Australia's Future* at chrome-

extension://efaidnbmnnnibpcajpcglclefindmkaj/https://fecca.org.au/wp-content/uploads/2022/12/FECCA-Submission-A-Migration-System-for-Australias-Future.pdf

<sup>4</sup> Organisation for Economic Co-operation and Development [OECD]. (2017). Making Integration Work: Assessment and Recognition of Foreign Qualifications. Available online at: [https://www.oecd-ilibrary.org/social-issues-migration-health/making-integration-work-assessment-and-recognition-of-foreign-qualifications\\_9789264278271-en](https://www.oecd-ilibrary.org/social-issues-migration-health/making-integration-work-assessment-and-recognition-of-foreign-qualifications_9789264278271-en)

- **publish and consult on its proposals to reform the enhanced assurance model and how the draft principles and standards will feed into that model, and**
- **articulate the specific outcomes in relation to which improvements are required.**

With respect to articulating relevant outcomes, MYAN considers that key metrics would usefully include:

- **relevant labour market outcomes** including the number of foreign trained licensed professional (by industry and assessment authority)
- **cost of assessments, English language testing and reviews**
- **discriminatory processes and outcomes.** (MYAN notes achieving this outcome would require the government to require assessing authorities to interrogate the data they hold to identify and benchmark discriminatory assessments (for example by using complaints and withdrawal data to identify poor outcomes and identifying trends among disproportionate negative outcomes in particular populations)).
- **timeliness of assessment process and communication with applicants.**
- **reduction in the number of applicants who withdraw from the assessment process** (because withdrawals from process can be a good indicator of problems including discrimination; excessive complexity; insurmountable barriers etc. For instance, MYAN is aware of many young people who have started the process but withdrawn because of the waiting time and onerous requirements for documentary evidence.)

*Recommended additions to draft best practice principles and standards*

**To boost the use of standards to improve outcomes, MYAN also recommends including in all principles, standards that assessing authorities:**

- **actively review their relevant data, processes and communications in order to identify problematic aspects of process and outcomes and to feed that information back to make the necessary improvements.** This approach has already been adopted with respect to Principle 2 (standard 2.3 requires regular and strategic reviews of fees) and Principle 3 (standard 3.3 requires assessing authorities to schedule regular reviews of occupational assessment standards). Adopting an aligned approach to reviewing current processes, communications etc for all the other principles may prompt assessing authority to pro-actively identify and understand what the problems are, a threshold requirement to guide changes that address the specific problems identified; and
- **specify the number and nature of complaints received as one important source of the data that assessing authorities should review.**

## 2) Which standards are achievable and why/why not?

### *Principle 1: User-friendly and migrant-centric experience*

MYAN agrees that the processes, guidelines and communications used by assessment authorities should all be clear, accessible and user-friendly. However, we are concerned that conflating the three aspects of the user experience in one principle creates the significant risk that assessing authorities will consider it sufficient to improve communications and guidelines without also improving the processes themselves. In fact, while clear, accessible, user-friendly communication is important, it is also, of course, vital that assessment authorities find and eliminate the ‘pain points’ in the assessments process itself. This risk is increased by the fact that the draft examples currently included in the discussion paper largely relate to communication with insufficient focus on process.

To mitigate this significant risk, **MYAN recommends:**

- **making it clear in the principle that processes, guidelines and communications must all be clear, accessible and user-friendly**
- **Having more standards and examples that directly relate to the assessment process itself.**

This is consistent with the Government’s commitment in the outline of its migration strategy to “simplify **the system** to make it easier and faster for the people with the skills we need.”<sup>5</sup>

### *Principle 2: Reasonable and justified fees structures*

MYAN agrees that there is a need to address the identified issue, that the current fees can impose an unreasonable barrier for applicants. For instance, costs can be prohibitive for recent international graduates (noting that a common criteria for assessment is the currency of the qualification, and that applicants also have other significant fees that must meet including visa application fee, migration agent/lawyer fee/English language fee/etc).

