



National Ethnic Disability Alliance

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Friday, 8 April 2011

**NEDA Submission to the Joint Standing Committee on Migration:
Inquiry into Multiculturalism in Australia**

Dear Committee Secretary

The National Ethnic Disability Alliance (NEDA) is the national peak organization representing the rights and interests of people from non-English speaking background (NESB) with disability, their families and carers throughout Australia. NEDA is funded by the Commonwealth Department of Families, Housing Community Services and Indigenous Affairs (FaHCSIA) to provide policy advice to the Australian Government and other agencies on national issues affecting people from NESB with disability, their families and carers.

NEDA actively promotes the equal participation of people from NESB with disability in all aspects of Australian society. It manages a range of projects relating to NESB and disability communities and works closely with its state and territory members to ensure that its policy advice reflects the lived experiences of people from NESB with disability. In states and territories where no NESB-disability advocacy agency exists NEDA undertakes development work to establish a structure that can support people from NESB with disability, their families and carers.

This submission is based on consolidated knowledge and research work conducted by NEDA over the past fifteen years. We believe that the points raised in this submission are critical for any consideration of multiculturalism. We hope that the Inquiry will give favourable attention to the recommendations.

If further information is required on this submission, please contact Sibylle Kaczorek on 0407 878 933 or email to office@neda.org.au.

Yours sincerely

Sibylle Kaczorek
Executive Officer

NEDA Submission to the Joint Standing Committee on Migration: Inquiry into Multiculturalism in Australia

1. Introduction

NEDA welcomes the launch of the Australian Government's new multicultural policy document, 'The People of Australia'¹. NEDA also takes the opportunity to thank the Joint Standing Committee on Migration (JSCM) for giving us the opportunity to respond to its Inquiry into Multiculturalism in Australia.

"Multiculturalism is about inviting every individual member of society to be everything they can be, and supporting each new arrival in overcoming whatever obstacles they face as they adjust to a new country and society and allowing them to flourish as individuals."

Quote by the Hon Chris Bowen MP².

Throughout its history, Australian governments have invited migrants to settle in Australia in order to fulfill the country's need for labor. Unlike many other countries where the welcome to migrants was temporary, Australian migrants were invited to settle and make Australia their new home. However, attitudes toward immigration changed and temporary visas for migrants as well as refugees became widespread since the 1990's. While settlement services are available, they are under-funded and by nature of their delivery exclude certain groups of migrants, namely women with children and people with disability.

The Australian immigration system and multicultural policies have been systematically exclusive of people with disability. The White Australia Policy from 1901-1965 did not exclude only non-white visa applicants to Australia but also people with disability, regardless of racial or ethnic background. Just as the White Australia Policy began to fold, the Health Assessment was introduced as part of the Migration Act of 1958. Effectively, the Health Assessment screens out anyone who has a visible or diagnosed disability, viewing disability as a disease and assuming that it will incur a hefty cost on the Australian government and community.

There are other ways that migrants with disability are systemically excluded. This submission explores how people from NESB with disability have been excluded in Government policies and proposes strategies to improve the Federal Government's social inclusion agenda. The submission goes on to suggest ways that the settlement process can be improved so that it equips people from NESB with disability and their family/carers to fully participate and integrate in the broader Australian society.

Finally, the contributions of people from NESB with disability to the Australian society are discussed and ways to increase the productivity of people from NESB with disability so that they are better able to contribute to the overall national productive capacity are offered.

1.1 About NEDA

The National Ethnic Disability Alliance (NEDA) is the national peak organisation representing the rights and interests of people from non-English speaking background (NESB) with disability, their families and carers throughout Australia. NEDA is funded by the Commonwealth Department of Families, Community Services and Indigenous Affairs (FACCSIA) to provide policy advice to the Australian Government and other agencies on national issues affecting people from NESB with disability, their families and carers.

