



Multicultural Youth Advocacy Network (MYAN Australia)

Submission to Senate Community Affairs Legislation Committee for the Social Services Legislation Amendment (Encouraging Self-sufficiency for Newly Arrived Migrants) Bill 2018

Additional Information

April 2018

Introduction

Australia has a well-established and valued Migration Programme that aims to strike a balance between both national interest and international responsibility. Australia's Migration Programme is well balanced as it also has humanitarian considerations. Intake of children and young people from refugee-like backgrounds with 115 and 117 visas, and the allocation of separate child places under the Migration Programme, which would be demand driven starting from 1 July 2019¹, allows increasing numbers of children and young people to arrive in Australia to join their family and community. MYAN Australia commends Australian Government for these efforts.

MYAN Australia below lists additional considerations for the Committee to complement its previous submission as part of the inquiry;

1. 115 and 117 Visa Sub-Classes for children and young people

115 and 117 visa sub-classes are the main visa categories used by children and young people from refugee-like backgrounds who wants to reunite with their relatives and family members in Australia through the Migration Programme².

Orphan Relative (117) visas are granted to children and young people who:

- are under 18 years old at the time of application, and
- are orphans or whose parents are unable to care for them because of severe disability or because their whereabouts is unknown, and
- are outside Australia at the time of application

They may be sponsored by near relatives who are Australian permanent residents or Australian citizens for a visa to travel to and remain permanently in Australia.³

Remaining Relative (115) visas are available for children and young people who are under or over 18 years old, whose only near relatives live in Australia, who are Australian permanent residents or Australian citizens and who can sponsor them and provide support upon the first two years of arrival in Australia.⁴

¹DIBP (2017) Fact Sheet: 2017-18 Migration Programme planning levels.

² Migration Programme and Humanitarian Programme are managed separately. The Migration Programme is made up of two predominant streams, i.e. Family and Skill streams and a small Special Eligibility stream. For more see, Department of Home Affairs (2018) *Managing Australia's Migrant Intake*. Available at <https://www.homeaffairs.gov.au/ReportsandPublications/Documents/discussion-papers/managing-australias-migrant-intake.pdf>, p.2.

³ For more see Department of Home Affairs (2018) *Orphan Relative visa (subclass 117)*. Available at: <https://www.homeaffairs.gov.au/Trav/Visa-1/117-> and Department of Home Affairs (2017) *Orphan Relative visa (subclass 837)*. Available at: <https://www.homeaffairs.gov.au/Trav/Visa-1/837->.

⁴ For more see Department of Home Affairs (2018) *Remaining Relative visa (subclass 115)*. Available at: <https://www.homeaffairs.gov.au/Trav/Visa-1/115->

2. Use of terminology – ‘support’ and ‘welfare support’

MYAN Australia uses the term ‘support’ in its submissions with reference to having inclusive programmes and policies that consider the specificities of children/young people from refugee and migrant backgrounds. We do not use the term ‘support’ with reference to welfare or social security payments. MYAN’s submission focuses on the particular circumstances of and barriers for children/young people from refugee-like backgrounds and the need for better support, i.e. youth-sensitive policies and programmes that recognize the vulnerabilities and possible barriers for this group upon arrival in Australia, to best ensure they can thrive as self-reliant and independent future Australians.

We consider welfare support as an important safety net for those who need government support at particular times in their lives, as well as supports for Australia’s most vulnerable. We agree with the definition of the Parliament that social security and welfare support includes arrangements aimed at ensuring or bringing about well-being of individuals or groups, such as measures which can help to ensure levels of well-being through provision of education, health services, managed housing, and social security benefits.⁵ The primary purpose of Australia’s social security system is to provide individuals with a ‘minimum adequate standard of living’⁶, especially in times of vulnerability in order for these people to become self-reliant and productive future Australians.

a) Welfare Support

We know that children/young people from refugee or refugee-like backgrounds (their families and communities) do not wish to be dependent on welfare support. They commonly have high aspirations to succeed in education and employment, and be self-reliant and independent members of Australian society, and work hard to achieve these goals. As mentioned in a recent report by the Treasury, *“Even migrants in the family stream, who are not brought into Australia for their skills, are estimated to have a positive fiscal impact over their lifetimes, provided that they arrive relatively early in their working life.”*⁷ These children and young people have huge potential to contribute to the Australian society as a whole, especially if they are provided with supports and opportunities upon their arrival.