It is however, unclear how transparency will increase affordability, given that the complexity of the system makes it is extremely difficult for applicants to understand and progress one process with one assessment authority, let alone shop around based on price. Whilst reviews of fees offer a better mechanism to address the problem, MYAN would welcome further information about who would conduct these reviews and what powers this body would have to increase affordability of assessments.

### *Principle 4: Fair and equitable assessments*

MYAN supports this principle but is concerned that it is unlikely to be achievable without external independent oversight.

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<sup>5</sup> [The Migration Strategy \(homeaffairs.gov.au\)](https://www.homeaffairs.gov.au) (emphasis added)

There is very strong evidence that bias is often unconscious and so outside the conscious awareness and control of humans. It is therefore extremely difficult to self-correct, even where good will and intent exists.<sup>6</sup>

In this context, monitoring of process and outcomes is essential, both to understand where bias and discrimination occurs, and to assess whether interventions introduced to address the problems are effective. For example, it is arguable that systemic discrimination exists in the current system. For instance:

- the inflexibility around the requirement for documents inequitably impacts refugees who are unable to provide these documents because they have fled war and conflict-ridden zones
- English language proficiency and skills assessments that exceed what is required in the workforce, can exclude skilled workers from obtaining secure employment and expose them to exploitation.

To increase the likelihood that this critical principle will be achieved, **MYAN recommends:**

- **Complementary standards be included so that assessment authorities:**
  - **interrogate their own data to identify and benchmark discriminatory assessments**
  - **design fit-for-purpose interventions to address the problems identified, and**
  - **monitor the impact of those interventions to assess whether they are working as intended**
- **The government support the best practice principles approach by committing to also have some form of oversight and review of assessment authorities processes and outcomes to ensure they are fair and equitable in practice.**

### 3) What have we missed?

#### *Principle 1: User-friendly and migrant-centric experience*

##### Co-design

**MYAN recommends including, as a standard or example within this principle, co-designing processes and communications with the broad range of applicants who seek assessments.**

This is an important way to ensure that the processes, guidelines and communications are in fact user friendly and migrant-centric.

MYAN notes that as migrants are a highly heterogeneous group, there will be no one size fits all approach to assessment processes and that, instead, tailored approaches and communication are required.

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<sup>6</sup> Behavioural Insights Team, 2020, 'Unconscious bias and diversity training – the evidence' at <https://www.bi.team/blogs/unconscious-bias-and-diversity-training-the-evidence/>

In particular, from the perspective of young migrants it will be important to urge assessment authorities to:

- tailor assessments to meet their diverse needs; and
- avoid the assumption that young people will and should be available to help family and community members to navigate their assessment processes. Instead the assessment processes for older adults must be refined to ensure that they are user-friendly for older adults without assistance from others in their community.

### Sludge

Sludge is “excessive or unjustified friction in processes that makes it harder for applicants to achieve their goals”.<sup>7</sup>

The Organisation for Economic Co-operation and Development (OECD) has recently highlighted the importance of auditing processes to identify and remove sludge as an important way to achieve its recommendation to improve government services, and assist governments in making their public services more efficient, equitable, and user-friendly.<sup>8</sup> MYAN considers that auditing and eliminating sludge is an important practical way that assessing authorities can improve their processes.

**Accordingly, MYAN recommends including, as a standard, that assessing authorities take action to remove ‘sludge’ from their assessment processes.** The standard could include, as an example, **eliminating unexpected and unnecessary requests for information and/or unnecessary or confusing compliance requirements.**

### *Principle 5: Timely and efficient skills assessment delivery*

Despite the identification of delays in assessments as a significant issue of concern in the Review of the Migration System, timeliness has not been explicitly included in principle 5 which is currently that “the assessment process is optimised to reduce duplication and maximise efficiency”. For example, research conducted in Queensland in 2018 by Deloitte identified concerns with how protracted the process is in many cases, with the delay in recognition further exacerbating issues with recency/currency of skills and experience.<sup>9</sup>