NEDA actively promotes the equal participation of people from NESB with disability in all aspects of Australian society. It manages a range of projects relating to NESB and disability communities and works closely with its state and territory members to ensure that its policy advice reflects the lived experiences of people from NESB with disability.

¹ http://www.immi.gov.au/media/publications/multicultural/pdf_doc/people-of-australia-multicultural-policy-booklet.pdf

² www.minister.immi.gov.au/media/cb/2011/cb159251.htm

NEDA Submission to the Joint Standing Committee on Migration: Inquiry into Multiculturalism in Australia

In states and territories where no NESB disability advocacy agency exists NEDA undertakes development work to establish a structure that can support people from NESB with disability, their families and carers.

1.2 Defining NESB and Disability

NEDA uses the term Non English Speaking Background in preference to Culturally and Linguistically Diverse Background as those from an English speaking background are encompassed by the latter term and they are not part of NEDA's constituency. NEDA contends that coming from a linguistic and cultural background other than Anglo-Australian can be a great social barrier and a source of discrimination in Australia. The intention of using NESB is not to define people by what they are not but to highlight the inequity people experience due to linguistic and cultural differences.

NEDA also uses the term people from NESB with disability rather than people with disability from NESB as we consider cultural background (not disability) an appropriate means of developing social identity.

NEDA maintains that disability is a social construct and arises when a society's infrastructure is not developed to ensure all individuals, regardless of capacity or impairment, can fully participate in society. Thus NEDA refers to people with disability rather than people with disabilities to underline that disability is not a characteristic of an individual but a consequence of a society designed (whether consciously or inadvertently) to exclude many of its citizens from equal participation.

The few migrants and refugees who do manage to gain entry into Australia continue to face many barriers to inclusion. Those who acquire a disability after gaining their residency in Australia and those who are born in Australia to parents born overseas are also excluded systemically.

There is very little study into the lives of people from NESB with disability. There is significant lack of data on people from NESB with disability. And the under utilisation of services by people born in a non English speaking country with disability is widely reported through the Productivity Commission's annual Report on Government Services.

Moreover, the contribution of people from NESB with disability is not acknowledged.

However, with more inclusive research and data collection; a better settlement program that caters for people with disability; and through acknowledgement and funding of multicultural advocacy and interpreter services – the challenges facing people from NESB with disability can be redressed. In turn, the national productive capacity will increase as NEDA believes there is a surprisingly high number of people from NESB with disability.

NEDA estimates that people from NESB with disability comprise 1 in 20 Australians, or approximately 1 million people. This estimation was based on the assumption that one in every four Australians with disability is a person of either first or second generation NESB. According to the broad finding from Survey on Disability and Aged Care (SDAC), there are approximately 4 million people with disability in Australia.

2. Multiculturalism, social inclusion and globalisation

2.1 What is Multiculturalism

In its paper entitled 'National Agenda for a Multicultural Australia' the Department of Immigration and Citizenship (DIAC) defines multiculturalism as "a term which describes the cultural and ethnic diversity of contemporary Australia".

NEDA Submission to the Joint Standing Committee on Migration: Inquiry into Multiculturalism in Australia

According to the report, the concept of multiculturalism,

“accepts and respects the right of all Australians to express and share their individual cultural heritage within an overriding commitment to Australia and the basic structures and values of Australian democracy”³.

For individuals, this means they are free to practice their religion, speak their language, eat their national foods and assemble for cultural events. However, they must strictly abide by the Australian legal, political and civil system. This means for example, while people in some cultures are encouraged to marry young (below the age of 18), in Australia they must wait till they are 18 before they can marry.

As a public policy, ‘The National Agenda for a Multicultural Australia’ says “Multiculturalism encompasses government measures designed to respond to that diversity”. These policies are necessary to achieve social inclusion of migrants and refugees in the Australian society.

Currently, the Federal Government implements multicultural policies such as a Telephone Interpreter Service (TIS) where some service providers, particularly those in the medical sector, can communicate with their clients in the clients’ own language via the telephone. While such services are much needed, they are inadequate in that they do not go far enough.