MYAN is aware that accessing welfare support when these children/young people need it is a complex and lengthy process, where incorrect assessments are commonly made about a child/young person’s eligibility. This results in long waiting times and periods of insecurity and increased vulnerability. This is particularly the case for children/young people arriving on 115 and 117 visas as Centrelink staff commonly do not understand the particular circumstances for child/young people and family members and provide the necessary support to understand or facilitate eligibility for welfare benefits.

If children and young people arriving in Australia on 115 and 117 visas and their families in Australia receive the support they need to build new lives in Australia (see Section 4 below), they are less likely

⁵ Arthur, D (2015) *Parliamentary Library Research Paper Series 2015-2016: What counts as welfare spending?* Available at http://parlinfo.aph.gov.au/parlInfo/download/library/prspub/4262560/upload_binary/4262560.pdf;fileType=application/pdf, p. 2.

⁶ The Treasury (2010) *Australia’s Future Tax System: Final Report*. Available at http://taxreview.treasury.gov.au/content/Content.aspx?doc=html/pubs_reports.htm, p. 485.

⁷ The Treasury (2018) *Shaping a Nation*. Available at <https://cdn.tspace.gov.au/uploads/sites/107/2018/04/Shaping-a-Nation-1.pdf>, p. 24.

to encounter circumstances of vulnerability where they need to access welfare benefits. Self-sufficiency is best achieved when newly arrived children and young people can access rapid and timely assistance in the early stages of arriving/settling in Australia.

3. Access to special benefits by children/young people from refugee-like backgrounds

Special benefit is available as a safety net for people in hardship who are not otherwise eligible for other payments⁸ as people experience a substantial change in circumstances.⁹ While there is a definition of what constitutes a substantial change and possible examples of such changes under the Guide to Social Security Law¹⁰, the explanation in the Guide and the examples given do not refer to any circumstances where a child/young person may need to access special benefit due to substantial change in circumstances, such as a relationship breakdown with family/carers.

The below case study refers to such a situation where a young person with a 117 visa could not access social security payments despite a substantial change in his circumstances.

Case study: Orphan Visa 117 – Salim

Salim is 18 years old. He is a young refugee from Ethiopia. He came to Australia on an Orphan Visa (117) in 2010 when he was 16 years old, together with two siblings (aged 13 and 15). Their parents died when Salim was ten years old. The children were cared for by their maternal aunt in Ethiopia until they were all sponsored by another aunt to come to Australia. She herself had come to Australia as a refugee in 2002.

Salim's aunt and her husband have young children of their own. They live in public housing in Melbourne's West. Their income consists of Salim's uncle's income as a taxi driver, a Centrelink Parenting Payment, Double Orphan Pension (for Salim and his siblings) and Family Tax Benefits A and B. Salim's aunt and uncle have spent a considerable amount of their savings to bring him and his siblings to Australia: with the visa application fee (\$2000+); health checks and three airline tickets (\$7000+).

Salim initially studied English at Western English Language School before transferring to a Youth ESL Program at TAFE in Footscray in 2011. Salim presented to the ESL Youth Welfare office at TAFE in April 2012 as homeless. He left home because his aunt could no longer cope with the financial strain of supporting him and his siblings, and the overcrowding in their home. She told Salim and his 17-year-old brother that they are now old enough to look after themselves. She was under the impression that given that Salim had moved out; he would be able to access benefits. He went to Centrelink, however, Salim's application was rejected and advised he was not eligible for another four months.

⁸ The Parliament of the Commonwealth of Australia (2018) *Explanatory Memorandum for the Social Services Legislation Amendment (Encouraging Self-sufficiency for Newly Arrived Migrants) Bill 2018*. Available at http://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r6048_ems_17e00372-92f3-4cfa-a5e3-7eb01bb1553a/upload_pdf/663188_Edit.pdf;fileType=application%2Fpdf, p. 31.