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<sup>7</sup> New South Government, Behavioural Insights Team, ‘Sludge Toolkit’ at <https://www.nsw.gov.au/behavioural-insights-unit/sludge-toolkit>

<sup>8</sup> C Varazzani, C Hubble, A Galassi, E Koromilas, S Chan and D Trudinger, (October 2023) ‘Spotting the sludge: Behavioural audits to improve public services across countries’ at <https://oecd-opsi.org/blog/behavioural-science-spotting-the-sludge/>; OECD (2022) ‘Declaration on Building Trust and Reinforcing Democracy’ at <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0484>. The OECD has partnered with the NSW Government’s Behavioural Insight Unit, as international leaders in designing and applying sludge audits for instance, including through an online toolkit to help reduce frictions and enhance customer existence. For more information see: New South Government, Behavioural Insights Team, ‘Sludge Toolkit’ at <https://www.nsw.gov.au/behavioural-insights-unit/sludge-toolkit>

<sup>9</sup> Deloitte Access Economics. (2018). Seizing the opportunity: Making the most of the skills and experience of migrants and refugees - A research report for Multicultural Affairs Queensland.

**MYAN recommends that Principle 5 clearly include a requirement that assessments be completed in a timely manner. This focus on timeliness should be reinforced by including, as a standard and/or example, target timeframes to process applications and communicate with applications.**

*Principle 6: meaningful employment outcomes enabled:*

**MYAN urges the government to include young people as one of the vulnerable cohorts listed in Principle 6.**

MYAN welcomes the identification of international graduates as a vulnerable cohort requiring post-assessment assistance. We urge the government to identify that international graduates are one cohort in the larger population of young people from migrant and refugee people and that this larger population is all vulnerable.

All young people from migrant and refugee backgrounds are strongly motivated to secure employment, but they face additional obstacles to those faced by other young people that hinder their meaningful integration into the labour market. These obstacles include:

- Language barriers.
- Difficulties with local employment services.
- Employer reluctance to hire individuals without local experience.
- Limited social and professional networks.
- Experiences of racism and discrimination.
- Caring responsibilities.

Being excluded from the labour market adversely affects the physical and mental well-being of this full cohort of young people and restricts their ability to engage with and contribute to Australian society as a whole. Consequently, it is imperative that all young people from migrant and refugee backgrounds have access to assistance to obtain meaningful employment.

*Principle 7: Integrity and transparency in operations*

MYAN agrees with identification of integrity and transparency as an important principle. We also consider that data integrity should be highlighted as an important aspect of this principle to minimise the risk that the data relied upon by assessing authorities and provided to government is biased, corrupt, inconsistent or incomplete.

Accordingly, **MYAN recommends inclusion of a standard that the data provided by assessing authorities to government be robust, accurate and credible.**

## MYAN responses to questions about the delivery of skills assessments

4) What changes are needed to improve skills assessment processes to make them simpler and more migrant centric?

- **Increased recognition of overseas qualifications and work experience and greater flexibility where there are legitimate barriers to obtaining required documentation:**
  - The process of obtaining recognition of skills acquired overseas is so complex and costly that many young people (particularly those who arrived recently) find it too impractical to pursue. This prevents young people, who are in fact competent, from being successful in their applications – a poor outcome for both the applicants and potential employers.
  - Young applicants are often unable to get their international qualifications recognised. This is in part because some universities and country standards are not recognised in Australia, and in part because the assessment process is often too confusing to navigate.
  - It is impossible, in some situations, for applicants to comply with the onerous requires to provide documents from overseas institutions. For example, MYAN is aware of a number of recent Afghan evacuees who were not able to successfully contact the universities they recently attended in Afghanistan to obtain their transcripts and therefore could not even start the process of assessment and had to repeat their studies in Australia.
  - Relevant international work experience is not considered by some assessment authorities.

The cost of either being unsuccessful in their applications, or withdrawing their applications because they are too impractical/complex to pursue, is extremely high. This is particularly so for young people with young families to support. The time and cost of having to repeat studies and/or obtain additional work experience in Australia can create acute hardship for these people.