For instance, while the TIS is free of charge for the medical sector, not all practitioners are aware of it and many patients from NESB miss out.

2.2 The role of multiculturalism in the Federal Government's social inclusion agenda

Multiculturalism holds a significant place in the Government’s social inclusion agenda. According to Australia’s new multicultural policy, ‘The People of Australia’:

“Today, one in four of Australia’s 22 million people were born overseas, 44 per cent were born overseas or have a parent who was and four million speak a language other than English. We speak over 260 languages and identify with more than 270 ancestries”.

Australia thus has a wealth of cultural and linguistic expertise which not only enriches the Australian culture and society but also strengthens our relations with the rest of the world.

Australia’s ratification of the United Nations Convention on the Rights of Persons With Disability (CRPD) has inspired Australia to work with disability organisations around the world on disability issues. Yet many people from NESB with disability who are living in Australia do not enjoy full inclusion in the Australian society. To achieve full inclusion, a whole of government approach needs to be adopted across all departments.

Before discussing how people from NESB with disability can be better included in the Australian society, this paper explores how this group of people are currently excluded.

2.3 Negative treatment of People with Disability in the Migration System

The Australian immigration system is hostile in its treatment of people with disability applying for residence and citizenship in Australia. The Health Assessment of the Immigration Act (1958) views all forms of disability as a burden regardless of the abilities of the person. This is justified by scarcity of resources and an assumption that a disability will be an exorbitant cost to the country without consideration of the gains to the community.

Currently the Disability Discrimination Act (1992) does not apply to the Immigration Act of 1958 with regards to the health assessment. This gives room for the government to freely discriminate against people with disability. Of particular disadvantage are people with disability applying for residency or citizenship in Australia who are living outside of Australia at the time of application.

³ <http://www.immi.gov.au/media/publications/multicultural/agenda/pmforeword.htm>

NEDA Submission to the Joint Standing Committee on Migration: Inquiry into Multiculturalism in Australia

Such discrimination can cause disturbances to cohesion among families who have had to leave behind the member of their family who has a disability. The migration stipulate that the whole family has been rejected because of a family member with disability.

In such circumstances, people with disability carry guilt for the rest of their lives. At worst, it can lead to death as in the case of Shizad Kayani who doused himself in front of Parliament House and died as he was unable to bring his family to Australia due to one of his children having a disability.⁴

Restricting the movement and nationality of a person with disability because of their disability is a breach of Article 18 of the UN CRPD⁵.

Legal advice obtained by NEDA on the Health Assessment noted that the regulations create barriers to fairness, social inclusion and to refuge⁶.

It may be argued that the treatment of people who have not even entered into Australia should not be discussed in the subject of social inclusion of people living in Australia. However, NEDA disagrees with this approach and argues that this is an important demonstration of exclusion of people with disability from NESB right from the beginning of the migration process. Such migration practices and underlying attitude sends a disturbing message to all Australians with disability - that people with disability are a burden to society. A sentiment clearly in contravention to the CRPD.

In its submission to the Joint Standing Committee on Migration (JSCM) Inquiry into the migration treatment of disability, NEDA calls for:

- The application of the DDA to the Immigration Act of 1958 and
- The withdrawal of the Interpretive Clause in the UNCRPD by which Australia retains its right to discriminate against people with disability applying to enter into Australia.

Recommendation 1:

Multiculturalism in Australia demands that the Australian Government make the migration system fair for immigration applicants with disability; in line with other human rights obligations.

2.4 Low Utilisation of Services

Australian residents and citizens from NESB with disability demonstrate a significantly lower uptake of services.

