

# The Parliament of the Commonwealth of Australia

## Legal and Constitutional Affairs Legislation Committee (Senate)

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

#### A Bill for an Act to amend the *Immigration (Education) Act 1971*, and for related purposes

AMES Australia – AMEP provider response | November 2020

#### Introduction

AMES Australia is an autonomous adult education institute accountable to the Victorian Minister for Training and Skills. The organisation provides a comprehensive range of initial settlement support, English language and literacy tuition, vocational training and employment services to migrants, refugees and asylum seekers, in Victoria, South Australia, Tasmania and Western Sydney.

AMES Australia has been involved in the provision of AMEP services since the inception of the program, was for many years the largest AMEP provider in Victoria and continues to deliver the AMEP in regional Victorian locations. Over many years of involvement with the AMEP, AMES Australia has drawn on our experience of providing settlement, education and employment service to recently arrived communities to provide input into government Discussion Papers, Reviews and Inquiries aimed at improving the effectiveness of the AMEP.

Given this experience of delivery of, and investment in the success of the AMEP as a major settlement program, AMES Australia is pleased to take this opportunity to respond to the Government's latest amendments to the program.

The Bill amends the Act to:

- remove the 510 hour statutory limit on an eligible person's entitlement to English tuition, in order to support and incentivise English proficiency;
- amend the upper limit for eligibility to access English tuition to a new level of **vocational English**, which will enable eligible persons to continue their language learning to a higher level of English proficiency;
- remove the statutory time limits for registering for, commencing and completing English tuition for certain people who held a visa and were in Australia on or before 1 October 2020; and
- allow for the provision of English tuition to certain visa holders or visa applicants outside Australia, to support their English language learning in preparation for their migration to Australia.

As a general principle AMES Australia supports the extension of AMEP hours beyond 510; amending the upper limit for eligibility to access English tuition to a new level of vocational English; the removal of the statutory time limit; and supports the provision of English language tuition outside Australia. Following is comment and rationale against each element.

## Comments

*Removal of the 510 hour statutory limit on an eligible person's entitlement to English tuition, in order to support and incentivise English proficiency*

AMES Australia strongly supports this amendment.

For any clients who commence with no or very low levels of English, but categorically for those who have the added barrier of low formal education and no or low literacy in first language, it is clear that 510 hours is not adequate to acquire sufficient English to participate in training and education; employment; or socially in the broader Australian community.

These clients frequently exit the program at a level well below that required to undertake mainstream vocational training and many do not have sufficient English for social communication or any reasonable level of interaction in the community. It is important to note that this group frequently have limited options to further their English language skill development at the end of their current AMEP entitlement.

They are also at a profound disadvantage in gaining employment, especially, as noted in the Explanatory Memorandum, in times when there is high unemployment and significantly less unskilled employment than at earlier periods in Australia's history. The impact of the COVID-19 pandemic has exacerbated these conditions.

Removing the hours cap and setting the AMEP exit point at a specific, and adequate, level of English language skill makes sound educational sense. It also creates conditions that will much better support new arrivals to Australia to settle, become part of the broader, social community, access education and training and secure employment commensurate with individual's aspirations, skills and prior qualifications and experience. These changes will benefit not only the migrants and refugees who access the AMEP, but the broader Australian community – both socially and economically.

## Further considerations

- It is worth noting that the current attrition from the AMEP may not be solved by providing additional hours of tuition. Many learners already exit the AMEP before completing 510 hours. This cohort may require an AMEP that differs from what is being provided or available under the current contract.  
If providers are failing to meet client needs, as noted in a recent review of the AMEP<sup>1</sup>, changes are needed in how the program is delivered along with the additional hours of tuition. For example, the review mentioned above reports that specific cohorts – people who are employed or employment-ready, women with child-caring responsibilities and young people – are not making full use of their AMEP entitlements. Increased flexibility in how the AMEP is delivered would increase uptake of AMEP entitlements by providing a range of modes of access for clients for whom the current classroom based or Distance Learning modes do not accommodate settlement priorities, including work and family commitments, and/or learning styles.<sup>2</sup>  
AMEP eligible people could be given the choice to allocate their hours across a range of learning modes, including classroom, community, and online settings. The removal of the 510-hour cap should better enable this – however providers would need to be prepared to change their modes of delivery and ways of working, and the AMEP Contract allow them to do this. Creating flexibility to enhance access may have funding implications if they are to be successful.  
There could be an opportunity for additional providers to be offered AMEP contracts - perhaps through a short cycle tender process and/or based on quality of delivery of other EAL programs.
- Access to suitable and accessible childcare is critical to support and incentivise parents with caring responsibilities for young children to improve their English proficiency, and enable their English language learning to continue. This cohort, many of whom are women with low levels of English and/or education, is highly likely to benefit significantly from additional hours of tuition.

