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Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Immigration (Education) Amendment (Expanding Access to English Tuition) Bill 2020

The Refugee Advice & Casework Service (RACS) is a dedicated refugee legal centre and has been assisting people seeking protection in Australia on a not-for-profit basis since 1988.

RACS welcomes the opportunity to comment on the Bill. In general, to the extent that the Bill aims and functions to increase access to funded English language classes for new and prospective migrants to Australia through the Adult Migrant English Program (**AMEP**), RACS is wholeheartedly supportive of it. The removal of the 510 hour statutory limit on free English lessons, flexibility regarding time limits for migrants arriving prior to 1 October 2020 [particularly in light of the disruptive impact of the COVID-19 pandemic], and broadened scope of the English tuition program to allow access by temporary visa holders and/or prospective migrants who have not yet entered Australia, are each common-sense and laudable provisions of the Bill.

The Bill is described by the Explanatory Memorandum as allowing AMEP tuition to be provided until migrants reach a higher level of English language proficiency than is permitted by the current legislation. The only shift enacted by the Bill on this matter is in terms of the terminology used – shifting the language of the *Act* from “functional English” to “vocational English”, without altering the actual substance. However, to the extent that the Minister intends, as described in the announcement of 28 August 2020 to changes to the program, to introduce a legislative instrument setting a higher definition of “vocational English” as the upper limit of English proficiency for access to the AMEP, RACS supports this goal also.¹

The provision of English language education to migrants is valuable because of the way in which it empowers new Australians, offering them greater choices and opportunities in how they make their home in Australia. However, RACS is concerned at suggestions that this Bill may be accompanied by further policy shifts that would disempower migrants by imposing restrictions or punitive measures upon those who find themselves unable to learn English.

¹ Department of Home Affairs, *Adult Migrant English Program (AMEP) Reform Announcement* (28 August 2020), available: <https://immi.homeaffairs.gov.au/amep-subsite/Files/reform-announcement-general-communications.pdf>

Where the Explanatory Memorandum states that “The Bill will enable the Government to further incentivise English language learning,”² RACS is concerned that this may be a reference to another suggested measure announced with the 2020-2021 Budget whereby the Government would “introduce English language requirements for Partner visa applicants and their permanent resident sponsors”³ – which announcement was accompanied by similar language stating that “These changes will help support English language acquisition and enhance social cohesion and economic participation outcomes,”⁴ and where rollout interviews suggested the same rationales regarding preventing family violence and obtaining employment as are cited by the Explanatory Memorandum here.⁵

RACS wishes to make clear that our support for this Bill does not extend in any way to support for future measures restricting access to permanent visa pathways for migrants. RACS stands strongly opposed to any policy changes that would make it more difficult for provisional Partner visa holders to obtain permanent visas on the basis of a lack of English language skills; or any similar barriers to permanent residency or citizenship, as applicable to any visa category or stream. The erection of such barriers tends to disproportionately impact vulnerable migrants and sponsors from disadvantaged or impoverished backgrounds, including humanitarian migrants who RACS assists. Furthermore, contrary to the Bill’s intention to enhance social cohesion through encouraging language acquisition, prior research has demonstrated that periods of temporary or provisional status may lead migrants to “invest less in social capital, which has potential consequences for their social assimilation and the segregation of immigrant communities.”⁶

With these caveats, RACS recommends that the Bill be passed.

Sarah Dale

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Refugee Advice & Casework Service (RACS)

² Explanatory Memorandum, Immigration (Education) Amendment (Expanding Access to English Tuition) Bill 2020 (Cth) 2.

³ Commonwealth of Australia, Treasury. Budget Measures 2020-21, Budget Paper No. 2, 2020 [internet], Canberra, ACT: Commonwealth of Australia; 2020. Available from: https://budget.gov.au/2020-21/content/bp2/download/bp2_complete.pdf, at 10.

⁴ Ibid.

⁵ Maani Truu, ‘English language requirement for Australian partner visa applicants to begin ‘late 2021’’, *SBS News*, (8 October 2020), available <https://www.sbs.com.au/news/english-language-requirement-for-australian-partner-visa-applicants-to-begin-late-2021>

⁶ Christian Dustmann, and Joseph-Simon Görlach, ‘The Economics of Temporary Migrations’ (Working Paper No 729, *SOEPpapers on Multidisciplinary Panel Data Research*, January 2015) 41.