According to the 2009 Productivity Commission Report on Government Services⁷:

- People born in a Non English Speaking Country are approximately 4 times less likely to receive accommodation support services than people born in English Speaking Countries.
- People born in a Non English Speaking Country are approximately 2.5 times less likely to receive community support services (which includes therapy, early intervention and case management) than people born in English Speaking Countries.
- People born in a Non English Speaking Country are approximately 2.5 times less likely to receive community access services (such as learning and life skills development and recreation / holiday programs) than people born in English Speaking Countries.
- Families and carers of people born in a Non English Speaking Country are approximately 3 times less likely to receive respite services than families and carers of people born in English Speaking Countries.
- People born in a Non English Speaking Country are approximately 2 times less likely to receive employment services than people born in English Speaking Countries.

⁴ MDAA, Factsheet 11: Disability Discrimination and Immigration <http://www.mdaa.org.au/faqs/index.html>

⁵ <http://www.un.org/disabilities/convention/conventionfull.shtml>

⁶ http://www.neda.org.au/files/refugees_and_migrants_with_disability_and_un_crpjuly_2008_final_1.pdf

⁷ <http://www.pc.gov.au/gsp/reports/rogs/2009>

NEDA Submission to the Joint Standing Committee on Migration: Inquiry into Multiculturalism in Australia

NEDA believes that this is due to lack of policy and planning to include people from NESB with disability. In addition, NEDA maintains that many mainstream services are not aware of disability or cultural issues.

Recommendation 2:

Multiculturalism in Australia demands that the Australian Government ensure that services are culturally competent and flexible to meet the needs of a diverse community.

Recommendation 3:

Multiculturalism in Australia demands that the Australian Government commit to meeting translating and interpreting needs, at no cost to the person.

2.5 Data

Currently most data on multiculturalism is based on a person's place of birth but this fails to account for people from second or subsequent generations of NESB. These generations are likely to continue practicing their culture and language.

Given the lack of data collection on this cohort of people, the consequences are obvious - no reporting, no analysis on life outcomes and no development of service planning and delivery to meet the needs of people from NESB with disability.

To use a case study, a man born in Australia to Italian parents goes back to Italy and marries an Italian woman. They have a child in Australia who is brought up speaking Italian in her early years. Consequently the child's needs are not accommodated because she is born in Australia and it is assumed she speaks English as well as a child who is born to non-NESB parents. The school's communication with the primary care giver, the mother, is limited because she has low English proficiency.

While NEDA has been advocating on this matter for years, the impact on the data collection by the Survey of Disability, Ageing and Carers (SDAC) as conducted by the Australian Bureau of Statistics (ABS) every 6 years, has been limited.

Although there has been a slight improvement from the 2003 to the 2009 SDAC collection - the inclusion of languages spoken - this is not doing justice to those people who, in terms of cultural and faith based practices, including visual appearance, experience life significantly varied to that of Anglo-Australians.

Equally concerning is the data collection of the Australian Institute for Health and Welfare (AIHW) especially in regards to the new devised data collection under the National Partnership against Homelessness, to be implemented on July 1, 2011.

Anecdotally, NEDA is aware that many people experiencing homelessness come from a non English speaking background. NEDA also knows that many suffer from disability including psycho-social disability. However, unless these people are first generation, born in a country other than Australia, they are not captured in the data.

NEDA contends that the service system will not be adequately able to address homelessness for these people with no tools to develop culturally appropriate strategies and services, and no means to measure outcomes.

In data sets where multiculturalism is recorded more accurately, such as the health system, the data fails to capture disability, unless the individual's health problem is related to his/her disability. In effect, data on people from NESB with disability in the health system is not available.

NEDA Submission to the Joint Standing Committee on Migration: Inquiry into Multiculturalism in Australia

Further, the lack of data is reflected in the National Disability Agreement, a footnote states that data on culturally diverse people will be developed in the future⁸.

Subject to the development of the data and an agreed method of disaggregation, performance indicators will also identify people with disability from culturally and linguistically diverse (CALD) backgrounds within the measure.

The National Disability Agreement commenced on 1 January 2009, and in the two years since, NEDA is not aware of any development in this data.