⁹ The Parliament of the Commonwealth of Australia (2018) *Explanatory Memorandum for the Social Services Legislation Amendment (Encouraging Self-sufficiency for Newly Arrived Migrants) Bill 2018*. Available at http://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r6048_ems_17e00372-92f3-4cfa-a5e3-7eb01bb1553a/upload_pdf/663188_Edit.pdf;fileType=application%2Fpdf, p. 3.

¹⁰ Department of Social Services (2017) 3.7.2.20 *Substantial Change in Circumstances for SpB*. Available at: <http://guides.dss.gov.au/guide-social-security-law/3/7/2/20>

During these months, Salim and his brother were in a vulnerable position and were unable to access any welfare support through the social security system. Rather, they had to depend on emergency accommodation and food vouchers provided by charities, and had difficulties continuing their education.

In August 2012 Salim finally qualified for Youth Allowance.

Neither Salim nor his carers were aware of the waiting periods and restrictions of access to benefits. If they were provided with supports, such as information, case management, housing and financial support, they would be aware of possible difficulties and could have avoided the relationship breakdown they went through.

The above case study demonstrates one example some of the issues that children/young people in Australia with a 117 visa face in accessing the social security system.

Given the scope of issues children/young people already face due to the currently applicable waiting periods for newly arrived residents, MYAN believes that children/young people with 115 or 117 visas from refugee-like backgrounds should be exempt from any waiting periods, rather than facing an increase in waiting periods.

4. Supports for children/young people from refugee-like backgrounds who arrive with a 115 or 117 visa

MYAN in its submission refers to the need to have a similar system for children/young people arriving in Australia with Orphan visa (subclass 117) and Remaining Relative visa (subclass 115) under the Family stream to those of humanitarian arrivals (those arriving through Australia's Humanitarian Programme). MYAN believes that a child/young person who had a relationship breakdown with their family/carers need support beyond social security payments – i.e. support to remain engaged in education/training, maintain positive relationships with family and peers, access to health care and to secure stable housing.

According to a study of International Social Services Australia in 2016, several service providers working with 117 visa holder orphan children suggested a model that resembles the settlement services model (i.e. Humanitarian Settlement Programme¹¹) which involves case work support as well as financial and housing/accommodation support, which would be available for the family until the young person is at least 18 years old, on the basis of need.¹² Case work support has been suggested unanimously by all service providers that this support should be for the family as a whole, and should be available for the family before the child/young person arrives in Australia to assist them prepare and then continue with at a minimum regular check-ins with the child/young person and the family.¹³

¹¹ Department of Social Services (2018) *Humanitarian Settlement Program*. Available at <https://www.dss.gov.au/settlement-and-multicultural-affairs/programs-policy/settlement-services/humanitarian-settlement-program>

¹² Serr & Rose (2016) *New Beginnings: Issues and Needs in International Kinship Care*. North Melbourne, VIC: Australian Scholarly Publishing, p. 46.

¹³ Serr & Rose (2016) *New Beginnings: Issues and Needs in International Kinship Care*. North Melbourne, VIC: Australian Scholarly Publishing, p. 57.

Such a support system, as the Humanitarian Settlement Programme, would help these children/young people build the skills and knowledge they need to become self-reliant and active members of the Australian community.

5. MYAN recommends to the Committee that:

- The Bill is not passed in its current form,
- The Committee review the Bill with consideration of the potential damaging impacts on children and young people with particular vulnerabilities, particularly those from refugee or refugee-like backgrounds who may arrive in Australia with non-humanitarian visas,
- Children and young people arriving on 115 and 117 visas as well as their relatives/families who sponsor them are not subject to any waiting periods for newly arrived residents to access welfare support, and
- As a result of this Inquiry, the Committee initiates a review of access to welfare support for families/relatives in Australia who support children and young people arriving in Australia on 115 and 117 visas, and puts in place a new support system to ensure that children and young people arriving on these visas receive the targeted support they need (case work as well as time-limited welfare support) to become self-reliant and independent Australians.

MYAN Australia is available to work with the Committee to provide further information to contribute to the inquiry.