<sup>1</sup> <https://immi.homeaffairs.gov.au/amep-subsite/Files/amep-evaluation-new-business-model.pdf>; <https://www.homeaffairs.gov.au/reports-and-pubs/files/review-integration-employment-settlement-outcomes-refugees-humanitarian-entrants.pdf>

<sup>2</sup> This was to be the focus of the proposed AMEP Trials, which RFT was released in April 2020 and terminated in mid-July 2020...

"The objective of the AMEP Trials (Trial Objective) is to test alternative ways to meet the needs of particular cohorts:

(a) to optimise their English language progression;

(b) to facilitate employment, further training and/or increased social participation, depending on the cohort; and

(c) through a range of flexible and innovative service delivery models and partnerships with employers, education institutions, community organisations and/or other relevant stakeholders.

- While AMES Australia appreciates the advantages of uncapping an eligible person's entitlement to AMEP hours, it should be noted that, while benefiting AMEP clients, this may impact negatively on providers (and funders) of other programs. For example, it will have implications for providers currently offering the Skills for Education and Employment (SEE) program and, in Victoria, providers delivering training under Skills First, as many of the current clients in these programs are people who have exited the AMEP and still need further English language skills development.

*Amendment of the upper limit for eligibility to access English tuition to a new level of **vocational English**, which will enable eligible persons to continue their language learning to a higher level of English proficiency*

AMES Australia strongly supports this amendment.

Functional English - currently described as ACSF Level 3 across each of the four core skills areas<sup>3</sup> or IELTS 4.5 in all four skills<sup>4</sup> - has long been acknowledged by providers as insufficient for clients to transition to mainstream higher education or training courses or secure most types of employment, especially para-professional and/or professional work.

Raising the exit point to the attainment of 'vocational English' (yet to be described as noted above, but currently identified as IELTS 5.5 in all four skills on the AMEP website<sup>5</sup>) would better equip clients to enter and operate in Australian workplaces; provide an additional labour force equipped with adequate language skills for Australian employers; and bridge the gap for clients needing to do further study in order to advance on their career pathways to employment or wishing to enter or re-enter skilled/professional jobs.

Raising the language level for eligibility for the AMEP will support greater engagement and focus for skilled migrants who lack the professional language of their fields. Industry contextualised language and digital skills for learning, living and working can be delivered through the AMEP and more meaningful measures of success such as work outcomes in clients' previous professions/industries could be implemented.

In addition to better equipping migrants and refugees for Australian workplaces, there is some evidence, for example from AMES Skilled Professional Migrants Program that 'vocational English' related to a person's occupational field can positively impact on the time to employment for refugee and migrant jobseekers.<sup>6</sup>

## Further considerations

- To operate in their fields, AMEP clients with professional or para-professional qualification and experience overseas need English levels in excess of the 'functional English' level at which they are currently required to exit the AMEP. AMES Australia's experience of delivering our *Skilled Professional Migrants Program* is that providing language and career pathway support beyond the current AMEP exit point and including additional mentoring, career guidance and work placements is an extremely effective way to transition skilled and professional migrants into employment that uses their skills and expertise - and demonstrates excellent outcomes to government from a return on investment, reduction in welfare dependency and funding perspective.
- As noted, AMES strongly supports this amendment, but notes the lack of clarity as to what framework will be used and how 'vocational English' will be described and what assessment processes will apply. This lack of a clear definition may not necessarily be an issue. However, where there is uncertainty/lack of clarity there is confusion. Changing standards in a program has flow on implications for delivery of the program, compliance and reporting by providers, including additional resource burden. This will need to be taken into consideration when changes are made to the AMEP.