In line with this lack of inclusion, the National Disability Strategy does not include a dedicated strategy, outcomes or targets for people from NESB with disability. Though there has yet been no action on this also, the Family, Housing and Community Services and Indigenous Affairs (FaHCSIA) makes reference of future inclusion of data⁹

Finally, the first report by the Productivity Commission on disability care and support equally fails to identify a dedicated strategy for people from NESB with disability.

From the above paragraphs, it can be deduced that disability and multiculturalism is often not included in critical research and data collection. In data sets where it is included, the information is not adequate. As in the case of homelessness where multiculturalism is partially recorded, often disability is left out. Likewise, in data pertaining to disability, such as the SDAC, multicultural data is uncaptured.

Recommendation 4:

Multiculturalism in Australia demands that the Australian Government guarantees that data sets include information on disability and multiculturalism.

Recommendation 5:

Multiculturalism in Australia demands that the Australian Government's multicultural data collection be more accurate in the representation of people from NESB. Items could include place of birth of parents (ancestry), religion practised and languages spoken.

Recommendation 6:

Multiculturalism in Australia demands that the Australian Government develop a multicultural strategy that is inclusive of people from NESB with disability. This strategy must be implemented across governments and departments. The strategy must have clear outcomes, targets and performance indicators.

Recommendation 7:

Multiculturalism in Australia demands that the Australian Government request all Ministers across all Government departments to conduct an audit of their data collections, how they do or do not meet the collection, analysis, reporting and program planning for people from NESB, including second and subsequent generations.

2.6 Promoting equal outcomes for People from NESB

In 2005, WA endorsed the Substantive Equality Framework¹⁰.

⁸ http://www.dhcs.act.gov.au/data/assets/pdf_file/0019/103942/National_Disability_Agreement.pdf

⁹ http://www.fahcsia.gov.au/sa/disability/progserv/govtint/nds_2010_2020/Documents/National_Disability_Strategy_2010_2020.pdf

¹⁰ http://www.eoc.wa.gov.au/Libraries/pdfs/CIRCULAR_2009-23_Implementation_the_Policy_Framework_for_Substantive_Equality.sflb.ashx

NEDA Submission to the Joint Standing Committee on Migration: Inquiry into Multiculturalism in Australia

Substantive equality draws on the principles of the Equal Opportunities ACT, the Racial Vilification Act, and the WA Charter of Multiculturalism to promote equal outcomes for people from Aboriginal, culturally diverse and non-English speaking backgrounds using services of Government agencies and those they fund.

In order to produce equal outcomes for people from Aboriginal, culturally diverse and non-English speaking backgrounds, Substantive Equality provides a framework by which Government agencies and the organizations they fund can develop culturally sensitive strategies to support and develop the skills, confidence and contribution level of these groups to the WA community. Substantive Equality thus acknowledges that some individuals require assistance, such as interpreting services, in order to reach the level playing field.

The Disability Services Commission of WA (DSC) is one of 23 government agencies who has adopted the Substantive Equality Framework and is currently in the process of implementation¹¹. Currently most resources are dedicated to improving services for indigenous people with disability, with a view to extending more resources to the NESB disability sector. DSC reports indicate an increase in the uptake of services by people from Aboriginal, culturally diverse and non-English speaking backgrounds.

Recommendation 8:

Multiculturalism in Australia demands that the Australian Government adopt a policy framework such as Substantive Equality to ensure that all its departments and funded organisations provide the necessary supports for people from NESB to participate in their communities, particularly those with disability.

2.7 Telephone Interpreting Service (TIS)

NEDA had an opportunity to raise the issue of interpreting with the Inquiry at its public hearing in March, in Melbourne. NEDA asserts that access to interpreters is an expression of the human right of access to information and communication.

In follow up to your query on clarification of access to the TIS, this information can be found on the DIAC's website¹².