- **Standardisation of processes and information across industries and assessment authorities, including the creation of one true source of information for employers, applicants and support workers:**
  - Navigating the multiple, sometimes conflicting, sources of information needed to complete assessments is prohibitively complex for young people, employers and settlement workers alike. Current barriers include confusion about where to go for information and assessments, and inconsistent technical language and requirements.
  - The complexity of processes used by individual assessment authorities means that many young people rely on youth workers to provide support. However, youth workers often lack the time, capacity and resourcing needed to understand each distinct assessment authority and industry's processes. Regional areas in particular do not all receive the Youth Transitions Funding that is essential to equip youth workers to provide this



support. Further, even when services providers do have Youth Transition Funding it can be insufficient to sustain the support needed through lengthy waiting time and the time required to navigate each assessment process.

- **Better ease of access to, and timeliness of, information about assessment criteria and processes. This should include:**
  - **Easier access to, and greater transparency of, the universities and country standards, recognised in Australia** to manage expectations about which qualifications will be accepted; and
  - **Provision of information to people overseas intending to migrate or seek asylum about documents they will require to apply for skills assessments.** Often people do not bring this documentation with them to Australia, because they do not know it will be essential.

5) Are skills assessments appropriately aligned with domestic employment, visa, and licensing/registration requirements? Why/why not?

6) How could skills assessment processes be streamlined with occupational licensing and registration schemes?

MYAN considers that skills assessments are not currently well aligned with domestic, visa and licensing/registration requirements. **Key to improving alignment is greater flexibility around:**

- **competency standards and evidence; and**
- **alternative skills recognition, including the relevance of transferrable skills.**

For instance, many industry bodies do not include the hours of work experience required in many degrees and diploma when assessing the competence of applicants; and many now also require evidence that the work experience was paid rather than voluntary. In their experience working with employers, youth and settlement workers often find these employers to be frustrated that this inflexibility means that they cannot employ people who either have demonstrated competency for the job, or for whom competency could be proved on the job. The minimum hour requirement for skills recognition also inherently places many young people who work in casualised occupations at a disadvantage because their workload is irregular.

**MYAN also considers it essential to take a whole of government approach to address the disconnect between the skill lists and employment and industry needs; and to increase transparency around this process and reasons for decisions.** The current approach remains opaque, with the nature and outcomes of consultations within government and by government unclear and the skills list not always matching skills shortages.

9) Should English language testing be a skills assessment requirement? Noting English levels are tested as part of the visa application stage.

MYAN notes that International English Language Testing System (IELTS) tests are both costly and time consuming and that requirements are sometimes onerous, redundant and excessive.

**We consider that significant changes should be made to the English language testing required in skills assessment processes including that:**

- **There be greater recognition of English language testing and completion of degrees and diplomas in Australian educational institutions as evidence of English language skills, without also requiring IELTS testing.** For example, in Queensland, some students who receive a QCE certificate on completing year 12 enrol in diplomas of nursing, without having been provided with timely advice that, on completion of the diploma, they will also have to achieve a high IELTS score to be able to practice in nursing. Neither the QCE certificate nor the grades and competency obtained in the diploma is considered by the industry boards for registration and practice in the relevant field.
- **The strength of the IELTS result required should be proportionate the relevant area of employment.** For example, the results needed in some fields of employments (such as nursing and engineering) can exceed industry's expectation for these fields of employment.

MYAN is concerned that the proposed 'best practice' approach cannot in and of itself, drive the improvements to skills assessments processes that are urgently required. Instead we urge a greater level of direct government intervention to oversee and regulate essential changes and better outcomes. From our extensive experience in driving effective user-focussed improvements to process and services for young people, MYAN also strongly recommends that skills assessment processes be co-designed with young people as the main beneficiaries and future of the work force.

MYAN would be pleased to provide further information on any part of this submission to assist.

Yours faithfully,

Rana Ebrahimi

National Manager

MYAN