*Removal of the statutory time limits for registering for, commencing and completing English tuition for certain people who held a visa and were in Australia on or before 1 October 2020*

AMES Australia supports this amendment.

Opening up the AMEP to cohorts who have been in Australia for some time, and who for various reasons have not registered for, commenced or completed English tuition within the current time limits and, therefore, have become ineligible for English tuition, is a positive change.

<sup>3</sup> <https://www.legislation.gov.au/Details/F2017L00720>

<sup>4</sup> <https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/english-language/functional-english>

<sup>5</sup> <https://immi.homeaffairs.gov.au/settling-in-australia/amep/about-the-program/background>

<sup>6</sup> AMES Australia tracking over 2010 - 2018 found that 85% of the respondents had found employment within 12-15 months of completing SPMP. 60% of these were in professional positions.

Through our extended settlement work – which includes delivering the Humanitarian Settlement program across metropolitan Melbourne and regional Victoria, and in Tasmania and South Australia, AMES Australia is cognisant of the many priorities that impact on recently arrived families and individuals. Family responsibilities, looking for work, health issues, along with adjusting to life in a new country in general, all compete for priority. Learning English, while critically important for successful settlement, will not always assume priority over family, secure housing, health and work, for example. Removing the statutory time limits for registering for, commencing and completing English tuition will potentially open up the AMEP to those who have become ineligible due to time limitation.

This change could be of significant benefit to people who, for example, failed to register for and/or commence the AMEP and have been in Australia for five years or more and are still not 'successfully settled' in that they may not have employment, or have insecure work only, and may still not have established social connectedness with the broader local community. Some refugee women with very young children at the time of arrival are a particularly vulnerable cohort as they may have delayed their engagement with AMEP until their children are more grown up. Regardless of the impacts of the COVID-19 pandemic, many in this situation may now realise the importance of learning English and *want* to join the AMEP.

## Further considerations

- AMES Australia appreciates the reasoning behind retaining the current time limits on registration, commencement and completion of English tuition for those with a visa commencement day of after 1 October 2020 as an incentive to early engagement in English language learning for newer arrivals in Australia; and agrees that early engagement in learning English plays a key role in the successful settlement of migrants in Australian society, and is critical to accessing training and education and gaining employment.

However there is a concern that introducing a dual system of eligibility and limitations may lead to confusion within migrant and refugee communities where eligibility and time limits are different for different members of the community. How this is communicated and managed will be critical for minimising impact for both clients and providers.

Relaxing the time limits for *all* clients who are otherwise AMEP-eligible could reduce the potential for confusion while it increases the reach and consequent benefits of the AMEP.

*Allowance for the provision of English tuition to certain visa holders or visa applicants outside Australia, to support their English language learning in preparation for their migration to Australia.*

AMES Australia supports this amendment.

Amending the legislation to expand eligibility to allow for English courses to be accessed by those intending to migrate to Australia – that is, those who have applied for *or have been granted* a permanent visa or a temporary visa of a class specified by legislative instrument made by the Minister is a positive change.

AMES Australia would suggest that the amendment ensure that partner visa applicants/holders have access to the AMEP pre-arrival as part of the changes to offshore eligibility for English language courses. Given that partner visa holders will be expected to demonstrate 'functional' English as a condition to being able to stay in Australia permanently, wherever possible these potential residents should have the opportunity to start improving their English language skills pre-arrival. This opportunity should be made available to all temporary visa applicants/holders who demonstrate an intention to migrate to Australia permanently.

## Further considerations

- While AMES Australia supports the proposal to extend eligibility for offshore access to English language courses to those who have been granted a permanent or eligible temporary visa to Australia, this raises some questions:
  - How would these courses be delivered?
  - If they are to be delivered offshore via electronic or online means – do adequate and appropriate resources already exist, or would these need to be developed?
  - Is there an intention to use or repurpose existing AMEP Distance Learning courses and resources?
  - Who would deliver the courses – current AMEP providers? Or would there be a new call for expressions of interest/request for tender?

There is also a question about how to provide equitable access to the courses across all offshore visa holders/applicants.