The Australian Government, through TIS National, provides free interpreting services to non-English speaking Australian citizens and permanent residents communicating with the following approved groups and individuals:

*Non-profit, non-government, community-based organisations for case work and emergency services where the organisation does not receive funding to provide these services
Note: Organisations that require language services (such as interpreting) and receive government funding should incorporate the cost of these services into their application for funding*

Therefore, non-government disability service providers and advocacy organizations are not covered for free access to TIS. While these organizations are encouraged to include costing for such services into their funding application budgets, reality is that under such circumstances access to TIS is not offered.

This lack of access to interpreting attributes to a substantial degree to the evidence of under-utilisation of disability services by people from non English speaking countries with disability.

NEDA has recently undertaken a costing analysis for the Productivity Commission's Inquiry into disability care and support.

¹¹ http://www.disability.wa.gov.au/DSCWR/assets/main/Instructional/Documents/PDF/CALD_MANUAL.PDF

¹² http://www.immi.gov.au/living-in-australia/help-with-english/help_with_translating/free-services.htm

NEDA Submission to the Joint Standing Committee on Migration: Inquiry into Multiculturalism in Australia

This costing is based on the figures of the 2009 PC report and recommends the funding of \$51 million per annum for interpreting. The figure includes interpreting for Aboriginal and Torres Strait Islander people with disability and AUSLAN (Australian Sign Language).

Recommendation 9:

Multiculturalism in Australia demands that the Australian Government guarantee free access to TIS for people from NESB with disability as part of their human rights.

2.8 Multicultural Advocacy

There are no clear targets at a national level for how advocacy is targeted, or who should access advocacy. Currently, the National Disability Advocacy Program reaches 23,000 consumers per year¹³. Applying population ratios, this means that 18% of these consumers should speak a language other than English at home (or 4140 consumers), and approximately 23.7% of these consumers should be born in a non English speaking country and / or have one or both their parents born in a non English speaking country (or 5451 consumers).

Advocacy should ideally be prioritised for consumers who face significant barriers to social and economic participation. Arguably because of the historic poor access of people from NESB to disability services, and poor opportunities in employment and education, there is a case for advocacy providers in general to provide advocacy at a higher rate in order to address inequities. This would mean, for example committing to targeting advocacy services to achieve a higher than 25% participation rate for NESB consumers.

While responsibility for meeting the needs of these consumers rests with all funded advocacy providers, multicultural advocacy services can play an important role in responding to specialist needs and supporting sector wide improvement. In its statement on cultural diversity and recommendations to government, the Australian Multicultural Advisory Council notes that,
*“Where programs and services are not being used by Australians because of cultural or language difficulties, such programs need to be delivered by organisations culturally and linguistically able to do so.”*¹⁴

Governments currently fund multicultural advocacy providers to provide specialist individual and systemic advocacy for people from NESB with disability. However, existing funding for multicultural advocacy providers is inconsistent. Specialist multicultural advocacy providers exist in different state and territory jurisdictions, though funding for these providers is often limited. Some states and territories lack access to this support – namely the Australian Capital Territory, Northern Territory, Tasmania and Queensland - with no consistent funding rationale from Federal and State governments.

NEDA in its own costing to the Productivity Commission’s Inquiry into disability care and support recommends funding of multicultural advocacy for people from NESB with disability at the average funding rate for the National Disability Advocacy Program to the above mentioned four states and territories at \$175,827 per annum, a total of approximately \$700.000 per annum.

Recommendation 10:

Multiculturalism in Australia demands that the Australian Government guarantee funding of multicultural advocacy for people from NESB with disability in states and territories where there is no specialist individual and systemic advocacy service.

2.9 Disability Representation on the Australian Multicultural Council (AMC)

Australia’s new multiculturalism paper, ‘The People of Australia’ proclaims the establishment of the Australian Multicultural Council (AMC).

¹³ http://www.fahcsia.gov.au/sa/disability/pubs/policy/Documents/models_avocacy_rpt/3_profile.htm

¹⁴ http://www.immi.gov.au/about/stakeholder-engagement/_pdf/people-of-australia.pdf

NEDA Submission to the Joint Standing Committee on Migration: Inquiry into Multiculturalism in Australia

The AMC will be appointed to:

- Manage the access and equity strategy from 2012 to help strengthen the independence of access and equity reporting from government and provide for a more robust reporting framework.
- Conduct an inquiry into the responsiveness of Australian Government services to clients disadvantaged by cultural or linguistic barriers. The outcome of this inquiry would provide the Government with a comprehensive view on how existing services are performing and how they could be improved.
- Work with state and territory governments under the Council of Australian Governments (COAG) to ensure that data collected by government agencies on client services can be disaggregated by markers of cultural diversity, such as country-of-birth, ancestry, languages spoken at home and level of English proficiency. This will feed into the yearly Report on Government Services (ROGS), which is coordinated by the Productivity Commission).

Recommendation 11:

Multiculturalism in Australia demands that the Australian Government guarantee the inclusion of a person from NESB with disability or their respective organisation, on the Australian Multicultural Council.

3. Settlement and Participation

3.1 Innovative ideas for settlement programs for new migrants, including refugees, that support their full participation and integration into the broader Australian society

Below are ideas that NEDA believes will go a long way to achieving full participation and integration of migrants and refugees, particularly those with disability:

- Settlement agencies to develop competencies in disability and mental health particularly in relation to forced displacement, torture and trauma.
- Development of settlement resources in relevant languages on disability rights and services.
- Doubling of hours of English classes to people with disability at a minimum and their carers, taking into account slowed process due to factors such as the use of adaptive technology or slowed learning due to caring responsibilities for a family member who has a disability.
- Funding multicultural child care and respite services so that mothers can participate in English classes.
- Altering mandatory detention policy to release children from detention centres while not separating them from their parents/guardian to avoid further potentially disabling trauma.
- Providing citizenship preparation classes on complex issues such as the Australian political and voting system for migrants preparing to sit for their Citizenship Test.

3.2 Incentives to Promote Long Term Settlement Patterns That Achieve Greater Social And Economic Benefits For Australian Society As A Whole

3.2.1 Better Support in Migrants' Qualifications and Skills Recognition Process

Many skilled migrants whose qualifications are not recognised by the Australian Government, drop their careers for less skilled work. In many cases, this is due to the fact that they have a family to support. Often such migrants are forced to work in labor intensive jobs and are too exhausted to benefit from evening classes. Others simply don't have the money to study.

Australia is currently missing out on the contributions of such migrants and refugees with high level knowledge and skills.

NEDA Submission to the Joint Standing Committee on Migration: Inquiry into Multiculturalism in Australia

Recommendation 11:

NEDA recommends that the Australian Government:

- Provide more education and employment support to encourage migrants with overseas qualifications to pursue their career.
- Determine a less complicated, costly and lengthy process of qualification and skills recognition of migrants and refugees settling in Australia.

4. National Productive Capacity

4.1 Recognising Contributions of Migrants and Refugees with Disability

Section 2.3 of this paper highlighted the Australian Government's negative attitude toward migrants and refugees with disability. However, there is little consideration of the people from NESB with disability who live in Australia and have contributed significantly to the Australian society, economically and socially.

A NEDA paper entitled 'Giving Time'¹⁵ features the stories of four migrants with disability who have worked tirelessly to assist their communities on a voluntary basis.

Appendix A of NEDA's submission to the JSCM Inquiry into the migration treatment of disability, 'No Right to Discriminate' comprises transcripts of radio interviews of four migrants with disability and one family member of a person with disability applying for residency in Australia. All contribute successfully in their own way.

Yet even skilled migration applicants who have a disability are rejected entry into Australia.

Recommendation 12:

That the Australian Government recognise the skills and contributions of people from NESB with disability and consider the residency application of skilled migrants with disability in the same light as those without disability.

4.2 Abolishment of the Ten year Qualification Gap for Eligibility to the Disability Services Pension (DSP)

Currently people with disability who manage to receive residency/citizenship in Australia are obliged to wait ten years before they are eligible for the DSP. Eligibility for the DSP also gives access to other services such as home support provided by FaHCSIA. Employment and student services are also not accessible.

Denial of vital services and supports to people with disability is a breach of their human rights. NEDA argues that ten years is a very long time and can hinder a person's psychological development. From a personal perspective, the NEDA Senior Policy Officer who is blind, found that total reliance on her sister during her three months of travel around Europe was long enough to make it very difficult for her to regain her confidence to be independent.

Thus the Australian Government's policy effectively means a ten year denial of access to supports and services for migrants with disability, and reduces the person's productive capacity and in many cases, the productive capacity of their family, as members take time out to care for them. This therefore, reduces Australia's overall national productive capacity.

Recommendation 13:

Multiculturalism in Australia demands that the Australian Government abolish the ten year qualification gap for eligibility to the Disability Services Pension (DSP) and related services and supports as a move to increase Australia's productive capacity in the long term.

¹⁵ <http://www.neda.org.au/files/GivingTime.pdf>

NEDA Submission to the Joint Standing Committee on Migration: Inquiry into Multiculturalism in Australia

4.3 Extending Disability supports and services to Temporary Visa Holders with Disability

Currently people with disability studying or working temporarily in Australia do not receive any formal supports and services from the Australian Government. However, this group of people contribute to the Australian economy. On equity principles they ought to receive the supports they need to complement such contribution. Failing to do so causes immense stress on the person with disability which can reduce their productivity.

Recommendation 14:

Multiculturalism in Australia demands that the Australian Government extend the disability services and supports to people with disability holding temporary work permits or student visas in Australia.

4.4 Increasing Australia's Intake of Carers

Currently there is a shortage of disability support workers and an expected decline in informal carers. The situation is exacerbated for culturally competent workers or those from NESB. The Productivity Commission in its report on the Not For Profit Sector explored this in detail¹⁶

The report noted that the availability of informal carers is projected to fall as the number of older persons and prevalence of disability increases. The report found that without additional support, the expected decline in the availability of informal carers will intensify future workforce shortages in aged care and disability services.

Based on the significant under-utilisation of people from NESB with disability of government funded disability services as reported in the PC's reporting on Government Services¹⁷, the role of informal carers becomes even more pertinent.

On 18 January 2011 the Government decided to cap the Other Family (Migrant) (Class BO) visas; and Other Family (Residence) (Class BU) visas to 750 in the financial year 1 July 2010 to 30 June 2011.

These visa categories cover Carer, Remaining Relatives and Aged Dependent Relative visas and in a clarification letter from the Department of Immigration and Citizenship (March 2011) it was substantiated to NEDA that the Carer Visa for the above period was capped to 400-450.

This decision appears to be entirely counterintuitive to the situation of workforce and carer shortages and community need.

NEDA notes that carer visas should not be seen as a substitute to workforce development that is training in cultural competence for the whole workforce and recruitment of NESB workers.

Recommendation 18.

Multiculturalism in Australia demands that the Australian Government acts to uncap the Carer Visas and promotes such visas as one option for offsetting the skill shortage within the disability sector, especially as this relates to cultural competence skills.

5 Conclusion

While Australia has a long way to go to improving the inclusion of people from NESB with disability, NEDA is positive that, with the support of the Australian Government and multicultural sector, this will be achieved. Given the supports they require, people from NESB with disability can and do contribute and participate fully in the Australian community. By improving long term multicultural and short term settlement services, the Australian government will also be making steps to improve Australia's national productive capacity.

¹⁶ http://www.pc.gov.au/_data/assets/pdf_file/0005/94568/14-chapter10.pdf

¹⁷ Productivity Commission 2011 http://www.pc.gov.au/_data/assets/pdf_file/0016/105352/068-chapter14-chapter.pdf